

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	17 August 2021
<b>Subject:</b>	21/00807/CM - Wingmoor Farm, Stoke Orchard Road, Bishops Cleeve
<b>Report of:</b>	Development Manager
<b>Lead Member:</b>	Lead Member for the Built Environment
<b>Number of Appendices:</b>	2

## **Executive Summary:**

An application at Wingmoor Farm East has been submitted by Grundon Waste Management Ltd to Gloucestershire County Council (GCC). Tewkesbury Borough Council has been consulted and the purpose of this report is to enable Members to provide a view to the County Council on the application. The description of development is as follows:

### **Variation of condition 7 (buildings, plant and machinery) and condition 19 (Hours of operation) relating to planning consent 17/0066/TWMAJW dated 19/10/2017.**

The application is required to enable the bulking and transfer of residual waste within the existing Materials Recycling Facility (MRF) at Wingmoor Farm East as part of the applicant's new temporary (3 year) waste contract with GCC that deals with Tewkesbury and Cheltenham Borough Council's (TBC and CBC) residual municipal waste (i.e. black bin waste).

This follows changes made to the organisation and management of household waste by GCC where such waste is being redirected from landfill disposal to the Energy from Waste (EfW) facility at Javelin Park, Gloucester.

## **Recommendation:**

**That the Committee RESOLVE to raise no objection to the application.**

## **Reasons for Recommendation:**

Subject to appropriate planning conditions, it is considered that the development accords with relevant planning policies as set out in the report.

## **Resource Implications:**

None

## **Legal Implications:**

As set out in the report.

<p><b>Risk Management Implications:</b></p> <p>None</p>
<p><b>Performance Management Follow-up:</b></p> <p>None</p>
<p><b>Implications for Biodiversity:</b></p> <p>As set out in the report.</p>

## 1.0 INTRODUCTION

1.1 An application at Wingmoor Farm East has been submitted by Grundon Waste Management Ltd to Gloucestershire County Council (GCC). Tewkesbury Borough Council has been consulted and the purpose of this report is to enable Members provide a view to the County Council on the application.

## 2.0 APPLICATION SITE

2.1 The application site is located in the Green Belt to the west of Bishop's Cleeve. The site is bounded on its northern side by Stoke Road and the Birmingham to Bristol main line railway to the west. There are agricultural fields and a Rugby Union ground to the east, with the Bishops Cleeve bypass between 600- 700 metres beyond. Land to the north of the application site, on the opposite side of Stoke Road, benefits from the grant of outline planning permission for up to 215 dwellings and up to 2.24 hectares of commercial uses (ref: 18/00249/OUT, 'Land at Stoke Road').

2.2 The waste operations at Wingmoor Farm comprise hazardous and non-hazardous landfills, a hazardous waste treatment plant, materials recovery facility (MRF), and an anaerobic digestion plant. Associated activities include workshop, a clinical waste transfer service and an HGV depot parking for approximately 30 vehicles.

2.3 The site has two accesses onto Stoke Road. The eastern access serves the Materials Recycling Facility (MRF) which was permitted in 2006 and the south-eastern part of the site which is used for non-hazardous landfill. The western access serves the waste treatment plant, hazardous landfill and parking and servicing area for the applicant's fleet of collection vehicles.

## 3.0 PLANNING HISTORY

3.1 There is an extensive planning history of planning permissions granted by the County Council on the site, the most relevant of which is as follows:

- 88T/8446/01/02 was permitted in May 1989 for Extraction of sand & gravel (50ha) with restoration to agriculture by controlled waste tipping with new access.
- 90T/8446/0992/FUL was permitted to vary Condition 11 of the above permission to allow extraction of clay.
- 94/8446/0992/FUL permitted the installation of an ash conditioning plant.
- 95/8446/1099/FUL allowed the joining together of two landfill sites and adjustments to final levels in order to create a single contoured restoration.
- 98/8446/0015/FUL permitted the erection of buildings and associated plant for the

processing of clay into lightweight aggregate.

