Agenda Item 7

Leicestershire County Council

DEVELOPMENT CONTROL AND REGULATORY BOARD

10TH AUGUST 2017

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2017/0194/06 (2017-CM-0033-LCC) – 2nd February 2017
PROPOSAL:	Application for a change of use from B2 and B8 uses to waste management uses, incorporating a bespoke recycling facility treating WEEE.
LOCATION:	Unit E, Asfordby Business Park, St. Bartholomew's Way, Melton Mowbray (Melton Borough)
APPLICANT:	eSynergy Developments Ltd
MAIN ISSUES:	The location of the development, site drainage, highway impact.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. J.T. Orson CC.

Officer to Contact

Mr. S.R. Marriott (Tel. 0116 305 7045)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Background Information

1. Planning Permission for Asfordby Mine was granted in May 1983, and development of the mine began in 1984. In March 1993, permission was granted for the fines disposal lagoons, establishing two distinct areas – the 'mine site and the 'tip site'. After the privatisation of the Coal Industry, production commenced in April 1995, but due to unusual geological conditions being encountered, resulting in a difficult and dangerous mining environment, the closure of the mine was announced in August 1997. Leicestershire County Council granted planning permission for a temporary change of use of the retained buildings on the mine site in April 1999, to include business, general industry, storage and distribution and leisure uses. The temporary permission was for a period of 15 years, and was subject to lorry routeing controls. Melton Borough Council granted planning permission for a permanent change to these uses in April 2000 by removing the 15 year time limit. This is the overarching planning permission covering the site.

