Form T. & C. P. 3

App No: 1/37/14/091

TOWN AND COUNTRY PLANNING ACT 1990

The **County Council of Somerset**, being the **County Planning Authority** for the said Administrative County, hereby **Grant Planning Permission** pursuant to the provisions of the Town and Country Planning Act, 1990 to the following application as described in the plans and drawings submitted.

No:	**1/37/14/091**	**Application Dated:**	**17 July 2014**
Applicant:	Bridgwater Resource Recovery Ltd St Mary Street House Mary Street Taunton TA1 3NW	**Agent:**	Aardvark E.M. Limited Higher Ford Wiveliscombe Taunton TA4 2RL
Proposal:	**Materials Recovery and Energy Recovery Facilities**		
Location:	**Land at Showground Road, Showground Road, Bridgwater, Somerset, TA6 6AJ (Grid Ref: 330989 - 135051)**		

Permission is **granted** subject to the following condition(s): -

1 **Time Limit (commencement of development)**
The development hereby permitted shall be commenced no later than 31 December 2017.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 **Completion of Development**
The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications below and with any scheme, working programme or other details submitted to and approved in writing by the Waste Planning Authority in pursuance of any condition attached to this permission.

Approved Plans and Specifications:

- Environmental Statement (Aardvark EM, July 2014) and Non-Technical Summary (Aardvark EM, July 2014);
- Supporting Planning Statement (Aardvark EM, July 2014);
- Waste Market Assessment;
- "Air Quality Assessment: Energy Recovery, Land at Showground Road, Bridgwater" (Air Quality Consultants, July 2014);

- "Biodiversity Survey Report - Showground Road, Bridgwater" (Halpin Robbins Ecological Services, 8 July 2014);
- "Flood Risk Assessment" Proposed Development, Showground Road, Bridgwater" (Hydrock, July 2014);
- "Historic Environment Assessment for Proposed MRF and ERF Development at Showground Road, Bridgwater" (Aardvark EM, July 2014);
- "Landscape & Visual Impact Assessment in connection with proposed Material & Energy Recovery Facility" (Swan Paul Partnership Ltd, July 2014);
- "Noise Assessment. Proposed MRF & ERF, Land at Showground Road, Bridgwater, Somerset, TA6 6AJ" (Acoustic Associates SW Ltd, June 2014);
- "Transport Assessment - Materials Recovery Facility (MRF) with an associated Energy Recovery Facility (ERF), Land at Showground Road, Bridgwater, Somerset" (Hydrock, July 2014);
- "Travel Plan - Materials Recovery Facility (MRF) with an associated Energy Recovery Facility (ERF), Land at Showground Road, Bridgwater, Somerset" (Hydrock, ref. C14332/TP/04, October 2014;

Drawings:

(i) "Location Plan" (Aardvark EM, Project: Showground Road, drg. no. 1414/2778 rev V2, 14 July 14, scale 1:2500@A3);
(ii) "Existing Site Plan" (Aardvark EM, Project: Showground Road, drg. no. 1414/2848 rev V1, 08 July 14, scale 1:1250@A4);
(iii) "Site Plan" (Aardvark EM, Project: Showground Road, drg. no. 1414/2777 rev V2, 08 July 14, scale 1:1250@A4);
(iv) "Land at Marsh Street, Bridgwater, ST 310 350" (The Mapping Company (UK) Ltd, drg. no. E1571 20.09.06 version Draft, scale approximately 1:500@A1)];
(v) "Plant Elevations" (Southeast and southwest views) (Aardvark EM, Project: Showground Road, drg. no. 1414/2849 rev P1, 16 July 14, scale 1:200@A1); and
(vi) "Plant Elevations" (Northeast and northwest views) (Aardvark EM, Project: Showground Road, drg. no. 1414/2850 rev P1, 16 July 14, scale 1:200@A1),

as clarified and amended by emails as follows:

- 26 Sept 2014 (Nick Leaney, Aardvark EM to Bob Mills, SCC) - regarding route of proposed foul sewer to be installed by Wessex Water through the site;
- 13 Oct 2014 (Nick Leaney, Aardvark EM to Bob Mills, SCC) - Further details re: (i) Working hours & throughput, (ii) Waste to be processed, and (iii) Traffic movements: and
- 8 Dec 2014 (Nick Leaney, Aardvark EM to Bob Mills, SCC) - Further details re: the purpose of the loading bays to the northeast and northwest of the main buildings (MRF and ERF).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

3 **Development Layout**

(i) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge either side of each access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

(ii) The area allocated for parking, turning and loading and unloading on the submitted Site Plan (Aardvark EM, drawing no. 1414/2777) shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of site and highway safety.