- 01/8446/0723/FUL permitted the variation of Condition 1 of planning permission 98/8446/0015/FUL to allow extension of time to commence development.
- 05/4037/1317/FUL was permitted in 2006 for the erection of a Materials Recovery Facility (MRF) including replacement ancillary vehicle servicing and offices, replacement weighbridge facilities including control cabin, inert waste classification storage and transfer shed and storage of baled recovered materials.
- 07/0042/TWMAJW permitted the variation of condition 12 of planning permission T.05/4037/1317 which relates to the occupancy and use of the offices/workshop.
- 09/0028/TWMAJW was permitted in 2011 for the continuation of mineral extraction and restoration through the importation of wastes. Extraction of sand, gravel and clay; restoration of land to the profile approved in 1996 (planning permission reference: 95/8446/1099), through the importation of nonhazardous and hazardous wastes; operation of the waste treatment plant; operation of a Materials Recovery Facility; parking of collection vehicles; use of the landfill gas control system and associated landfill gas engines; use of ancillary infrastructure, such as leachate treatment plant, weighbridges, sand and gravel processing plant, vehicle servicing facilities, offices and mess facilities required for the operation and restoration of the site.
- 13/0094/TWMAJW permitted in 2014 for the development of an Anaerobic Digestion Plant.
- 14/0083/TWMAJW permitted in 2015 as a retrospective application for extension to approved development area of planning permission 13/0094/TWMAJW for the development of an anaerobic digestion plant to allow the installation and retention of a weighbridge, propane gas tank, and process water pond with associated works.
- 14/0084/TWMAJW permitted the variation of condition 2 (Definition of Permission) of planning permission 13/0094/TWMAJW to allow the installation of a biomethane gas unit and grid entry unit, along with associated alterations to previously approved scheme, including installation of solar panels, creation of water management area and relocation of switch room and engine.
- 17/0066/TWMAJW permitted the variation of condition 20 (Hours of Operational) of planning consent 09/0028/TWMAJW.

#### **4.0 CURRENT APPLICATION**

- 4.1** The current application seeks the variation of condition numbers 7 and 19 of planning permission ref: 17/0066/TWMAJW. The proposed variations seek to enable the bulking and transfer of residual waste within the existing MRF as part of the new, temporary (3 year) waste contract with GCC that deals with Tewkesbury and Cheltenham Borough Council's (TBC and CBC) residual municipal waste (i.e. black bin waste). These operations have already commenced and the application is made in retrospect.
- 4.2** It is understood that the reason for the application largely follows changes made to the organisation and management of household waste by GCC as the Waste Disposal Authority. Residual waste is now being redirected from landfill disposal to the Energy from Waste (EfW) facility at Javelin Park, near Gloucester. However, the applicant has explained that the residual waste cannot be directly delivered to the EfW facility and needs to be bulked and transferred closer to where it is collected. The applicant has been awarded the GCC contract for providing this service at Wingmoor Farm East.

**4.3** In terms of understanding the process, the applicant has explained that the residual waste would be collected from local households (within Tewkesbury and Cheltenham Borough Council areas) and arrive at the MRF site in refuse vehicles where it would be bulked and transferred onto larger trucks (articulated vehicles) and taken to GCC's Energy from Waste (EfW) facility at Javelin Park, near Gloucester. The residual waste would be weighed on entering the site before being directed to a dedicated bay inside the MRF building for the waste to be deposited. The waste would not go through the mechanical sorting system but any unacceptable items would be removed by mechanical grab/hand and placed into a separate pile. The waste would then be transferred into an articulated vehicle container and, once at full capacity, taken to the EfW facility. It is intended that the residual waste would be transferred on the same day it is received at the MRF, with the maximum time for onward transfer being 48 hours.

**4.4** The applicant has stated that the above operations would result in no changes to the existing MRF building or impact upon the existing waste management activities occurring at the MRF.

**4.5** The proposed operations would require a variation to the precise wording of condition 7 which currently states:

*The Materials Recycling Facility and its building as shown on plan no GRU004 (dated 30/04/2009), the vehicle service area and associated offices shall be used solely in association with and ancillary to the operations of the Waste Management Facility.*

**Reason:** *The site is within the Green Belt and there is a need for the Mineral and Waste Planning Authority to retain control over the site and in accordance with Policy 37 of the Gloucestershire Waste Local Plan.*

**4.6** The bulking and transfer of residual waste does not comply with this condition as it is not deemed ancillary to the operations of the Waste Management Facility. For these reasons, the current application seeks to replace the word 'and' with 'or' to read as follows (changes in bold):