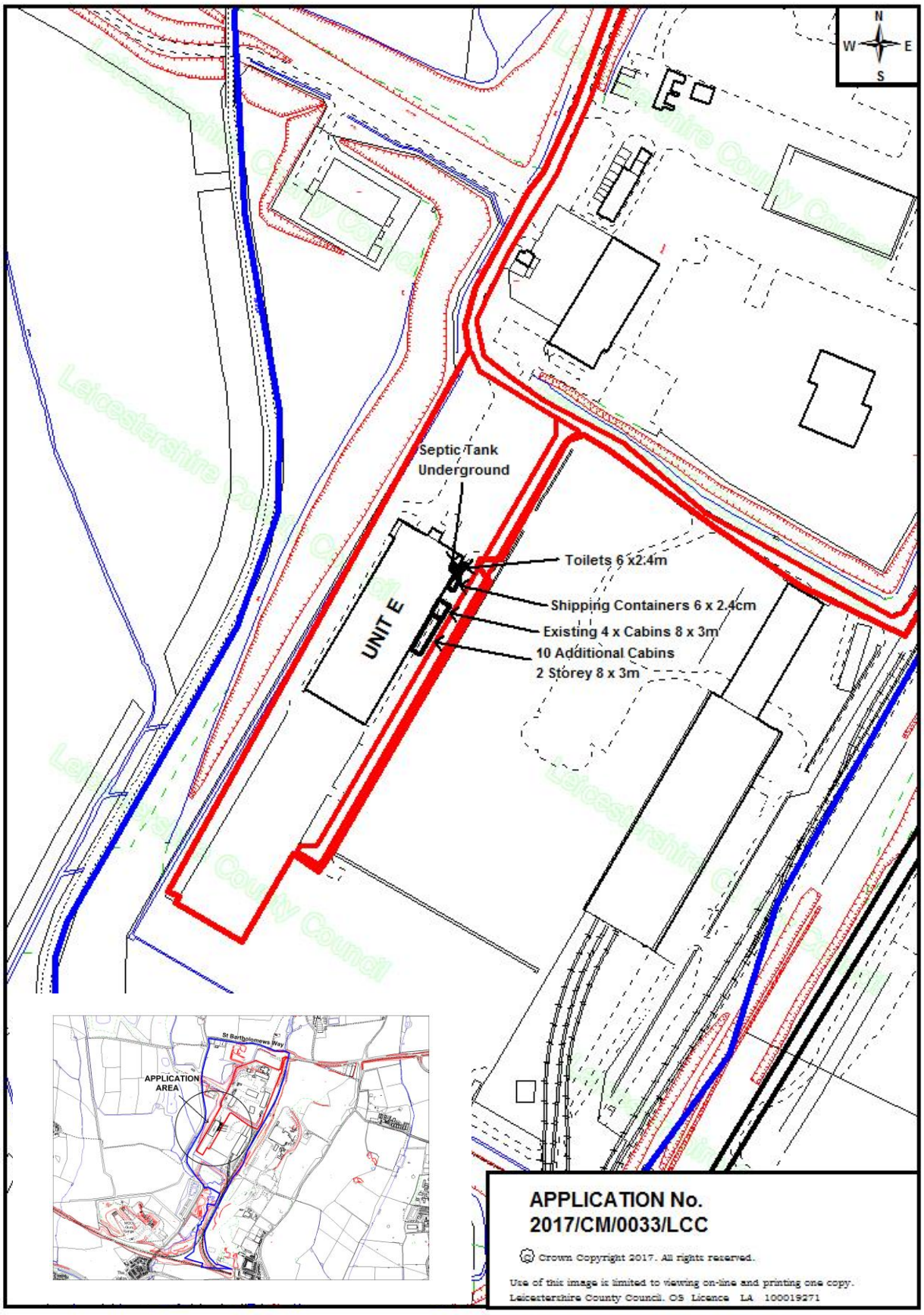
Description of site

2. The application site lies within the Asfordby Business Park, an industrial estate which occupies the land and retained buildings of the former Asfordby deep mine site. The industrial estate is located to the north of Asfordby Hill and to the west of Melton. The Holwell Iron Works adjoins the industrial estate to the east, and Welby Lane runs along its northern and western boundaries. The restored tip site associated with the former mine lies beyond Welby Lane to the west, a large part of which is now a solar farm. Two listed buildings lie to the north beyond Welby Lane.

3. The retained building and storage yard areas to which this change of use application relates lies adjacent to the south western boundary of the industrial estate. Established tree planting blocks run along the western and southern boundaries of the industrial estate. The Network Rail testing facility lies beyond an area of unused land to the east, and further businesses lie to the north.

4. The application site is 2.48 hectares and consists of one large building with a footprint of 4,814 square metres, storage yards and parking areas. The building, formerly known as 'The Run of Mine Stock Shed' and land was used to collect and grade coal. It is of steel frame construction with dwarf block walls and brick outer leafs with profile steel cladding above, all coloured in dark brown. It measures approximately 41.5m x 116m and is 23m high. The site has two metre high metal fencing along the frontage to the north. The nearest residential properties to the building are along Welby Road approximately 770m, Asfordby Valley 985m and Asfordby Hill 1050m distant. Asfordby Farm is approximately 1070m to the west, and the western edge of Melton Mowbray is approximately 1650m away.

2017/0194/06 (2017-CM-0033-LCC) - continued



Description of proposal

Context

5. The eSynergy plant would be one of only 7 fridge recycling plants permitted in the UK to deal with large volumes of material. Most of the other facilities were designed to treat up to 300,000 domestic fridges a year (about 11,000 tonnes), making the eSynergy plant one of the largest and most advanced plants in the UK. The facility would be the only one approved under the Industrial Emissions Directive and capable of dealing with full size commercial refrigeration and composite insulated panels from the demolition industry without the need for pre-processing, thereby removing a significant fire risk from the process.

Overview

6. This proposal seeks planning permission for a change of use from industrial to a waste management facility incorporating a bespoke recycling facility treating waste electrical and electronic equipment (WEEE). It also includes provision of up to 20 additional porta-cabins to be used as offices; siting of temporary storage containers; the installation of a liquid nitrogen storage tank; a toilet block and associated septic tank and a flue-stack associated with the operation of a small scale pyrolysis process.

