

APPLICATION NO	PA/2022/1293
APPLICANT	Miss Mary Tappenden, Biffa
DEVELOPMENT	Planning application to vary conditions 3 and 9 of planning permission PA/2019/830 to amend the end date for the development at Roxby Landfill Site
LOCATION	Roxby Landfill Site, Winterton Road, Roxby, DN15 0BJ
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Jess Hill
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Elaine Marper, Helen Rowson and Ralph Ogg – significant public interest) Significant public interest Objection by Burton upon Stather Parish Council

POLICIES

National Planning Policy Framework:

Section 9 (Promoting sustainable transport)

North Lincolnshire Local Plan: Policies DS1, W6

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3

CONSULTATIONS

LLFA Drainage: No comments or objections.

Highways: No comments or objections.

Environmental Protection: No response received.

Environment Agency: No objection to the variation of condition 5 as proposed.

Ecology: No objection to the extension of the end date for a couple of years. However, would strongly encourage timely restoration of the site to priority habitat at the end of that period, if at all possible.

Neighbourhood Services: Public Bridleway 159 crosses the railway at an established level crossing managed by Network Rail. This is, however, south of the southernmost extent of the acoustic fencing, as indicated on the application block plan. The bridleway then proceeds northwards, but to the east of the siding, not the west. On the assumption, therefore, that the

varying of conditions three and nine will have no effect upon this bridleway, Neighbourhood Services see no problem with the proposal in respect of public rights of way.

PARISH/TOWN COUNCILS

Roxby cum Risby Parish Council: No objections.

Burton upon Stather Parish Council: Opposes this application on the following grounds:

- The speed that the waste has been coming into the site has been sufficient to complete the project in the planned timescale.
- This will give more upheaval to the residents of Normanby and Thealby.

Winterton Town Council: No response received.

PUBLICITY

A site notice has been displayed. Fourteen responses have been received objecting to the proposals. The objections can be summarised as relating to the following:

- Concerns that the odour management plan is not effective
- Concerns over noise from the trains
- Concerns that the landfill development should end in 2024 not 2026
- Concerns that complaints to the Environment Agency and Biffa are not listened to or addressed.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement accompanied the application.

ASSESSMENT

Site location and context

The site comprises the rail sidings which are part of Roxby landfill, located between Winterton, Burton upon Stather and Scunthorpe. The landfill site accepts non-hazardous wastes for disposal and wastes are imported by both road via an access off the A1077 and by rail via the sidings on the site.

Planning history

Railway sidings:

- 7/1990/0746: Planning permission for the operation of a rail waste transfer depot and ancillary development – approved 1 May 1992
- 7/1990/0757: Planning permission for the restoration by controlled landfill – approved 11 December 1992

- 7/1996/1040: Planning permission to vary conditions 3 and 5 of planning permission 7/757/1990 to permit deposit of domestic, commercial and industrial wastes and to amend phasing sequence – approved 10 June 1997
- PA/2011/1050: Planning permission to vary condition 3 of planning permission 7/746/1990 to extend the life of permission – approved 28 October 2011
- PA/2019/830: Planning permission to vary condition 5 of planning permission PA/2011/1050 namely to allow for the unloading of trains beyond the approved operating hours – approved 31 October 2019
- PA/2020/619: Application to discharge conditions attached to planning permission PA/2019/830 – condition 9 approved
- PA/2021/868: Application to discharge conditions attached to planning permission PA/2019/830 – condition 9 approved

Designations/constraints

- Outside any defined development limits
- Not within a conservation area and there no listed buildings on or next to the site
- No tree preservation orders on the site
- A public right of way runs through the site (north to south)
- Within SFRA Flood Zone 1.

Proposal

This application seeks consent to amend condition 3 of planning permission PA/2019/830 to read:

“The development hereby permitted shall expire on 10 May 2026. At the end of the period specified, the site shall have been cleared in accordance with condition 4 and restoration shall have been completed in accordance with details to be submitted to and approved by the local planning authority.”