*The Materials Recycling Facility and its building as shown on plan no GRU004 (dated 30/04/2009), the vehicle service area and associated offices shall be used solely in association with **or** ~~and~~ ancillary to the operations of the Waste Management Facility.*

**4.7** The application also seeks to vary the wording of condition 19 which controls the hours of operation for the MRF and associated vehicle movements. The proposed variation would allow activities to occur on site on Saturday afternoons (until 4:30pm) following bank holidays and also on the Good Friday Bank Holiday. This is to ensure there is no break in Councils' waste collections and to prevent wastes piling up. The proposed changes are inserted in bold type below:

**4.8** *The following restrictions shall apply to the operations of the site:*

- a) *there shall be no acceptance of waste to the Materials Recovery Facility, no transportation of waste, or landfilling operations, or mineral operations (including the manoeuvring, loading, unloading of vehicles, or any primary or ancillary activity associated with the waste management facility or mineral extraction operations), on the Site and with the exception of deliveries to the waste treatment plant, no HGVs shall enter or leave the site except between the following hours: (excluding HGVs parked by the MRF/workshop area that are allowed to leave the site via eastern site entrance from 06:00 on Monday to Friday)*
  - *07:00 -18:00 Monday to Friday; and*
  - *07:30 -13:00 Saturday (and till 16:30 on Saturdays following the Bank Holiday),*
- b) *operations within the MRF building, including vehicle servicing shall only take place between the following hours:*
  - *06:30 - 21:00 Monday to Friday; and*
  - *07:00 - 14:00 Saturday (and till 16:30 on Saturdays following the Bank Holiday),*
  - *09:00 – 16:30 for one Bank Holiday in Easter (Good Friday)*
- c) *Access to the waste treatment plant (APC treatment plant) for deliveries is permitted 24 hours a day, 7 days a week.*

*Except in emergencies (details of which shall be communicated to the Minerals and Waste Planning Authority as soon as possible after the event) and with the exception of operations within the Materials Recycling Facility building, there shall be no waste delivered to the site and no operations at the Site on Sundays, Bank or Public Holidays **other than Good Friday**, except for essential maintenance work or in response to any emergencies.*

**Reason:** *In the interests of limiting the effects on local amenity, to control the impact of the development in accordance with saved Policy 38 of the Waste Local Plan and in accordance with the application document.*

**4.9** In association with the bulking and transfer of residual waste, the applicant has advised that the number of vehicular movements would increase from current operational levels. It is however reasoned that the MRF is currently operating below capacity and it is permitted to receive up to 50,000 tonnes of general non-hazardous waste per annum (condition 5a of 17/0066/TWMAJW) with the assessed and permitted vehicular movements calculated at 80 trips per day (40 in and 40 out). It is understood that the MRF is currently accepting up to 15,000 tonnes of waste yearly with average vehicle movements of 26 per day (13 in and 13 out). The change to operations would increase the amount of waste delivered to site, expected to be up to 35,000 tonnes per annum, with the predicted maximum vehicle movements of 54 per day (27 in, 27 out). This includes the refuse vehicle deliveries on-site and the waste transfer off-site by articulated vehicles.

**4.10** The applicant has therefore stated that the total amount of waste received at the MRF from existing operations (15,000 tonnes pa) and the bulking and transfer of residual waste (35,000 tonnes pa) would not exceed the current permissible limit as prescribed by condition 5a of planning permission 17/0066/TWMAJW. The same case in point has been made in respect of combined vehicle movements which would not exceed the 80 movements per day (40 in, 40 out) as originally assessed and deemed acceptable.

**4.11** Finally the applicant has stated the proposed variations to condition numbers 7 and 19 would be required on a temporary basis only to coincide with the three year contract awarded to Grundon by GCC for the bulking and transfer of residual waste.

## **5.0 CONSULTATIONS**

**5.1** Tewkesbury Borough Council have been consulted on the application by GCC who is recognised as the determining authority in this case. No representations have been made to Tewkesbury Borough Council in respect of this application, with the consultation process undertaken by GCC. Full copies of the representations received can be viewed on the County Council website although a brief summary has been provided below.