7. The proposed facility would specialise in the treatment of refrigeration equipment (including vending and air conditioning equipment) and composite, foam panels arising from the construction and demolition waste sector. Such panel products include insulation material similar to those incorporated in refrigeration insulation panels. The operator already holds an environmental permit for a hazardous waste disposal/recovery activity from the Environment Agency, and is discussing a variation with them to add the small scale pyrolysis unit, to thermally treat the recovered insulation foam and generate onsite power and heat.

8. The proposal can be broken down into 3 separate plant operations:

   i) a large-scale shredding process for hydrocarbon blown refrigeration equipment and composite insulated panels, subject to Lower Explosion Limit (LEL) monitoring and solvent emissions abatement via activated carbon filters;
   ii) an encapsulated cross-flow shredding process for legacy refrigeration equipment and composite insulated panels containing ODS (Ozone Depleting Substances), subject to solvent recovery via a cryogenic condensation plant; and,
   iii) a single tube pyrolysis plant (thermal decomposition) for the destruction of polyurethane foam (PUR foam) residues and recovery of energy.

9. The site also processes and produces a range of recyclable materials from ferrous and non-ferrous materials and dry mixed recyclables such as cardboard, wood and plastics. These are stored separately ready for collection by downstream processing partners.

10. The treatment of all waste materials including those containing hazardous substances would be carried out within the building of Unit E at all times. Suitable wastes are brought into the waste reception area for sorting and segregation prior to transferring them to the relevant processing or storage area. All delivery vehicles would enter the site via the existing access from Thetford Road. Vehicles that are waiting on the site overnight park adjacent to the car parking area or along the temporary access area to the north of the site.

Waste Delivery and Storage Operations

11. Loads are inspected prior to discharge to ensure that the material can be accepted under the permit and that any potential contamination can be addressed. Following discharge from the vehicle the waste is checked again to ensure compliance with the permit, and that there is no material contrary to processing capability.

12. Hazardous and non-hazardous WEEE and similar wastes arrive at the site and may be stored pending processing or may go straight to the processing lines. These waste streams create the bulk of the hazardous waste received at the plant, however very small quantities of solvent containers and oil contaminated wastes may be collected and stored pending transfer to a disposal site.

13. The proposed development site will accept domestic and commercial refrigeration units and air conditioning equipment, vending and dispensing machines, display screen equipment, batteries, and other WEEE for recycling and transfer along with plastics and metals.

14. The incoming waste is stored externally on permeable pavement if it is not immediately processed. Parts of the site operate batch processing so there is regular storage of waste that is not being processed immediately. The turnaround time for recycled wastes are;

- Compressor oil and loose material will be removed within one month;
- Metals will be removed to a recycling site within six months;
- Refrigerants will be stored for no longer than three months; and,
- Hazardous components will be stored for no longer than three months.

15. It is proposed that the maximum amount of waste on site at any point in time (including both incoming and processed waste) would not exceed 1,000 tonnes. The maximum amount of waste throughput will not exceed 29,000 tonnes per annum.

16. The site would receive bulk loads of equipment for recycling on HGVs and LGVs. The proposed maximum throughput of 29,000 tonnes per annum has been split down into average loads of 5 tonnes. Based on these figures there would be 5,800 loads per annum, or 11,600 total movements. This equates to 223 movements per week. In reality, most loads would be over 5 tonnes and overall trips would be likely to be in the region of 150 per week. There would also be some permitted weekend working at the site and these total trips are likely to be spread over a 7-day week. Based on a worst-case scenario of a 5 day working week, this would result in 44 vehicular trips per day. Material is typically received between 7am and 7pm, Monday to Saturday, with occasional loads received on a Sunday. The site would operate 24/7 including maintenance periods.

