

Local Member	
Mr. R. Clarke	East Staffordshire - Burton

Planning Committee 1 October 2020

Waste County Matter

Application No (District): [ES.20/04/512 W](#) (East Staffordshire Borough)

Applicant: Willshee's Waste & Recycling Ltd

Description Application not to comply with (to vary) condition 11 of planning permission [ES.14/05/512 W](#) to allow extended working hours

Location: Wilshee's Waste & Recycling Ltd, Glensyl Way, Burton-upon-Trent

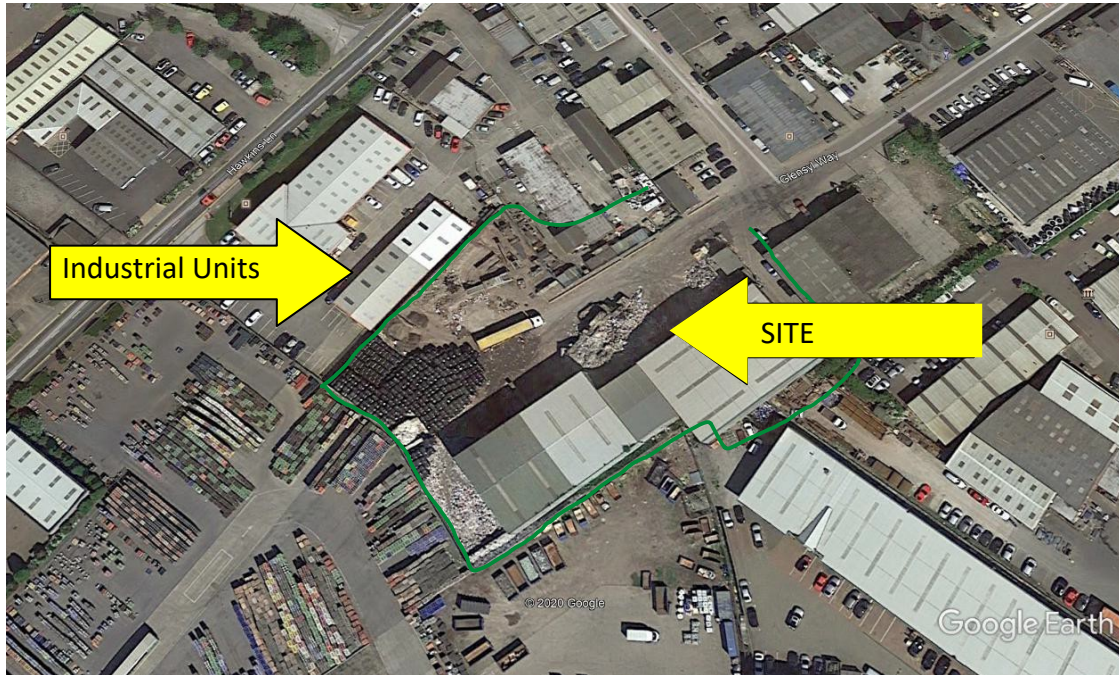
Background/Introduction

1. [Willshee's](#) are an established family-run waste management company which has been providing waste and recycling solutions for over 30 years. The company operate the Glensyl Way site (Depot 1) in conjunction with a site off Wharf Road (Depot 2) in Burton-upon-Trent in addition to a site in Swadlincote (Depot 3).
2. A waste recycling facility has operated from the Glensyl Way site since 1995. A temporary permission was first granted which was subsequently extended, then made permanent and the conditions have been varied on a number of occasions. The extant permission is [ES.14/05/512 W](#) dated 30 June 2014 (refer to 'Relevant Planning History' below).

Site and Surroundings

3. This 0.55 hectares site is located within the large industrial and trading area of the Yeomans Industrial Estate between Hawkins Lane and Wetmore Road in the northern part of Burton town. Access is from the north corner of the site via Glensyl Way which leads on to Hawkins Lane and Wharf Road.
4. The site is bound on all sides by industrial and commercial units. There is a 3 metre high concrete barrier at the site boundary to reduce noise levels to the industrial units on the Eccleshall Business Park to the west. The Coors Brewery is located adjacent to the site to the south and operates 24/7.
5. The nearest residential properties lie on Hawkins Lane, a distance of approximately 100 metres to the southwest of the site

Aerial image and photos of site taken from Noise Impact Assessment.



Summary of Proposals

6. Planning permission is sought to vary condition 11 of planning permission [ES.14/05/512 W](#) to allow extended operating hours.
7. Condition 11 of planning permission ES.14/05/512 W currently states that:

No operations or activities hereby permitted shall take place on the Site except between the hours of :

- 07:00 – 17:30 Monday to Sunday.

No delivery or waste material shall take place after 16:30 on Saturdays, Sundays, Bank and Public Holidays.

No operations or activities hereby permitted shall take place on the Site on Christmas Day, Boxing Day, and New Year's Day.

Reasons: To accord with the provisions set out within the permissions at the Site, and to protect the amenity of neighbours in accordance with the Staffordshire and Stoke-on-Trent Waste Local Plan (policies 1.1, 3.1 and 4.2); the National Planning Policy Framework (section 11); and, PPS10 (paragraph 32).