**5.2 Bishops Cleeve Parish Council –** Objection for the following reasons:

- There is potential for cross contamination of clean waste.
- Altering the wording of condition 7 makes a fundamental change to the planning permission which would allow the site to be utilised as a waste transfer site until 2029.
- This will result in disamenity to local residents, with residual waste being more odorous.
- The Parish Council is aware of many complaints regarding odour from residents along Stoke Road already, a situation which will only escalate as the site reaches capacity.
- Vehicle movements may not be above the numbers stated on the extant planning permission but, due to changes in activity, the size of vehicles accessing the site will increase.
- Should this application be permitted then the MRF would be classed as a standalone facility (and not in association with and ancillary to the waste disposal site) and the use could be permitted for a longer period (beyond 2029).
- This is an inappropriate use in the Green Belt.
- Additional time usage of the site (by varying condition 19) will create more noise nuisance to local residents at times of the week when they should be able to enjoy their surroundings.
- The increase in large articulated vehicles to transfer the residual waste from the MRF to Javelin Park are not suitable in increased numbers along the local roads.

**5.3 Stoke Orchard & Treddington Parish Council –** Objection for the following reasons:

- Large amount of waste from this site was washed downstream into the village of Stoke Orchard during the 2007 flood event. This resulted in rows of house being inundated with contaminated flood water. This application changes earlier controls of the site being limited to non-putrescible waste without sealed buildings for the transfer operation. Further expansion of potentially hazardous materials without specialist buildings, air entrapment doors and safety controls is completely unacceptable.
- In the case of increased HGV traffic, the application takes no account of the incremental impact of HGV traffic through the Parish and the County Highways Authority has failed to express a view as to whether an EIA is needed.
- The whole site is the constant subject to complaints from local residents of odour and flies. This has been exacerbated by the passing of earlier applications and

odour and wind drift levels are unacceptable within the local area.

- GCC is urged to find a way in which the approval of dangerous and unacceptable process can be adequately controlled.
- The application purports to be merely an extension of the original conditions but including longer hours. It is a totally different application with a different agenda.

#### **5.4 Woodmancote Parish Council - Objection for the following reasons:**

- This is not a minor adjustment to a planning condition but instead it is contrary to the primary purpose of the original planning permission as a MRF.
- The legal opinion on whether the bulking and transfer of residual waste is associated with the MRF merely checked the accuracy of the narrow view provided by the applicant. It is a totally biased approach almost certainly because GCC have already awarded the contract without the benefit of planning permission.
- This should be a new application for change of use and a full EIA and traffic report required.
- The site is not in a position to monitor the effects of different types of waste nor is there any evidence of necessary measuring equipment with regard to ecology, air quality and odour.
- There are already odour complaints from local residents which are not being dealt with.
- There will be increased traffic movements and unnecessary trips generated by transported waste from Cheltenham to Bishops Cleeve to Javelin Park (Gloucester). This is contrary to policies seeking to reduce carbon footprint and combat climate change.

This is not an acceptable land use in the Green Belt.

#### **5.5 GCC Minerals & Waste Policy**

- Core Policy Waste Core Strategy (WCS) 13 – Green Belt – is likely to be the most significant local planning policies concerning this proposal. Officers are of the initial view that the proposal is likely to be ‘inappropriate development’ in the Green Belt.
- Very special circumstances could be present to overcome this initial negative conclusion but this will firstly require a carefully considered decision to be made as to the extent of any other harms i.e. noise, dust, odour. If there is no harm / or the harm generated could be reasonably outweighed by the proposal benefits then ‘very special circumstance’ can be brought into consideration.
- The applicant’s supporting planning statement doesn’t offer a particularly well argued case to show the ‘very special circumstances’ or how compelling they might be individually or collectively.
- Officers highlight that the proposed use of the existing MRF infrastructure to achieve further ‘recovery’ from source-segregated LACW that would otherwise be sent direct to the Energy from Waste facility. This element is unlikely to achieve substantial levels of recovery as the waste stream is residual and already undergone source segregation; however, it still offers an opportunity to manage locally-generated waste further up the waste hierarchy and achieve a more sustainable outcome.
- The resulting rationalisation of refuse collection vehicles travelling from TBC and CBC areas to the Energy from Waste facility could also represent an environmental benefit as well as saving to the public purse due to reduced vehicle miles being

travelled.

- Providing the evidence shows an absence of potential harm and the presence of 'very special circumstances' can be identified then the initial concern over conflict with Core Policy WCS13 could be overcome.