The proposed change would extend the use of the rail sidings by approximately two years and three months. No other changes to the planning permission are proposed and the rail sidings would continue to operate in compliance with all conditions on the planning permission.

The main considerations of relevance in assessing this application include:

- **principle of development**
- **residential amenity (noise and odour)**
- **ecology.**

Principle of development

The proposed amendment to condition 3 seeks to extend the period that the rail sidings can be used for from 28 January 2024 to 10 May 2026.

The main landfill site, which is adjacent to the sidings, has a permission which allows it to operate until 10 May 2026 under permission WD/2006/0411.

The current application therefore seeks to allow the sidings to operate for the same period as the landfill site. Given that the sidings support operations at the landfill site, this appears logical, and by not allowing the continued use of the sidings, other means of transport would be relied upon instead to facilitate landfill operations (principally HGV vehicle movements).

Policy W6 (Transportation of Waste) supports the transportation of waste by rail or river, and seeks to avoid transfer by road if rail or river routes exist.

It is widely accepted in national and local planning policy that the movement of goods and materials by rail is more sustainable than road, especially when the goods/materials need to be transported over long distances. This not only reduces the number of HGVs on the road network, but also reduces the carbon emissions associated with transporting waste.

Each tonne of freight transported by rail reduces carbon emissions by 76 per cent compared to road, and each freight train removes 43–76 HGVs from the roads (Keeping the lights on and the traffic moving, 2014, RDG (2012/13 prices)).

The proposal is therefore considered to be acceptable in principle.

Residential amenity

Policy DS1 of the local plan (General Requirements) sets out that proposals should be designed so as to not result in an unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. The policy also sets out that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

The nearest residential properties include the following:

- Sheffield Farm approximately 320m to the west of the site
- Pit Bottom Farm approximately 350m to the west of the site
- Bagmoor Farm approximately 450m to the south-west of the site
- Roxby House approximately 0.87km to the east of the site
- Old Cliff Farm approximately 0.75km to the north-east of the site.

Odour and air quality

A dust and odour assessment was undertaken as part of the planning application to extend the operational hours of the rail sidings in 2019 and it was found that the site could operate without causing unacceptable impact on amenity by virtue of either dust and/or odour. It

should be noted that the site operates under an Environmental Permit and is regulated by the Environment Agency. The Environmental Permit includes conditions to control odour.

The site also operates under an adopted odour management plan (OMP) that details odour controls and management measures at the site. Both the Environmental Permit and the OMP will remain in place for the life of the site. The continued effective implementation of the odour controls and management measures as defined within the OMP, in addition to the distance between odour source and receptors, will minimise potential impacts on amenity to an acceptable level during the extended use of the sidings to 10 May 2026.

Noise

A noise impact assessment was undertaken as part of the planning application to extend the operational hours of the rail sidings in 2019. The assessment concluded that, subject to a number of control measures, the noise associated with the unloading of trains during the extended operational hours would not pose a constraint to the development.

As part of the planning permission for the extended operational hours, Biffa was required to install a 3m high acoustic fence on the western boundary of the rail sidings. The fence has since been installed and will be kept in place for the duration of the life of the rail sidings.

It is considered that operating the rail sidings until 10 May 2026 will not result in an unacceptable impact on amenity by virtue of noise.

Residential amenity summary

The proposals therefore accord with policy DS1.

Other matters – condition 9

It has also been agreed to change the wording of condition 9, the reasons for which are set out below.

Condition 9 previously required an acoustic barrier to be installed subject to its details and a verification report demonstrating its effectiveness being submitted and approved in writing by the council.

Condition 9 was discharged as follows:

- PA/2020/619: Condition 9 discharged on 26 June 2020 (details relating to the acoustic barrier)
- PA/2021/868: Condition 9 discharged again on 16 September 2021 (relating to the verification report only).

Therefore, the information needed to fulfil the requirements of condition 9 has previously been submitted and approved.

It would therefore be unreasonable to recommend the same wording for condition 9 that was included on the decision notice under PA/2019/830 as the information has already been provided and approved. If the wording of condition 9 were to be retained as on planning permission PA/2019/830, the applicant would need to re-discharge the acoustic mitigation information. This would serve no purpose given the acoustic barrier is already in place.