8. Whilst the application was originally to extend the hours from 06:00 – 20:00 hours Monday to Sunday, in response to concerns raised in the representations received on the application, with the exception of the start time the applicant has agreed to lesser hours and has proposed the wording of Condition 11 as follows:

No operations or activities hereby permitted shall take place except between the hours of:

- 06:00 – 19:30 Monday to Friday
- 06:00 – 16:30 hours Saturday, Sundays, Bank and Public Holidays

No deliveries of waste material shall be received after 19:00 hours Monday to Friday or after 16:00 on Saturday, Sundays, Bank and Public Holidays.

No operations or activities hereby permitted shall take place on Christmas Day, Boxing Day and New Year's Day.

9. The application supporting statement states that the extended opening hours would provide numerous benefits to both East Staffordshire Borough Council (ESBC) and the site's recycling potential and enable operational flexibility to:

- allow for the site opening hours to be more accommodating for the ESBC household recycling bin wagon deliveries to the site.
- improve the efficiency and standards of recycling carried out on site.
- improve the arrangements of waste deliveries to site by the ESBC waste vehicles to avoid delays in bin collection waste being delivered to site.
- secure the future of a locally needed recycling facility.
- provide an opportunity for future employment.
- contribute to the reduction of carbon dioxide emissions associated with transport of waste for export.

10. The proposals do not seek to alter any other conditions of permission ES.14/05/412 W. There are no proposals to: increase tonnages of waste materials handled at the site; increase site traffic; or, change site activities and operations.

11. The application to vary the operating hours and specifically a request for a 06:00 hours start time was instigated by a request from the Environment Manager of ESBC. An email from ESBC is provided as an Appendix to the submitted application supporting statement which states that:

"It would be beneficial if we had the option of delivering waste from 06:00am as opposed to the current 07:00am opening time. On occasion, we are unable to deliver a load at the end of the working day. Therefore, we need to tip this load first thing in the morning to free up the vehicle for use. The current arrangements create a delay and can be problematic".

12. The application is accompanied by a Supporting Statement; a Noise Impact Assessment (report commissioned to support application to operate 1-hour earlier in the morning from 06:00 instead of from 07:00) hours; a site layout plan; and a location plan.

The Applicant's Case

13. The applicant explains that the extension of hours is relevant to both deliveries of the waste and the waste operations that occur on site. Following receipt of copies of the representations received on the application the applicant has confirmed amendments to the application. It has been agreed that Willshee's would receive no deliveries of waste beyond 19:00 Monday to Friday. However, it would be required that processing and dispatch of wastes would still occur beyond 19:00. This is to allow for loads destined for the EU to be loaded to be driven through the night to the docks, as the delivery wagons often arrive late in the day after 17:00 hours. The reduction of deliveries to be between 06:00 to 19:00 would contribute to the reduction of congestion on Glensyl Way and Hawkins Lane and reduce the levels of noise experienced by the neighbouring properties.
14. Rather than 06:00 to 20:00 hours, the opening hours on Saturdays, Sundays and Bank and Public Holidays would also be varied to 06:00 to 16:30, with no deliveries received after 16:00. This would reduce the skip wagon and 8-wheeler movements at weekends and thereby reduce the level of nuisance that local residents experience in regard to vehicle noise and odour.
15. The applicant explains that it is uncommon for ESBC to make household recycling bin waste collections and deliveries on weekends and bank holidays. However, the purpose of the proposal to extend the opening hours on these days is to allow for waste deliveries on occasion to be accepted onto site to enable operational flexibility and efficiency if the occasion should occur.
16. The applicant states that it is crucial to note that the Coors Brewery is located adjacent to the site and operates 24/7. The Coors Brewery has vehicles operating within it throughout all hours, indicating that this site is a key source of noise and vehicle movements on the industrial estate.
17. Changes are proposed to the operation of the current site at Glensyl Way (Depot 1). It has been confirmed by the applicant that some wastes, mainly the commercial and industrial skip wastes and the inert waste, would now be diverted to Depot 3 which is located in Swadlincote. This would result in there being reduced skip wagon and 8-wheeler vehicle movements, reduced waiting times and reduced congestion on Glensyl Way. This would also address the issue of congestion on Hawkins Lane. The diversion of these loads would also result in less odour-producing waste being present on site as it has been taken to an alternative location.
18. In response to the environmental concerns raised in representations the applicant's agent has commented that the extant permission includes conditions for litter picking of the Site on a daily basis or as frequently as necessary (condition 25). There are also controls for dust and mud and debris in accordance with an approved dust control document (condition 19) and mud debris control document (condition 20). Mechanical road sweepers are an effective form of dust control and the use of a sweeper is contained within the Site's working procedures manual. Willshee's have however now purchased their own road sweeper and so would be able to respond more quickly to

any issues when accumulations of dust become visible. The site would also undertake a dedicated litter patrol at the end of every working day over the entire site and Glensyl Way. This would improve the monitoring of litter and significantly reduce the risk of dust and odorous litter from spreading across the site to Glensyl Way and reaching the neighbouring properties and businesses. This would also reduce the potential for the formation of suitable habitats for pests, vermin and flies within the industrial estate. The applicant has also produced a revised Environmental Management System following a request from the Environment Agency in relation to the Site's Environmental Permit.