#### **5.6 Waste Management Unit - Supportive of the application**

- The proposal allows for the efficient collection of residual household waste by providing a local tipping location for the refuse collection vehicles. This helps reduce the distances travelled by these vehicles, reducing associated costs and vehicular emissions.
- The recovery of energy from residual household waste has environmental benefits over the previous disposal method used by GCC for this waste (landfilling at the neighbouring Wingmoor Farm landfill site).
- The bulking and haulage arrangement reduces the number of HGV movements to the Energy from Waste facility and some waste deliveries from the southern areas of Tewkesbury Borough are now being made direct to the EfW facility, thus reducing the number of refuse collection vehicle movement to Bishops Cleeve compared to previous landfilling arrangements.

#### **5.7 TBC Environmental Health Officer – No objection.**

- Concurs with the findings of the submitted Noise Technical Note which concludes the noise associated with the proposed changes to the operating times are not significant in noise terms.
- The operator appears to be monitoring noise levels at the nearest sensitive receptors with a view to ensuring any permitted noise levels are not exceeded and taking action if they are. Therefore, no objection in terms of noise nuisance.
- The proposed measures to monitor, and if necessary mitigate, odour from the processing of potentially more odorous waste appears acceptable. Therefore, no objection in terms of odour nuisance.

#### **5.8 GCC Highways Development Management – No objection.**

- The proposed amendments to the condition will not result in a significant intensification of trips to the application site. As such there would be no harm to the operation of the highway network or to road safety.

#### **5.9 Environment Agency (EA) – No objection but wishes to make the following comments:**

- The MRF has an environmental permit (EAWML 48023) that covers the activities described.
- EA staff have been completing odour assessments due to increased complaints about landfill odours in the locality.
- Visited 18 November 2020, odour detected associated with MRF and scored level 2/6 within the local housing estates and level 3/6 within the car park of the MRF. The odour within the car park was at a level which could have caused pollution off-site. The likely source of odour was considered to be the waste being stored prior to transfer off-site.
- The operator was not scored a breach of the odour permit for condition due to odour strength off-site being low. A revised working plan to address odour management techniques was requested by the EA and provided by the operator on 31 December 2020. It was agreed the document addressed EA comments.



- No issues with odour off-site have been identified in 2020 (other than 18 Nov) nor since this date with regard to this facility.

#### **5.10 GCC Ecologist – No objection**

### **6.0 REPRESENTATIONS**

**6.1** No representations have been made direct to Tewkesbury Borough Council in respect of this application. A total of 97 letters of objection have been made to GCC raising the following issues (as summarised):

- The odour emitted from the site is unacceptable and is preventing residents from using outside spaces and opening windows.
- The local road network is not suitable for large lorries. Increased traffic movements will increase noise, vibration to local houses and damage to the road surface and roundabouts.
- The area including the processing plant could be a lot better screened by planting trees which would offset the company's carbon footprint and make the smell less noticeable.
- The recently approved application for more housing opposite the MRF will be even more profoundly affected by odour pollution.
- Concerns for health and well-being, both as an individual and others living in Bishops Cleeve. There are reports of local residents suffering headaches and nausea as a result of the smells associated with the site. It is also having a negative impact on residents' mental health.
- The stench and smell coming from the site has become unbearable over the last two years. It is not possible to ascertain if this change is specifically linked to the current application but the new activities should not be allowed to occur until the odour levels are stopped.
- The smell is very unpleasant and spoils the enjoyment of the beautiful local area. It occurs year round and has become much more frequent in the last 12 – 15 months. This is particularly unpleasant in hot weather when spending increased time outside and windows open.
- The MRF was only granted planning permission as a location to separate dry, clean recyclables. The change in site operations – as set out by this application – has increased odour levels and traffic movements to unacceptable levels.
- The organisation and management of waste should take place in more secluded locations away from residential areas.
- The residual waste should be delivered direct to Javelin Park which is much more accessible by main roads and far from Cheltenham or Tewkesbury.
- There are considerable noise impacts associated with the large 'container' type waste HGVs using the road and vibrations can be felt in properties 100 metres away. These vibrations are worse for properties close to road and it is only a matter of time before the vibrations will cause property damage.
- There is increased damage being caused to local hedgerows, flora and fauna.
- Wingmoor Farm should be closed as it is not congruent with the large scale housing developments in the area.
- This is inappropriate development in the Green Belt with no evidence of 'very special circumstances'.