17. The northern yard is used mainly for parking and extends to 3,250sq m and provides sufficient parking space for up to 35 articulated vehicles. The eastern side between the building and access road is set aside for office porta-cabins, toilets and staff and customer parking and extends to over 1021sq m, presenting sufficient space for 25 car parking spaces.

Waste Processing Operations

18. Refrigeration equipment is degassed and the oil removed via the stage 1 degassing system. The units are then manually disassembled to recover non-ferrous materials and the carcasses are transferred to the mechanical processing operation.

19. Refrigeration equipment contains hazardous substances; the coolant oil, refrigerant gas and the blowing agent in the insulating foam. However, the majority of refrigeration equipment processed would be commercial cooling equipment, and like the insulation panels, contain foam that is blown with cyclopentane, which has no ozone depleting potential and very low global warming potential but is still consigned as hazardous.

20. The refrigeration recycling process is in separate plants, with steps 2 and 3 dependent on the type of blowing agent used in the equipment. The treatment plant is located within Unit E and is secured to a concrete floor. The treatment comprises a number of physical processes that reduce material size to enable some on site recovery of recyclables as well as producing residues that can be more readily recycled by re-processors elsewhere.

21. Refrigeration and insulation panels which use cyclopentane are processed in the pre-shredder, shredding the equipment into strips, largely separating the foam from the steel. This process is carried out in an inert atmosphere using nitrogen as a fire suppressant. Nitrogen purges the shredding chamber of oxygen, which is then monitored above and below the shredder teeth by lower explosion level sensors linked to an interlock shut down system. The area around the shredder is also monitored for oxygen levels. The shredding process liberates the blown foam and the released gases are evacuated by a powerful extraction system, via a dust filter, and then through an activated carbon absorption system, which captures the evacuated blowing agent. The exhaust from this system is clean air and nitrogen. The shredded materials are then passed under a belt magnet to remove clean ferrous materials, with the residual products (including steel with blown foam attached) being further processed through a slow speed, high torque grinder. The clean ferrous and non-ferrous materials are then screened by both mechanical processes and by hand.

22. The second type of fridge recycling is through a cross flow shredder, which is used to treat refrigeration units and panels which are known to, or suspected of, containing ozone depleting substances (ODS). This process operates in a shredding tank inertised using nitrogen in the same way as the pre-shredder. This unit, however, is a sealed unit processing ODS equipment in batches. This process also ensures the liberated ODS gases are captured via a cryogenic condensation process and stored pending disposal off site. The blown foams are reduced to a powder/granule and recovered via a separation system into bulk bags.

23. The PUR foams, now in powder form, are proposed to be further processed via the pyrolysis plant. This process is a pilot trial, to assess the potential for developing thermolysis as a treatment option for PUR recovered from refrigeration and insulation panels. PUR has high calorific value and has potential to provide enough energy (via a steam turbine) to offset the full onsite electrical energy consumption.

24. The pyrolysis process facilitates the recovery of the intrinsic calorific value from waste produced on site from eSynergy's own recycling activities.

25. The pyrolysis unit includes the installation of a 30m stack which protrudes c5-7m above the eaves. The throughput rate of the pyrolysis unit would not exceed 4 tonnes of material per day. The pyrolysis process is a thermal treatment of the waste in an oxygen deprived, enclosed environment under high temperature and pressure. Organic materials are transformed into gases, small quantities of liquid and a solid residue containing carbon and ash. The gas produced, known as synthetic gas ('syngas') or vapour, is then oxidised and burned in the unit- the resultant heat is then recirculated to maintain the high temperature required to continue the process. The process is initially brought up to temperature using a diesel burner which takes approximately 30 minutes.

26. The thermal decomposition of the material fed into the unit breaks down the molecular bonds of the feed material and produces steam and char. The steam will be initially vented to air and the char will be ultimately tested and appraised for potential reuse. The char will also be tested to assess the chemical composition and assess whether it has any hazardous properties to facilitate its onward processing, use or disposal. The carbon char output is expected to be between 5><10% of the input weight but with a volume reduction of >95%.