19. The picking line (the machine that has received complaints regarding noise, smell and dust) was removed from Shed 1 in March 2020.
20. Finally it has been confirmed that the perimeter netting is damaged, however the supplier has been closed due to Covid-19. The company will replace the netting as soon as it is available to address the issues of waste and litter escaping into the neighbouring businesses on the industrial estate. The applicant would accept in principle a planning condition which requires an improvement scheme to address the environmental concerns. Any improvements to perimeter netting to solid/permanent barriers are likely to however require planning permission and therefore any condition should ensure that it allows a timeframe for compliance that take into account the time that the application process would take.

Relevant Planning History

21. A temporary waste transfer station at Glensyl Way was permitted 10 July 1995 [ES.18768/06](#) . This permission was renewed and the waste storage compound was extended for a period of 5 years by [ES.18768/07](#) dated 25 September 1997. Permission [ES.001/01/512 W](#) dated 25 April 2002 then renewed planning permission ES.18768/07 on a permanent basis along with a western extension to the site. On 25 July 2005 permission [ES.05/05/512 W](#) varied the waste types and hours of operation of permission ES.001/01/512 W (conditions 4 and 5) to include hazardous and putrescible waste and to allow working on Sundays and Bank Holidays. Condition 5 of permission ES.05/05/512 W was then varied by permission [ES.12/08/512 W](#) dated 17 July 2013 to allow the shredding and bailing of residual waste as a fuel. On 30 June 2014 permission [ES.14/05/512 W](#) varied the hours of operation (condition 10) of permission ES.12/08/512 W to allow extended operating hours on Saturdays, Sundays, Bank and Public Holidays. Permission ES.14/05/512 W is the extant permission for the waste transfer station at Glensyl Way.
22. To enable recycling and energy recovery [ES.12/10/512 W](#) dated 17 July 2013 approved the construction of a new steel framed and steel clad building for shredding of residual waste from existing recycling operations. This permission was however never implemented and therefore has now lapsed. [Note the site layout plan (Dwg No. W140402 dated 30/4/15) submitted with the current application [ES.20/04/512 W](#) still shows the area for the 'planned building'].

Environmental Impact Assessment (EIA)

Screening Opinion: NO Environmental Statement: NO

23. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country](#)

[Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a “Screening Opinion”.

Findings of Consultations

Internal

24. **County Council’s Noise Engineer** – No objections. It is commented that as these changes are relatively minor to the existing hours of operation for a site based in an industrial/commercial location there are no objection on noise grounds”.
25. **Planning Regulation Team** – 5 complaints have been received over the last 5 years, all received between April and November 2019. All related to concerns regarding working hours, 2 referred to traffic movements and 1 raised noise, odour and dust concerns.

External

26. **East Staffordshire Borough Council (ESBC) (Planning)** – Object for the following reasons: The ESBC Environmental Health Team have confirmed that they have received complaints in relation to the site. [Note ESBC were asked to clarify the objection since the response from the Environmental Health Team on complaints history was requested in order to verify the representations received to the application and is not an objection. No further response has been received from ESBC Planning].
27. **East Staffordshire Borough Council (Environmental Health)** – It is commented that the Environmental Health Officer does not have any major concerns regarding noise from the additional proposed hours at this site, primarily as neighbouring premises are unlikely to be open at these proposed extended times and the area is predominantly industrial/commercial in nature. Any existing noise issues will not change. Likewise, any odour or dust complaints are also unlikely to change due to the proposed extended hours.
28. It is however commented that there are potential concerns in relation to the alternative Willshee’s site off Wharf Road which is located much closer to residential properties. As there is movement of vehicles and waste between the two Willshee’s sites, the Wharf Road site activity should remain at their current permitted hours and there should be no associated activity within these proposed extended hours.
29. Given the representations received, comments were also received in respect of complaints history. Records show that ESBC received four complaints between 2016-2018 regarding odour at the site which were referred to the Environment Agency who regulate the site operations. Over the last 12 months a complaint about vibration from plant at the site was received, although this plant is no longer in use. A dust complaint from a process activity was also received and referred to the Environment Agency.
30. **East Staffordshire Borough Council (Waste)** – Support the Proposal. The Environment Manager has confirmed that “from a waste collection perspective, it is the operating hours in the morning that are of significance, as set out in the email that accompanied the application. The first household waste collection vehicle leaves the depot at 5.30am and there would be significant benefits in being able to access the transfer station from 6am onwards. There are occasions when waste has to be left on a vehicle overnight, so the first task in the morning is to deliver this to the transfer

station. At the moment, we have to wait until the current opening time, causing a delay to our service. We operate on all bank holiday Mondays and occasionally on a Saturday. With regard to the evenings, our latest demand for access would be in the region of 5.30pm”.