## **7.0 PLANNING POLICY**

### **7.1 National Policy**

National Planning Policy Framework

Planning Practice Guidance

National Waste Management Plan for England

National Planning Policy for Waste

### **7.2 Development Plan Policies**

Gloucestershire Waste Core Strategy (2012) (WCS)

Policies: WCS1, WSC3, WSC4, WSC6, WSC8, WSC9, WSC10, WSC13, WSC15, WSC16, WSC19

Gloucester Waste Local Plan 2002 – 2012 (Saved Policies) (WLP)

Policies: WLP37, WLP38

Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (December 2017)

Policies: SD1, SD5, SD6, SD7, SD9, SD14, INF1, INF2

Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)

Policies: NAT1

## **8.0 PLANNING OFFICER APPRAISAL**

**8.1** The bulking and transfer of residual municipal waste is already taking place within a dedicated bay at the MRF, Wingmoor Farm East. These operations have been ongoing for circa. 18 months without the benefit of planning permission as the bulking and transfer of residual waste is not deemed to be ancillary to the operations of the Waste Management Facility, contrary to the precise wording of condition number 7. This application therefore seeks to regularise the operations by varying the wording of condition nos. 7 and 19 of the previous planning permission 17/0066/TWMAJW as summarised in the previous sections of this report.

Principle of Development

**8.2** The application site forms part of a wider site already in use for waste development, as identified in the GCC Waste Core Strategy (2012). Core Policy WCS18 (Bulking and Transfer) offers support in principle for proposals relating to the development of new and expanded bulking and transfer facilities. It is stated that planning permission will be granted subject to the following criteria being met:

- 1. It can be demonstrated that the impact on the environment and neighbouring land uses is acceptable.*
- 2. The highway access is suitable for the proposed vehicle movements.*
- 3. The proposal contributes towards providing a sustainable waste management system for Gloucestershire.*

Particular support will be given to proposal that are, inter alia, located within or close to an urban area and involve co-location with an existing operation of a similar or complementary

nature.

- 8.3** In this case, a judgement on the principle of development is ultimately a matter for decision-maker (GCC) but it would appear that the application site is an appropriate location for such facility subject to the proposal's compliance with relevant development plan policies.

#### Green Belt

- 8.4** The application site is located in the Green Belt. JCS Policy SD5 sets out that existing waste management facilities in the Green Belt operating in accordance with extant planning permission, and the waste management sites allocated in the Gloucestershire Waste Core Strategy, are designated as developed site within the Green Belt that are acknowledged as having wider benefits where the co-location of facilities can be determined as essential to their use. Notwithstanding this, further development in any of these locations will need to meet the requirements of Green Belt policy in the NPPF and/or National Planning Policy for Waste, be in accordance with the Development Plan, and not compromise the openness of the Green Belt or increase the risk of urban sprawl.
- 8.5** Officers consider the proposal is deemed to constitute inappropriate development in the Green Belt. The NPPF specifies that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harms resulting from the proposal, is clearly outweighed by other considerations.
- 8.6** The case for very special circumstances is a matter for the decision maker to assess alongside any other harms resulting from the proposal. However, in terms of openness, it is noted that the proposal does not include any changes to the exterior of the building or the outside depot space. It is purely concerned with the use of an internal for the bulking and transfer of residual waste. Thus, it is not considered that the proposal would have any greater impact on the openness of the Green Belt over and above the previous planning permission.
- 8.7** There is potential for other harms to arise in connection with this proposal. These are considered in turn below and need to be weighed against the very special circumstances advanced in support of the application.

#### Local Amenity

- 8.8** JCS Policy SD14 requires new development to cause no unacceptable harm to local amenity, including the amenity of neighbouring occupants, and result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values.
- 8.9** Considerable objection has been raised by the parish councils and local residents on the impact the bulking and transfer waste operations is having on air quality (particularly odour and dust) and noise as set out above.
- 8.10** The operations at the site are regulated under the Environmental Permitting Regulations 2008. Environmental Permits require site operators to prevent or, where this is not possible, minimise emissions. Permits at the site currently relate to hazardous and non-hazardous landfill waste, the treatment of hazardous waste, clinical waste transfer and the MRF.