General Information

27. The regulated activities to be carried out on the site are classed as 'recovery' activities under the Environmental Permitting Regulations. The site permit covers a broad range of environmental controls and a fire prevention plan.

28. The plant will accept various types of waste electrical and electronic equipment (domestic and commercial) and insulation materials typically recovered from demolition activities using a combination of automated and manual processes, reducing the waste to its constituent components and materials for use in new product manufacturing.

29. The plant is fed through a unique loading system designed to elevate commercial cabinets into a chamber before being injected into the first shredding stage. This system represents the first practical solution to the encapsulated recycling of supermarket and other commercial refrigeration equipment containing ODS, high Global Warming Potential and flammable gases.

30. The pre-shredder and cross flow ring shredder are also both capable of processing smaller non-hazardous WEEE. Cathode Ray Tube Display Screen Equipment is not processed on site, instead they are packaged to be sent to other recycling operators elsewhere.

Environmental Statement

31. The planning application is accompanied by an Environmental Statement (ES) which provides technical appendices and an assessment of the following environmental matters: flood risk and drainage; and highways and transport. A summary of the impacts of the proposed development identified in the ES, together with proposed mitigation and any compensation measures is set out below.

Flood Risk and Drainage

32. The application site is situated within Flood Zone 1 and is greater than 1 hectare in area, and a Flood Risk Assessment is required in accordance with the NPPF. The site is classified as being of 'very low' flood risk, and fluvial flooding is considered unlikely. The geology of the site is classified by the Environment Agency as a 'secondary' aquifer and unlikely to yield significant amounts of groundwater flow.

33. The proposed development will cause some changes to the run off characteristic in the southern yard due to the sealed drainage system. The yard is surrounded by a concrete bund, which during a rainfall event, would retain water rather than discharging it offsite. Safe egress routes from the yard for personnel and plant are to be maintained during all stages of operations.

34. Any existing drainage features will remain as per the pre-development site and therefore the flood risk posed to neighbouring land due to the proposed development is considered to be 'very low'.

35. The ES considers that the risk of flooding to the site from the following sources to be: fluvial (very low), surface water (low), groundwater (very low) and sewage/water mains (negligible).

Highways and Transport

36. A Transport Statement has been prepared as part of the ES. This has been informed by the emerging Melton Local Plan, which identifies Asfordby Business Park as a site to be retained for employment uses. The assessment has used an estimate of the total number of vehicle trips based on average lorry load sizes, and peaking at the maximum potential number of loads in 3 years. The assessment has been made on the maximum permitted amounts of recyclable material of 29,000 tonnes per annum.

37. The total number of vehicular movements transporting recyclable materials is therefore estimated to be 44 vehicular movements per day. An additional 38 total vehicle movements per day are expected to arise from staff movements. The combined total of vehicle movements (based on worst case scenario) is anticipated to be in the region of 82 per day. This is significantly less than the potential movements that could be generated under the extant permission.

38. The car and lorry parking spaces will be comfortably accommodated within the red line application boundary. There are currently 18 articulated lorry parking spaces marked out in the northern service yard. There is also ample vehicle turning available within the site area.

39. Sustainable transport options have been maximised by virtue of the sites proximity to local settlements. This means that staff will have the option to cycle to work, and there is a local bus service that is well linked to surrounding areas.

40. The ES considers that the proposal would not result in any severe traffic or safety impact on the local highway network. The residual cumulative impacts of the development can be mitigated and are not considered to be severe in accordance with Paragraph 32 of the NPPF.

Planning Policy

National Policy

41. *The Waste Management Plan for England (2013)* sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. It states that positive planning plays a pivotal role in delivering the country's waste ambitions through (inter alia): delivery of sustainable development and resource efficiency including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; and, helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

42. *The National Planning Policy for Waste (2014)* sets out detailed waste planning policies and advises that when determining waste planning applications, waste planning authorities should (inter alia): only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan; consider the likely impact on the local environment and on amenity; and concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

43. *The National Planning Policy Framework (2012)* promotes a presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with the development plan without delay. In delivering sustainable development policy guidance is provided (inter alia) in respect of: meeting the challenge of climate change; the conservation and enhancement of the natural environment; and encouraging solutions which support reductions in greenhouse gas emissions.