31. **Environment Agency (EA)** – no comments as the planning permission defines the time/hours of working restrictions, not the Environmental Permit.
32. In response to the representations received the EA Monitoring Officer for the site has commented as follows:
 - 9 reports /complaints made to the EA between January 2018 and July 2020. Only one of these was made by a resident. The reports relate to dust, litter, odour and seagulls. Further back there has only been one report of rats in June 2012 which was not substantiated. I went back as far as 2007 and could find no reports of flies. Between 2007 and 2017 there were 7 reports of dust, 3 relating to litter, 2 relating to noise and 1 each for seagulls and rats. The largest single incident involved the reports of dust from 6 people in March 2012.
 - There have been no recent noise complaints received by the EA in connection with the application site. Complaints however have been received in connection with noise at the other depot at Wharf Road site (which is adjacent to Wetmore Road).
 - A couple of businesses reported odour in 2018 however no reports of odour from the site have been received in the last 18 months. I have not been able to detect the issue; however, I can see that where there are breakdowns causing waste to stay on site for longer and this could potentially cause an issue, not helped by a three sided building which cannot be completely enclosed.
 - The majority of the processing operation has now moved to the Swadlincote site (I have never told complainants that the business would completely stop). The site now only accepts waste which does not need sorting and it is either baled as refuse derived fuel or transferred for disposal.
 - The latest monitoring visit was 2 July 2020. There was no evidence of litter or dust blowing from the site and no seagulls landing. If the exploding canister incident occurred in the last 13 years it has not been reported to the EA.
 - With respect to complaints regarding seagulls, I have seen the hawk man on site very frequently and checked records which showed that he had been on site and how long he remained there: he was frequently there for most of the day.
 - The most noticeable dust has been during extremely windy periods. I have seen dust suppression on site frequently during unannounced inspections. Greater control could be gained if the building was enclosed.
 - The site has a vermin control programme and I can only find one complaint about rats in 2012 which was not substantiated.

- No complaints of flies have been received by the EA over the last 18 months. I have never observed this issue on site. The EA incident records over the last 13 years do not contain any fly reports.
- In respect of a machine adjacent to the site boundary that should have been removed, a trommel for sorting waste is still on site but not in use or in a location which suggests it is being used currently. The operator will still be baling material on site as refuse derived fuel but reportedly no sorting will take place.
- The EA have asked Willshee's to review their management of the site to ensure that they identify and address all potential risks from their operation, including that caused by breakdowns and their response to extreme weather (heat, snow, flooding and wind). This has been delayed by their consultant being locked down but he visited the site on 7 July 2020.

Publicity and Representations

Site notice: YES Press notice: YES

33. 45 neighbour notification letters were delivered by hand to adjacent local businesses and local residents and 7 representations have been received. The concerns raised are summarised below:

Noise / Wrong location for site

34. It is acknowledged that recycling facilities are necessary, but this site is the wrong location. The company and operation have a daily impact on residents and businesses. Whilst it is accepted that residents live next to an industrial estate, Sundays and after 5.30pm are the only times residents enjoy some respite from vehicle and machinery noise. Residents would have to listen to the noise from the site including vehicle noise (that is almost continuous some days) for 14 hours a day if this application is approved. If some local businesses could afford to relocate, they would have moved long ago. Complaints are regularly made to the EA, EHO and Regulation Team. Local businesses have been told that Willshee's were moving their operation to another site in Swadlincote. To now hear they want to increase the hours of business at the current site, leaves local businesses frankly stunned. [Note the complaint history has been checked with the EA, EHO and Regulation Team – see findings of consultations above].

Traffic and congestion

35. On occasion the road that serves Glensyl Way is blocked by Willshee's vehicles waiting to enter their transfer station which then causes traffic problems on Hawkins Lane with vehicles waiting on Hawkins Lane blocking entrances to other businesses. Some businesses have adapted their working hours so that they can gain access when Glensyl Way isn't completely blocked by waiting refuse lorries. Appointments by customers are also made over the weekend periods when the site is not operating. Allowing extended operating hours would impact the businesses even further.

[Note the Applicant's case above and some operations and consequently waste vehicles being diverted to Depot 3 in Swadlincote which would reduce traffic and congestion].

Litter and fires

36. Waste from the site is spread over the road and into yards of surrounding businesses. The netting around the site to prevent waste leaving the site is ineffective, torn, missing in places and at the wrong height in places. Any litter picking or netting around the site is ineffective. An exploding canister flew over the Site's wall into the parking area of the adjoining Eccleshall business park. Rubbish blowing over the wall is also building up around the industrial units which attracts vermin. There should be additional safeguards to prevent rubbish from leaving the transfer station and blowing around in the wind. What improvements are proposed by the applicant? Adjacent businesses would like to see some sort of solid barricade / permanent barrier that is higher than a loader reach to prevent rubbish coming over into adjacent yards. The thin mesh barrier, isn't high enough, is easily torn, and allows extensive amounts of rubbish to end up in adjacent yards. A more solid structure would also help to protect businesses on Eccleshall business park from when Wilshee's have fires within the main loading area, which happens fairly regularly. This would help to improve the cleanliness of the whole business park, as the litter can be blown as far as the road.