- 8.11** The Environment Agency (EA) has been consulted and do not object to the current application. It is commented that the existing Environmental Permit covers the activities described and, with the exception of one reported incident on 18 November 2020, the EA have confirmed that there have been no issues identified in respect of odour pollution off-site from 2020 to the time of their representation in respect of this facility.
- 8.12** The Environmental Health Officer (EHO) has been consulted and is aware that the site is covered by the Environmental Permitting Regulations. Compliance with those Regulations would ensure that the site is operated in an appropriate manner.
- 8.13** In terms of noise, the EHO concurs with the findings of the submitted Noise Technical Note which concludes the noise associated with the proposed changes to the operating times are not significant in noise terms. It is also commented that the operator appears to be monitoring noise levels at the nearest sensitive receptors with a view to ensuring any permitted noise levels are not exceeded and taking action if necessary.
- 8.14** In respect of the nearby planning permission for commercial and residential development on the opposite side of Stoke Road (ref: 18/00249/OUT, APP/G1630/W/19/3229581), the Planning Inspector examined the issue of whether the proposed development would be exposed to an unacceptable risk from pollution arising from the strategic Wingmoor Farm Integrated Waste Management Facility (IWMF). This issue was discussed in detail during the Public Inquiry for the Planning Appeal. The Inspector looked at the cumulative impacts arising from the IWMF and concluded:

*When the odour evidence is looked at in its full context and the robust and conservative basis upon which the modelling has been carried out is fully considered, it is clear that the potential odour impacts do not amount to a cogent reason to refuse planning permission. I conclude on the second issue that the proposed development would not be exposed to an unacceptable risk from pollution, in particular air quality issues arising from the nearby IWMF.*

- 8.15** The timing of the above appeal means that the impacts of new operations concerning the bulking and transfer of residual waste would not have been assessed as part of that planning application process. However, the fact remains that the Inspector did not consider the close location of the proposed residential units – which would be separated from Wingmoor Farm East by commercial buildings – as being exposed to unacceptable risk from pollution arising from the cumulation of waste activities occurring across the site. The Environment Agency did not raise any objection to the appeal proposal and has similarly raised no objection to the current application.
- 8.16** Notwithstanding the considerable objection to this proposal from local residents, the technical consultees have assessed the application and have concluded that the proposal would not give rise to any undue impact on local amenity. This concurs with the conclusions made by the Planning Inspector for the Stoke Road appeal. It is not therefore considered that this proposal would give rise to such local amenity issues, either individually or cumulatively, that would warrant the refusal of the planning application.

#### Highway Safety

- 8.17** JCS Policy INF1 requires developer to provide safe and accessible connections to the transport network and sets out planning permission will be granted only where the impact of the development is not considered to be severe.

**8.18** The County Highways Authority has raised no objection to the vehicular movements associated with the new operations which would remain within the permissible limits associated with the extant planning permission. Therefore, in respect of highways safety and the proposal is deemed to comply with JCS Policy INF1 in this regard.

## **9.0 CONCLUSION AND RECOMMENDATION**

**9.1** The site is currently authorised as a waste management facility and the proposals would not result in any additional harm to the Green Belt over and above the extant permission. The consultation process has not identified any unacceptable harms arising from the altered use of the site. For these reasons, whilst it is for the County Council as decision maker to judge whether very special circumstances which clearly outweigh the harm to the green belt and other harm, officers recommend that no objection is raised to the application, subject to the planning conditions (as amended by these proposals) attached to the original permission.

**9.2** **The recommendation is that the Planning Committee RESOLVE to raise no objection to the application.**

## **10.0 OTHER OPTIONS CONSIDERED**

**10.1** None

## **11.0 CONSULTATION**

**11.1** As set out in the report.

## **12.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**12.1** Waste Management Strategy.

## **13.0 RELEVANT GOVERNMENT POLICIES**

**13.1** As set out in the report.

## **14.0 RESOURCE IMPLICATIONS (Human/Property)**

**14.1** None

## **15.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**15.1** As set out in the report

## **16.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**16.1** None

## 17.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

17.1 As set out in the report

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**Background Papers:** Application ref: 21/00807/CM

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**Appendices:** Appendix A - Site Location Plan  
Appendix B - Site Plan