4 **Submission of details and samples**

Before the commencement of the development hereby permitted details and samples of all external finishing materials of the various structures and associated infrastructure shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in the materials so approved and maintained as such for the duration of the development hereby permitted.

Reason: To ensure the high quality design of the development in the interests of visual amenity.

5 **Noise Mitigation**

(i) Prior to the commencement of development hereby permitted an Acoustic Design Report shall be submitted to and approved in writing by the Waste Planning Authority. The report shall:

(a) detail the noise mitigation measures proposed to limit operational noise from building enclosures and external processes;
(b) detail the overall predicted noise emission contributions resulting from the MRF and ERF components of the development; and
(c) detail a noise monitoring process to confirm post development compliance with the noise control design objectives as set out above;

(ii) Operational noise emissions from fixed plant at any residential boundary should not exceed LAeq(5-minute) 42dB between 07:00 to 23:00 hrs, and 36dB between 23:00 to 07:00 hrs.

(iii) Within 6 months of the development hereby permitted first being brought into use, the operator shall undertake noise conformance measurements and submit a report based on the specification as detailed in the agreed `Acoustic Design Report'.

Reason: To control noise emissions in the interests of the residential amenity of the area.

6 **Construction (Working Hours)**
Construction activities shall be limited to the following hours;

- 0800 to 1800 hours on Mondays to Fridays; and
- 0800 to 1300 hours on Saturdays.

There shall be no construction activities on the site on Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenity of the area.

7 **Construction (Noise Limit)**
Noise emissions during the construction of the development hereby permitted shall not exceed LAeq(5 minutes) 75 dB at the boundary of any residential property.

Reason: In the interests of the residential amenity of the area.

8 **Finished Floor Level**
The development hereby permitted, shall be constructed with finished floor levels no lower than 6.75m AOD.

Reason: To reduce the risk of flooding to the proposed development and future users.

9 **Drainage (Foul and Surface Water Drainage)**
Before the commencement of the development hereby permitted the following details shall be submitted to and approved by the Waste Planning Authority:

(i) Schemes for foul and surface water drainage. The approved drainage schemes shall be completed and fully operational before any part of the development is first brought into use.
(ii) Surface water drainage attenuation for 100 year plus climate change event.

The approved arrangements shall be permanently retained and maintained thereafter for the duration of the development hereby permitted.

Reason: In the interest of the water environment and to minimise the risk of on- and off-site flooding.

10 **Landscaping**
Before the commencement of the development hereby permitted a landscape planting scheme, which shall include the following: -

(a) details of existing trees and hedgerows within the application site and any adjacent areas within the applicant's control (indicating those to be retained and measures for their protection during the course of development);
(b) a planting schedule (identifying the species of trees and shrubs, location, numbers and planting densities);

(c) details of aftercare (including details of watering and mulching, checks on guards, staking and tying, weed control and refirming after hard frost or severe winds, etc);
(d) details of hard landscaping, paving, mounding / bunds and turfing; and
(e) a programme of implementation,

shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be carried out within the periods stated within the programme starting with the date of commencement of the development. For a period of five years following their planting the new trees / shrubs shall be protected and maintained, and any trees / shrubs which die, or become seriously damaged or diseased shall be replaced in the following planting season with other of similar size and species except where it is impractical for the replacement of existing mature trees/shrubs. During the five year aftercare period, only where an existing mature tree / shrub has been lost as a result of the development hereby permitted, or where prevailing conditions indicate replacement planting of like for like would be certain to fail, shall replacement planting with other species (of an appropriate size and suitable alternative species fit for purpose) be planted in the first planting season following any such loss of planting.

Reason: In the interest of the visual amenities of the area.