[Note the Applicant's case above that the company will replace the netting as soon as it is available and will accept a condition requiring an improvement scheme. The site will also undertake a dedicated litter patrol at the end of every working day over the entire site and Glensyl Way].

Odour

37. There is a potent smell constantly from the site which is taking a toll on local businesses and residents. Residents and businesses are unable to open their windows. During the good weather it is also difficult for residents to sit in their rear gardens because of the revolting smells carried from the recycling site.

[Note the Applicant's case above and that some operations are being diverted to Depot 3 in Swadlincote which would result in less odour-producing waste being present on site].

Birds

38. The site attracts flocks of birds, particularly seagulls who defecate all over neighbouring buildings, vehicles and outside areas including the entrance to local business premises. There is no bird control as agreed with the EA. Apparently a "Hawk man" visits regularly, but local businesses have never seen any evidence of this.

Dust

39. There is constant dust pollution from the site. There is no dust suppression control as agreed with the EA.

[Note the Applicant's case above and the purchase of their own road sweeper and so would be able to respond more quickly to any issues when accumulations of dust become visible].

Vermin and flies

40. The Site attracts vermin who feed on the waste products and have regularly been seen within adjacent industrial estate premises. The site also has a constant issue with flies, particularly bad in summer months.

Unauthorised machine

41. A machine that should have and had been agreed to be moved with the EA, is still situated next to the adjacent local business's building which is both noisy, smelly and dusty in its operation.

[Note the Applicant's case above regarding the removal of the picking line (the machine that has received complaints regarding noise, smell and dust) from Shed 1 in March 2020].

Monitoring

42. There should be more stringent monitoring of the site.

[Note the EA Monitoring Officer who regulates the site has commented on each of the environmental concerns raised – see findings of consultations above].

43. The Local County Councillor Mr. Ron Clarke has objected to the application to vary the hours of working as this is a residential area and he has already received complaints from residents regarding noise.
44. The Borough Councillor Mrs Helen Hall of Burton Ward has commented that her constituents in Wetmore Road regularly complain about the noise levels, and it is a concern that if this application is approved they could hear industrial noise even at 6.00am on a Sunday morning.

The development plan policies (and proposals) and the other material planning considerations relevant to this decision

45. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:

'To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 11 \[not 14 as stated\] of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.'

46. [Appendix 1](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

47. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultee comments and the representations received the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- Any material changes to the site, its surroundings or in terms of development plan policy and other material planning considerations.
 - The site-specific considerations and matters raised in representations.
 - The opportunity to review and update the planning permission.

Any material changes to the site, its surroundings or in terms of development plan policy and other material planning policy considerations

48. The acceptability of the facility was established by the planning permission [ES.001/01/512 W](#) granted in 2002 which made permanent the temporary permission first granted in 1995 ([ES.18768/06](#)). Conditions of that permission have been varied on three separate occasions resulting in the extant permission [ES.14/05/512 W](#) dated 30 June 2014.
49. Commentary. In terms of the policy considerations, since the 2014 permission for the site was issued, the significant change is that the [National Planning Policy Framework](#) (NPPF) was updated in February 2019 and the extant permission [ES.14/05/512 W](#) was considered against national policy in the NPPF published in March 2012. The NPPF however does not contain specific policies on waste and the extant permission was considered before the [National Planning Policy for Waste](#) was published in October 2014 and was therefore considered against Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management . The [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) was adopted in 2013 and the extant permission was however considered against the principles of sites which are the right type, in the right place and at the right time. This remains the up-to-date Development Plan. The design and pollution policies of the Draft East Staffordshire Core Strategy – Pre-submission Local Plan published on 29 November 2013 were also considered when the extant permission was determined. These policies are now contained within the [East Staffordshire Borough Council Local Plan](#) (2012-2031) (adopted 15 October 2015).
50. In terms of changes to the site whilst permission was granted for a new steel framed building adjacent to the western site boundary for shredding of residual waste from existing recycling operations, this permission ([ES.12/10/512 W](#) dated 17 July 2013) was not implemented and has now lapsed. The applicant has also confirmed that some wastes, mainly the commercial and industrial skip wastes and the inert waste, would now be diverted from the Glensyl Way to the Swadlincote site (Depot 3). The diversion of these loads would result in less vehicle movements to the application site and would result in less odour-producing waste being present on site. The site now only accepts waste which does not need sorting and it is either baled as refuse derived fuel or transferred for disposal.
51. The proposal to vary the facility's existing operating hours (condition 11 of permission [ES.14/05/512 W](#) is to enable operational flexibility and efficiency and is relevant to

both deliveries of the waste and the waste operations that occur on the site. An email from ESBC (Waste) accompanies the application supporting information and requests greater flexibility for household waste collection vehicles to deliver to the site from 06:00am. The submitted Noise Impact Assessment considers the noise impact of opening the site 1 hour earlier than the current 07:00am permitted hours and given the noise reduction provided by the existing 3 metre high concrete barrier on the western site boundary closest to industrial units, offices and residential properties the noise level from the site would be within acceptable noise level ranges. The Council's Noise Engineer has confirmed that he has no objection on noise grounds and commented that the changes are relatively minor to the existing hours of operation for a site based in an industrial/commercial location. It is relevant to note that the Coors Brewery, located immediately to the south of the site and closer to residential properties, operates with vehicle movements 24/7.