44. *The National Planning Practice Guidance(2016)* provides further information in support of the implementation of waste planning policy, including the approach to be taken when determining planning applications, and: the role of waste planning in meeting European obligations, including the protection of human health and the environment; and implementing the Waste Hierarchy.

2017/0194/06 (2017-CM-0033-LCC) - continued

Development Plan

45. The Development Plan for the application site includes the Leicestershire and Leicester Waste Core Strategy and Development Control Policies (2009) and the Melton Local Plan (1999). The principal policy considerations relevant to the current application are set out below.

46. *Waste Development Framework Core Strategy and Development Control Policies Document* (WDF): Policy WCS3 sets out the strategy for non-strategic waste sites taking into account the principles of Policy WCS4. The policy encourages the location of sites: in the Broad Locations for Strategic Sites indicated in the Key Diagram; in or close to the main urban areas of Hinckley or Melton Mowbray; within sustainable urban extensions; or, within or adjacent to an existing waste facility where it can be demonstrated that transport, operational and environmental benefits arise from co-location. Where it is demonstrated that a more dispersed location is necessary, these will be considered subject to the principles of Policy WCS4.

47. Policy WCS4 sets out the site-specific strategy for locating waste sites, which should be to locate sites in accordance with the objectives of Policies WCS2 and WCS3 and the following sequential approach:-

    (i) priority one will be given to land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities;
    (ii) thereafter, priority, in no order of preference, will be given to:
        a) land forming part of new major development proposals;
        b) existing industrial/employment land;
        c) other previously-developed land;
        d) contaminated or derelict land;
        e) existing mineral workings;
        f) unused and under-used agricultural and forestry buildings and their curtilages;
    (iii) finally, consideration will be given to greenfield sites,

    providing that there is no unacceptable harm to the environment or communities.

48. Policy WCS5 states that the strategy for reuse, recycling, waste transfer and composting facilities is to allow new waste management development, provided the proposal does not cause unacceptable harm to the environment or communities.

49. Policy WCS6 states that the strategy is to allow anaerobic digestion, incineration, mechanical-biological treatment and other energy/value recovery technologies that would provide for the recovery of energy from waste, provided that :

    (i) pre-sorting is carried out:
    (ii) value recovery from by-products of the process is maximised;
    (iii) energy recovery is maximised;
    (iv) any residue of the process can be satisfactorily managed and disposed ; and,
    (v) the proposal does not cause unacceptable harm to the environment or communities.

50. Policy WCS10 states that the strategy for environmental protection is to protect and enhance the natural and built environment of the framework area by ensuring that:

    (i) there are no unacceptable adverse impacts from waste developments on:
        a) natural resources including water, air and soil;
        b) the character and quality of the landscape;
        c) biodiversity, including nationally and internationally important sites and the key habitats and species identified in relevant Biodiversity Action Plans;
        d) historic and cultural features of acknowledged importance;
        e) sites of geological interest;
        f) the distinctive character and setting of settlements within the framework area; and,
        g) residential amenity.
    (ii) the highest standards of operational practice for the management, working, and where appropriate restoration and aftercare of sites are adopted;
    (iii) development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.

51. Policy WCS14 states that the strategy for the transportation of waste is to locate new waste management developments:

    (i) in close proximity to arisings in order to minimise the need to transport waste;
    (ii) in close proximity to the County's lorry route network and where road traffic generated by the development can avoid residential areas and minor roads in order to minimise the impact of transporting waste by road; or
    (iii) where rail/water transport could be secured for movement of waste in order to maximise the potential to use alternative means of transport.