The below referenced documents were all approved by the council under PA/2020/619 and PA/2021/868. Therefore, it has been agreed with the agent to change the wording of condition 9 to the following:

“The acoustic barrier, as set out in the following documents:

- Detail of Jakoustic Fencing System – 3mH (06 J7/01043)
- Jakoustic Acoustic Fencing Specifications and technical Data (JFS MKT/SPC 0611 V1)
- Proposed Location of Acoustic Barrier (RXAC-001)
- Test Certificate
- Scheme for Acoustic Fence (March 2020) (403.00034.00581.00038)
- Condition 9 Verification Report (May 2021) (403.00034.00606)

shall continue to be in place and maintained for the duration of the development.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.”

Conclusion

The proposed time period extension to allow the rail sidings to continue to be used from 28 January 2024 to 10 May 2026 is considered to be acceptable in principle. The continuation of the use will allow waste to be transported by rail, which is considered to be a more sustainable means of transport than other modes (eg HGV movements).

Not permitting the alteration of condition 3 will not prevent the landfill from continuing to be used as the landfill can be used until 2026. Instead the landfill operations will be more reliant on HGV use if the current application is not permitted. Therefore, the current application for the continued use of the railways sidings whilst the landfill is used until 2026 is considered to be preferable.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plan: PA/2019/830/02.

Reason

For the avoidance of doubt and in the interests of proper planning.

2.

The development hereby permitted shall expire on 10 May 2026. At the end of the period specified the site shall have been cleared in accordance with condition 4 and restoration shall have been completed in accordance with details to be submitted to and approved by the local planning authority.

Reason

In order that the development is carried out in accordance with the details submitted.

3.

On cessation of operations or expiration of this permission, all buildings, plant, surface equipment, hardstanding areas and internal roads shall, except as those agreed in writing by the local planning authority, be removed from the site within 6 months from the date of such cessation and the land shall be treated in accordance with the approved restoration plan.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Best current practice shall be used to restrict the emissions of vibration, smoke, fumes or grit from the development hereby permitted.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

At all times the best practicable means shall be employed to prevent the undue emission of dust from the site, plant and tipping areas and all surfaces used by vehicular traffic shall be maintained to a high standard to minimise dust emissions.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all time the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, and machinery or otherwise arising from the development. Adequate opportunities shall be given to persons authorised by the local planning authority to periodically monitor the emission of noise levels from vehicles, plant and machinery.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Except in cases of emergency, all operations pursuant to this permission shall be carried out only between the hours of 6am and 10pm Monday to Fridays and between 6am and 5pm on Saturdays. No operations shall be carried out on Sundays and Bank Holidays. At times when operations are not permitted, works shall be limited to servicing, maintenance and testing of plant and work of an emergency nature only.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

The acoustic barrier, as set out in the following documents:

- Detail of Jakoustic Fencing System – 3mH (06 J7/01043)
- Jakoustic Acoustic Fencing Specifications and technical Data (JFS MKT/SPC 0611 V1)
- Proposed Location of Acoustic Barrier (RXAC-001)
- Test Certificate
- Scheme for Acoustic Fence (March 2020) (403.00034.00581.00038)
- Condition 9 Verification Report (May 2021) (403.00034.00606)

shall continue to be in place and maintained for the duration of the development.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

There shall be no amendments to the layout of the waste transfer facility without prior written approval from the local planning authority.

Reason

In order that the development is carried out in accordance with the details submitted.

10.

Suitable wheel cleaning facilities shall be provided within the site and shall be retained thereafter.

Reason

In the interests of highway safety in accordance with policies DS1 and T2 of the North Lincolnshire Local Plan.

11.

All drums and small containers used for oil and other chemicals should be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway. These areas should preferably be undercover. Only clean surface water from roofs and roads should discharge to any soakaway.

Reason

To ensure the proposal does not give rise to pollution, in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Reason

To ensure the proposal does not give rise to pollution, in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

All oil or chemical storage tanks, buildings, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of at least 110% of the tank capacity designed and constructed to the satisfaction of the local planning authority.