52. Whilst the application was originally to extend the hours from 06:00 – 20:00 hours Monday to Sunday, in response to concerns raised in the representations received on the application, with the exception of the start time, which is requested by ESBC waste collection vehicles, the applicant has agreed to lesser hours. The proposal now applies for the following extended operating hours:
- 06:00 – 19:30 Monday to Friday however no deliveries of waste material shall be received after 19:00 hours. (Note existing permitted hours are 07:00 - 17:30, therefore an additional 1 hour in the morning and 2 hours in the afternoon are applied for, although no delivery of waste can take place after 19:00 hours and so for the last 30 mins the site would only allow process and dispatch of waste to allow for loads destined for the EU to be loaded and driven through the night to the docks); and,
 - 06:00 – 16:30 hours Saturday, Sundays, Bank and Public Holidays however no deliveries of waste material shall be received after 16:00 hours (Note existed permitted hours 07:00 – 17:30 although no delivery of waste material can take place after 16:30 on Saturdays, Sundays, Bank or Public Holidays. Therefore only an additional hour in the morning has been applied for and an hour for process and dispatch has been reduced at the end of the day, and 30 minutes for acceptance of deliveries has been reduced at the end of the day).
 - No operations or activities would take place on Christmas Day, Boxing Day and New Year's Day.
53. Conclusion: The earlier and current national waste and local waste planning policies promote the principles of sustainable waste management and the extended operating hours are required to enable operational flexibility and efficiency. Having regard to the development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that in waste planning policy terms the amendments to the facility's operating hours are acceptable in principle. The site-specific considerations are discussed below.

The site-specific development plan policy considerations and matters raised by consultees and in representations

54. The [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policies 3.1 and 4.2); [East Staffordshire Borough Council Local Plan](#) (SP1, SP24, DP1 and DP7); the revised [National Planning Policy Framework](#) (sections 8, 9, 12, 14 and 15); and, the [National](#)

[Planning Policy for Waste](#) (paragraph 7 and Appendix B) require developments to be well designed particularly ensuring that the design and layout complements sustainable waste management and that on-site operations do not have a significant adverse impact; and, the environment and amenity of the area is protected.

55. Commentary: Environmental concerns are raised in representations and by the Local County and Borough Councillors regarding the current site operations and it is considered that the extended hours would exacerbate or prolong the issues experienced by local residents and businesses. Mitigation measures and additional monitoring are requested. ESBC (Planning) has also objected to the proposal on the basis that the Environmental Health Team have received complaints regarding the site.
56. The 'Findings of Consultations' section above describes the site's complaints history provided by the Planning Regulation Team, the ESBC Environmental Health Team, and the EA Monitoring Officer.
57. Waste Local Plan Policy 3.1 requires a programme of phased improvements, which are proportionate to the nature of the application, in order to bring the whole site up to modern standards, if the proposal relates to an existing facility which is to be extended or enhanced. The EA regulate the site and have already asked the applicant to review their management of the site to ensure that they identify and address all potential risks from their operation, including that caused by breakdowns and their response to extreme weather (heat, snow, flooding and wind). With reference to the 'Applicants case' above the company have stated the mitigation measures they will undertake to address the concerns raised by local residents and businesses.
58. In respect of traffic and congestion concerns raised it is important to note that the proposal does not increase vehicle movements to and the waste throughput of the site. The applicant has however confirmed that some operations, mainly the commercial and industrial skip wastes and the inert waste and consequently the associated waste vehicles, are being diverted to their Depot 3 in Swadlincote. The reduction in deliveries would contribute to the reduction in traffic and congestion on Glensyl Way and Hawkins Lane and would reduce the associated levels of vehicle noise experienced by the neighbouring properties. The diversion of the commercial and industrial skip waste loads would also result in less odour-producing waste being present on site.
59. In respect of litter and dust, it is confirmed that the perimeter netting is damaged and the company have stated that they will replace the netting around the waste facility perimeter as soon as it is available. The site will also undertake a dedicated litter patrol at the end of every working day over the entire site and Glensyl Way in addition to a daily sweep of Glensyl Way with their own mechanical road sweeper which is an effective form of dust control. The company will also accept a condition requiring an improvement scheme to address the environmental concerns. This is considered necessary given the lack of effectiveness of the litter netting and given the requests from adjacent businesses who would like to see some sort of solid barricade / permanent barrier that is higher than a loader reach to prevent rubbish coming over into adjacent yards. The applicant's agent has however indicated that any improvements to perimeter netting to solid/permanent barriers are likely to however require planning permission and therefore any condition should ensure that it allows a timeframe for compliance that takes into account the time that the application process would take.

60. The day-to-day operations would continue to be controlled by an Environmental Permit regulated by the EA. The EA Monitoring Officer has commented that the site has a vermin control programme; regularly uses the services of the 'Hawk man' to control seagulls, and the EA incident records over the last 13 years do not contain any fly reports. The EA Officer also acknowledges that the three sided buildings containing waste on site cannot be completely enclosed given the processes on site.
61. Conclusion. Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to a new condition requiring an improvement scheme given the environmental concerns; and, subject to the existing conditions on the extant permission being carried forward. These considerations are discussed below.