11 **Odour Management Scheme**
Before the commencement of the development hereby approved an Odour Management Scheme shall be submitted to and approved in writing by the Waste Planning Authority. Thereafter the development hereby permitted shall be maintained for the duration of the development hereby permitted in accordance with the details so approved.

Reason: To minimise off-site odour impacts and in the interests of the residential amenity of the area.

12 **Dust Management Scheme**
Before the commencement of the development hereby approved a Dust Management Scheme shall be submitted to and approved in writing by the Waste Planning Authority. Thereafter the development hereby permitted shall be maintained for the duration of the development hereby permitted in accordance with the details so approved.

Reason: To minimise off-site dust impacts and in the interests of the residential amenity of the area.

13 **Delivery Vehicle Movements**
Delivery vehicle movements entering or leaving the site shall be limited to the hours of 0700 to 1700 hours during Monday to Saturday. No delivery or other vehicles shall enter or leave the application site on Sundays, Bank or Public Holidays.

Reason: In the interests of highway safety and the residential amenity of the area.

14 **MRF Working Hours**
No activities shall take place within the Materials Recovery Facility building (except deliveries as referred to in condition 13 above) except between 0700 to 2300 hours on Mondays to Fridays.

Reason: In the interests of the residential amenity of the area.

Planning Decision Summary:

1. The following is a summary of the reasons for the County Council's decision to grant planning permission.

2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 this decision must be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has therefore been taken in accordance with the:

   - **Sedgemoor District Local Plan (saved policies), adopted in September 2004;**
   - **Sedgemoor District Core Strategy, adopted in September 2011; and**
   - **Somerset Waste Core Strategy, adopted in February 2013**

   The proposal is in accordance with the Development Plan and in particular the following policies: -

   Sedgemoor District Local Plan

   S1 - Spatial Strategy for Sedgemoor
   The proposed development site is located on the edge of Bridgwater, the focus for the District's housing, employment and retail growth. The development takes into account flood risk and vulnerability. The development is not expected to adversely affect designated sites of international importance for nature conservation.

   S3 - Sustainable Development Principles
   The proposed development will assist in meeting the following objectives:

   a) Mitigating the causes of climate change; and
   b) Provides for alternative modes of travel for staff including walking, cycling and the use of public transport.
   c) Avoids pollution and incorporates energy efficiency, renewable energy, waste reduction / recycling, the use of sustainably sourced materials, and sustainable drainage; and
   d) No significant impacts on the natural environment are anticipated.

D16 - Pollution Impacts of Development and Protecting Residential Amenity
The development proposed is not expected to result in levels of air, noise, light or water pollution (including groundwater), vibration or soil contamination that would be harmful to other land uses, human health, tranquillity, or the built and natural environment.

E4 - Employment Development
The proposed development site is within the Bridgwater development limits and:
a) the anticipated environmental impact is compatible with adjoining uses; and
b) there is safe access to the National or County Road network.

D1 - Managing Flood Risk
The proposed development site is within Flood Zone 3a; however, it is protected by flood banks and identified for industrial development.

Sedgemoor District Local Plan

TM1 - Safe and Sustainable Transport
The site location provides for adequate and safe provision for access by foot, cycle, public transport and vehicles.

PCS15 - Noise Pollution
The proposed development is not expected to unacceptably increase the level or disruptive character of noise experienced in the area to the detriment of its character; or the users of existing or proposed noise sensitive development.

CNE9 - Other Sites
The proposed development is not expected to damage the nature conservation interest of nearby County Wildlife Sites or the Screech Owl Local Nature Reserve, or other features of ecological importance.

CNE12 - Trees, Hedgerows and Woodlands
The proposed development is anticipated to retain on-site hedgerows and plant additional hedgerows on other boundaries.

Somerset Waste Core Strategy

WCS2 - Recycling and Reuse
The proposed development will maximise reuse and / or recycling of waste.

WCS3 - Other Recovery
The waste management development will maximise other recovery from waste that cannot be viably be recycled or composted; and will facilitate the recovery of energy.

WCS5 - Location of Strategic Waste Sites
The proposed development site is within an identified zone for strategic waste sites at and around Bridgwater.

DM1 - Basic Location Principles
The proposed development site is well connected to the strategic transport network, and on land allocated for general industrial (B2 use class) or storage and distribution (B8) use.