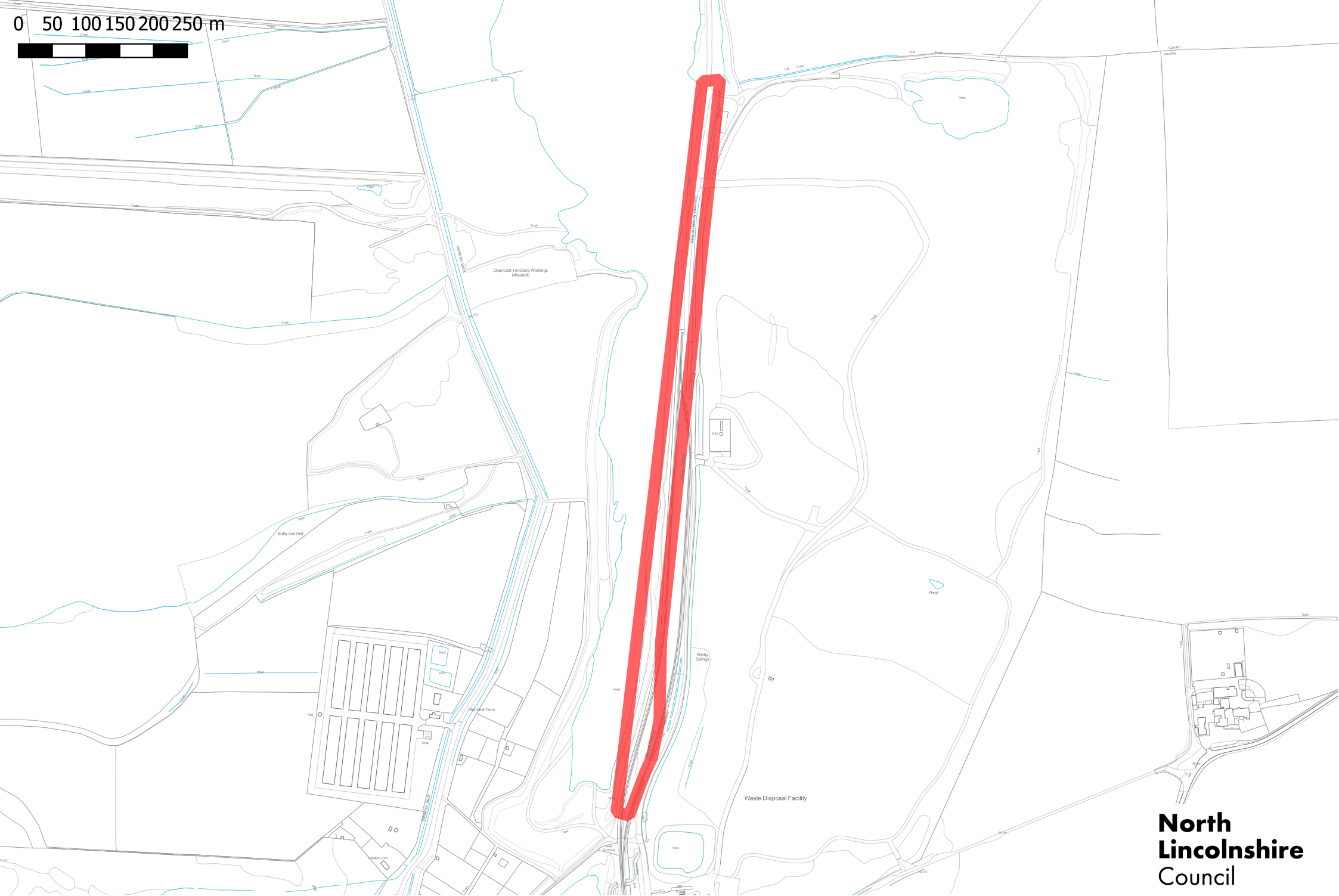
Reason

To ensure the proposal does not give rise to pollution, in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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**North
Lincolnshire
Council**

PA/2022/1293

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