The opportunity to review and update the planning permission

62. The extant planning permission [ES.14/05/512 W](#) was issued 30 June 2014. This is an opportunity to review and update the existing 34 conditions of that permission where it is reasonable and necessary to do so.
63. In this case, as it is a recent permission, it is only reasonable and necessary to update the conditions to take account of the revised [National Planning Policy Framework](#); the [National Planning Policy for Waste](#); and the [East Staffordshire Borough Council Local Plan](#). Note that none of the conditions required details to be approved and therefore there is no requirement to refer to any approved documents which discharged relevant conditions. A new condition requiring an improvement scheme given the environmental concerns raised of litter and dust is however recommended, as discussed above, to prevent waste coming over into adjacent yards.

Overall Conclusion

64. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendation

Permit the proposed development / application not to comply with (to vary) condition 11 of planning permission [ES.14/05/512 W](#) to allow extended working hours at Wilshee's Waste & Recycling Ltd, Glensyl Way, Burton-upon-Trent subject to conditions.

The conditions repeat and update the relevant existing 34 conditions and 4 Informatives of permission reference [ES.14/05/512 W](#). The updated conditions are indicated in **bold**. The new condition and informatives are listed at the end.

The conditions to include the following:

Definition of Consent

1. This planning permission shall only relate to the land edged red on the 'Site Location Plan' (dwg. no 13485/10) hereafter referred to as the "Site". **[Merge condition with Condition 2 below. This is the new format for decision notices]**.
2. Approved plans and documents **[Update to include reference to the documents and plans of the existing and new permissions]**.
3. The development hereby permitted shall be deemed to have commenced on the date of this permission.

Development Restrictions

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or succeeding orders, the Site shall not be used for any purposes other than that which is the subject of this permission.
5. Waste types restricted to no waste other than of inert, non-hazardous, hazardous and putrescible waste shall be imported, stockpiled, sorted, screened, shredded, baled and recycled on the Site. No mechanical breaking up or crushing of inert, non-hazardous, hazardous or putrescible waste shall take place on the Site at any time.

Display of Conditions

6. A copy of the planning permissions, including all the approved documents referred to therein and any documents subsequently approved in accordance with the planning permissions shall be held on the Site and made known to any person(s) given responsibility for the management or control of the waste activities/operations on the Site..**[Delete existing condition 6 as no longer applicable / required. Refer to new Informative instead which is the new format for decision notices]**.

Waste reception, handling and storage

7. All waste in vehicles entering or leaving the Site shall be netted, sheeted, or otherwise securely contained on the waste carrying vehicles in order to prevent spillages of waste on the public highway.
8. No waste shall be unloaded, handled, transferred, stored, screened, shredded or baled other than within a building.
9. No skips shall be stored on the Site other than in a building and in order to store non-conforming waste (Condition 8).

Non-Conforming Wastes

10. Any non-conforming wastes, including potentially odorous non-conforming

wastes inadvertently accepted into the Site, shall be separated out and stored in a sealed container/skip and removed from the Site within 48 hours of the container/skip becoming full.

Operating Hours

11. No operations or activities hereby permitted shall take place except between the hours of:

- **06:00 – 19:30 Monday to Friday**
- **06:00 – 16:30 hours Saturday, Sundays, Bank and Public Holidays**

No deliveries of waste material shall be received after 19:00 hours Monday to Friday or after 16:00 on Saturday, Sundays, Bank and Public Holidays.

No operations or activities hereby permitted shall take place on Christmas Day, Boxing Day and New Year's Day.

Access, Traffic, Parking and Highways Safety

12. No other access to the Site shall be gained except via the access indicated with an 'X' on the 'Site Location Plan' (dwg no. 13485/10).
13. The total number of vehicles delivering waste or recyclable materials to the Site or removing waste or recyclable materials from the Site shall not exceed 240 vehicle movements per day (120 in and 120 out per day).
14. Vehicles using the Site shall park in accordance approved details as indicated on "Site Layout Plan" (dwg no W140402).
15. No mud or deleterious waste material shall be deposited on the public highway and the measures to control mud and debris shall be carried out in general accordance with the procedures set out within the Mud/Debris Control document (ref: SWP013).

Record Keeping

16. The following records shall be kept at the Site and shall be provided to the Waste Planning Authority within 7 days of a request being made. In making a request, the Waste Planning Authority shall specify the dates between which the records shall be provided of:
 - a) Records of the total quantity of waste delivered to the Site and removed from the Site per day;
 - b) Records of the total number of vehicles delivering waste and recyclable materials to and exporting waste and recyclable materials from the Site per day; and,
 - c) Records of the date and time when waste arrives at and leaves the Site each day.