DM3 - Impacts on the Environment and Local Communities
The proposed waste management development is not expected to generate:

a) significant adverse impacts from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;
b) significant adverse impacts on a public right of way or visual amenity; and
c) unacceptable cumulative impacts.

DM6 - Waste Transport
The proposed waste management development is not expected to have a detrimental impact on Somerset's local and strategic transport networks. Suitable access to the development is deliverable.

3. The County Council has also had regard to all other relevant material considerations.

4. **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012**
In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against Policies of the Sedgemoor District Local Plan, the Sedgemoor Disrict Core Strategy and Somerset Waste Core Strategy, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason(s) for approval. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Dated: 23 April 2015
Community and Environmental
Services – Operations
Somerset County Council
County Hall
Taunton
TA1 4DY

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Philip Higginbottom
Service Manager - Planning Control
Enforcement and Compliance
On behalf of the Somerset County Council

NOTES

1. **General –** This permission does not purport to convey any approval or consent which may be required by any byelaw, order or regulation or any enactment other than the Town and Country Planning Act, 1990.

2. **Appeals -** If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Department for Communities and Local Government (DCLG) in accordance with Section 78 of the Town and Country Planning Act, 1990. If you want to appeal, then you must do so within **six months of the date of this notice** using a form which you can obtain from The Planning Inspectorate, Customer Support Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, or by using the Planning Inspectorate's online appeals service through the Planning Portal at www.planningportal.gov.uk/pcs.

3. The Department for Communities and Local Government has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Department for Communities and Local Government is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the County Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

5. **Purchase Notice –** When an application falls to be determined by the County Planning Authority, if permission to develop land is refused or granted subject to conditions (whether by the Waste Planning Authority or by The Department for Communities and Local Government), and the owner of the land claims that the land has become incapable of reasonably beneficial use in its state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Somerset County Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part 6 of the Town and Country Planning Act, 1990.

6. **Highways –** Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Highway Service Manager if any work connected with the development hereby permitted takes place within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays, etc).

7. **Public Rights of Way –** This permission does not authorise you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this and, if required, further information in connection therewith can be obtained from the office of the Rights of Way Group (Environmental Management Group, Environment Directorate).

8. **Site Notice –** The Planning Authority is required to erect a Site Notice on or near the application site to advertise the development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

9. **Submission of Article 30 Applications –** Before the submission of any requests for Confirmation of Compliance with Planning Conditions (i.e. Article 30 Applications for the written confirmation of discharge of a condition) you are advised to contact the Waste Planning Authority (Contact Mr Bob Mills tel: 01823 3556019 to discuss matters arising from the imposition of any condition attached to this planning certificate, that requires the further submission of details for the written approval of the Waste Planning Authority.

   You are advised that the Waste Planning Authority will not approve any Article 30 Application that is found to be deficient of information needed to meet the requirements of the condition.

   Also, in the event that the application is deficient of information and following notification to the developer of the measures necessary to remedy the situation, the Waste Planning Authority will refuse to confirm compliance with a condition if this cannot reasonably be achieved within the authority's target 12 week timescale, beginning with the date of the receipt of the original request.

   Be advised that after the Waste Planning Authority have issued such refusal to confirm compliance with a condition, any additional request for confirmation that a revised detail achieves compliance with a condition shall be charged as if it were the first such request; there is no discount or 'free go' in this context.

10. **Environment Agency (comments) –** Prior to the commencement of any waste handling and processing at the site the site operator will need to obtain a permit under the Environmental Permitting Regulations (EPR). The applicant should contact the Environment Agency for further information, which can be obtained from their website www.gov.uk/environment-agency , or by contacting the Environment Agency National Customer Contact Centre on 03708 506 506.

    It should be noted that activities of this type can give rise to odour and the applicant will have to demonstrate that all appropriate measures are taken to minimise any odour.

    Although not objecting to the proposed development at this stage, the Environment Agency does not authorise this activity and a more detailed analysis of the submissions will be carried out when a formal application for an EPR permit is made.

Copy To: Applicant, Agent & by email, CPO DPO & by email, Clerk to North Petherton TC by email MO by email, CCllr by email, EA (PL) by email, M&W Policy by email, H/Ways by email