52. Policy WDC8 states that planning permission will not be granted for waste management development which is likely to generate unacceptable adverse effects from noise, emissions or traffic to adjoining land uses and users and those in close proximity to the waste management development.

53. Policy WDC10 states that planning permission will not be granted for waste management facilities involving the transport of waste by road where:

    (i) there is a practicable alternative to road transport which would be environmentally preferable;
    (ii) the proposed access arrangements would be unsafe and inappropriate to the proposed development and the impact of the traffic generated would be detrimental to road safety to an unacceptable degree; and
    (iii) the highway network is unable to accommodate the traffic that would be generated and have an unacceptable impact on the environment of local residents.

54. Policy WDC12 states that planning permission will not be granted for waste management which would:

    (i) have unacceptable impacts on the quality or flow of groundwater or surface water drainage; or
    (ii) exacerbate flood risk in areas prone to flooding and elsewhere.

Consultations

Melton Borough Council – Planning (including Environmental Health)

55. Melton Borough Council has stated that they have no comments.

Asfordby Parish Council

56. The Parish Council made comments in respect of:
- Additional public consultation;
- Measures to restrict the use of Welby Road by HGV's;
- A restriction of deliveries to the site between 9pm and 6am;
- The storage of contaminated water and pollutants;
- Use of gases produced on site;
- Flood risk;

57. The Parish Council subsequently confirmed that there were no outstanding issues following the public meeting with the Company.

Environment Agency

58. No comments. Advice: - The applicant is seeking to run a pyrolysis plant for the disposal of insulating foam. At the rate the operator is proposing, it would appear that the operator will be required to apply for an environmental permit to operate a small waste incineration plant (SWIP). These permits are normally issued and regulated by the local authority. However, in this case the operator already holds an environmental permit for a hazardous waste disposal/recovery activity from the Environment Agency and the operator may choose to apply to vary their Environment Agency permit to add the SWIP. The operator has already sought advice from the Environment Agency regarding this matter.

Lead Local Flood Authority

59. The proposed development would be considered acceptable subject to conditions covering surface water drainage details, and the long term maintenance of the sustainable water drainage system within the development.

Highway Authority

60. The site is located within Asfordby Business Park consisting of a private road network accessed off St Bartholomew's Way. Based on the submitted information the development is likely to generate up to 44 two way HGV trips per day, along with 38 two way staff vehicular trips leading to a total of 82 trips per day. The CHA is satisfied that this is less than what could be generated by the site under its current permitted use.

61. The applicant has stated 20 car parking spaces will be provided within the site and there is sufficient space for up to 35 HGVs to be parked. Whilst a detailed drawing of parking provision has not been submitted, the CHA consider that some of the HGV spaces could be used for staff parking. However due to the distance of the development from the highway it is considered unlikely that the development will give rise to on-street parking problems in the area.

62. The applicant has stated they would be happy to provide cycle parking at the site, which is welcomed by the CHA. A condition to this effect is recommended.

Publicity

63. The planning application and accompanying environmental statement has been publicised by press notices in the Melton Times on 09/02/2017, and 16/03/2017 and accompanied by an extended period of consultation until 13/04/2017. A site notice was posted on 06/02/2017. An individual has made two representations, raising concerns in respect of: Notification procedures/publicity; Noise; Emissions; HGV Routeing; and Hours of operation concerning both the development and the existing operations at the Business Park.

64. The Parish Council arranged a parish/public meeting which was held on 31/03/2017, at which representatives of the Company gave a presentation and answered questions. A report of the meeting was received from the Parish Council (attached to the report as appendix B).

Assessment of Proposals

Location, Principle and Context of the proposed development

65. The relevant consideration in the determination of this proposal is firstly, the appropriateness of the change of use of the building in the context of the relevant planning policies and secondly, the impacts of the development on highway safety and neighbouring occupiers.