General Environmental Protection

17. Noise management and its regular monitoring shall be carried out in accordance with the approved Noise Management Scheme.
18. Odour management and its regular monitoring shall be carried out in accordance with the approved Odour Management Plan.
19. Dust shall be controlled in accordance with the Site Working Procedure - Dust Control document (ref: SWP005).
20. Mud and debris shall be prevented from being deposited on the public highway in accordance with the Site Working Procedure – Mud Debris Control document (SWP0013).
21. Any external floodlighting or other illumination shall be positioned so as not to cause glare at nearby properties.
22. A pest / vermin control scheme shall be operated within the Site at all times.

Site Layout, Maintenance and Appearance

23. The Site shall be laid out and maintained in accordance with the approved Site Layout Plan (dwg no W140402).
24. All buildings, boundary walling, fencing and gates, and hard surfaces shall be maintained in place, in good condition and fit for purpose for the duration of the development hereby permitted.
25. Litter picking of the Site shall take place on a daily basis or otherwise as frequently as necessary to collect any loose waste and/or recyclable materials which shall be returned to the appropriate waste storage area within a building.
26. All plant and machinery not in current use shall be stored in an orderly manner, and all redundant plant, machinery, and vehicles (not used on the Site for over 6 months) shall be removed from the Site.
27. No burning of waste shall take place on the Site at any time.

Site Security

28. Outside the permitted working hours as defined by Condition 11, measures shall be taken to ensure there is no unauthorised access to the Site. This shall include the locking of gates to the Site when the Site is unsupervised.

Flood, Drainage and Water Protection

29. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least

equivalent to the capacity of the largest tank or vessel of the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipe work, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

30. All trade effluent, sewage effluent or contaminated drainage water from the Site shall be disposed to the mains sewerage system.
31. All surface water drainage shall pass through a suitably sized oil interceptor prior to being discharged into any watercourse, surface water drainage system or soakaway system. Roof water shall not pass through the interceptor.
32. Operations shall be carried out within the Site in general accordance with the approved Flood Warning and Evacuation Action Plan.

Cessation of Operations

33. In the event that the waste management operations hereby permitted cease, the Waste Planning Authority shall be notified in writing within 2 weeks of the date when the use of the Site ceased and the Site shall be cleared in accordance with the requirements of Condition 34.
34. In the event that waste materials cease to be imported on to the Site for a period of 6 months, the operations hereby shall be deemed to have ceased and no further waste materials shall be imported. No later than 3 months after notification of the cessation of the use (required by Condition 33), or no later than the end of the 6 months period, whichever is the sooner, the Site shall be cleared of any remaining waste or recyclable and recycled materials, skips, structures (storage bays), plant, vehicles, machinery and associated equipment, all drains shall be cleared out and left in a good conditions to drain the Site and all signs shall be removed. The permission shall thereafter expire.

New Condition

To require the submission of a Site Improvement Scheme ('the Scheme') to include but not limited to a programme of measures to be taken to improve the management of litter, dust, noise, odours and pest control. The Scheme to be submitted for approval within three months of the date of the permission, and implementation within three months of approval.

Informatives

Existing 4 Informatives to be repeated.

New Informatives

Knowledge of the conditions (to replace existing condition 6).

New Informative for the new condition

The Site Improvement Scheme should address concerns raised by neighbours and other key stakeholders and include the programme of measures to be carried out on a regular basis to manage amongst other matters, noise, dust, odours, litter and pests (some of which may already be requirements of the approved schemes or requirements of the Environmental Permit). The frequency that the measures are to be carried out shall be clearly stated. Any measures requiring separate approval shall also be identified, including a timetable for submission for approval.

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Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to planning@staffordshire.gov.uk and can only be provided by email.

Appendix 1 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

The development plan policies and proposals

[Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, has concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

[East Staffordshire Borough Council Local Plan](#) (2012-2031) (adopted 15 October 2015):

- Principle 1 - Presumption in Favour of Sustainable Development;
- Strategic Policy 2- Settlement Hierarchy
- Policy SP1 - Approach to Sustainable Development;
- Policy SP24 - High Quality Design;

- Detailed Policy 1 - Design of New Development; and,
- Detailed Policy 7 - Pollution and Contamination.

The other material planning considerations

- [National Planning Policy Framework](#) (updated February 2019):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development
 - [Section 4](#): Decision-making
 - [Section 6](#): Building a strong, competitive economy
 - [Section 8](#): Promoting healthy communities
 - [Section 11](#): Making effective use of land
 - [Section 12](#): Achieving well-designed places
 - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change.
 - [Section 15](#): Conserving and enhancing the natural environment;
- [Planning Practice Guidance](#)
 - [Design](#)
 - [Light pollution](#)
 - [Flood risk and coastal change](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Use of planning conditions](#)
 - [Waste](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014) and accompanying [Planning Practice Guidance on Waste](#).
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria:
 - a) protection of water quality and resources and flood risk management
 - b) land instability
 - c) landscape and visual impacts
 - d) nature conservation
 - e) conserving the historic environment
 - f) traffic and access
 - g) air emissions
 - h) odours
 - i) vermin and birds
 - j) noise, light and vibration
 - k) litter
 - l) potential land use conflict

- The new waste strategy [‘Our Waste, Our Resources: A Strategy for England’](#) published in December 2018

[**Return to Observation section of the report.**](#)