66. This is in part a retrospective application, resulting from the County Council being contacted to discuss the existing planning controls at the site and whether these could accommodate the proposed waste management use of the building. Consequently a planning application and ES have been submitted to regularise and oversee the development.

67. The site to which the change of use relates is a retained building and adjoining storage yards from the former Asfordby mine, which now forms part of the Asfordby Business Park industrial estate. The building has remained largely vacant since the closure of the mine when it and the yard areas were used for the storage and grading of coal. Vehicular access to the Business Park is via the dedicated access off the former mine access road, St. Bartholomew's Way

68. The proposal is for a waste management facility incorporating a bespoke recycling facility, treating Waste Electrical and Electronic Equipment (WEEE). The facility would specialise in the treatment of refrigeration equipment and foam panels arising from the construction and demolition sector, but would accept multiple forms of inorganic, non-hazardous and hazardous materials for recovery, primarily made up of WEEE goods. Materials including metals and dry mixed recyclables, such as cardboard, wood and plastics would be recycled prior to collection for downstream processing elsewhere. The proposal also includes a small pyrolysis plant (subject to Environment Agency permitting) to process the recovered PUR foam and provide energy recovery to offset electricity consumption at the site. All waste treatment would take place within the building, with storage and parking on the adjacent yards. The waste throughput would be up to 29,000 tonnes per annum.

69. The proposal also makes provision for additional office porta-cabins (ultimately 20 units), with temporary storage containers/toilet facilities. The setting up of the facility and initial operation has resulted in 10 jobs, the application states that this will eventually rise to 36.

70. Given the proposed throughput of the facility and its limited direct contribution to commercial & industrial waste recovery (up to 5,000 per annum) the site would not meet the criteria of a 'Strategic Site' and thus needs to be considered against the locational principles of Policies WCS3 and WCS4. The proposed site meets the requirements of Policy WCS3 for locating non-strategic sites in or close to the main urban area of Melton Mowbray and represents the second tier of preference of Policy WCS4 (i.e. existing industrial/employment land). It also meets the objective in Policy WCS14 to locate new waste facilities near to the County's lorry route network. Therefore, in terms of the locational objectives set out by the Waste Core Strategy, the proposal is in accordance with the relevant policies.

Environmental and Other Effects

Highways and Traffic

71. Based on the submitted information and taking the worst case scenario, the development is predicted to receive 22 loads, generating an average of 44 two way HGV trips per day. Staff and other visiting light vehicles would eventually comprise 19 visits, generating 38 two way trips per day when in full production. This is based on a 5-day week, but in reality there would be some weekend working and the deliveries are likely to be spread over a 7-day week; as waste materials are typically received between 7am and 7pm, Monday to Saturday, with occasional loads received on a Sunday. The predicted total of 82 trips per day, is considered to be satisfactory and the County Highway Authority confirm that this would be significantly less than the potential movements that could be generated by the site under its current permitted use. The parking facilities and turning and manoeuvring spaces are considered to be satisfactory, and the applicant has confirmed that provision would be made for cycle parking at the site. Appropriate controls to cover HGV deliveries to the site, the provision of parking and manoeuvring areas and cycle parking could be secured by planning condition.

72. In the light of the concerns that have been raised in respect of the routeing of HGV's visiting the site, particularly the use of Welby Road, the applicant has confirmed a willingness to enter into a legal agreement to control this associated aspect of the development. The HGV's would therefore only use St. Bartholomew's Way (the former mine access road) between the Business Park access and the A606 Nottingham Road. This would replicate the former controls in place for the Mine, and the temporary planning permission granted by the County Council for the initial change of use to the Business Park, for HGV journeys between the site and the A606. Appropriate controls to cover the routeing of HGV journeys to and from the site could be secured by planning obligation.

73. Subject to the control of the matters outlined above by planning condition and planning obligation, it is considered that the issues relating to highways and traffic are capable of being satisfactorily resolved in accordance with the requirements of policies WCS14, WDC8, WDC10 and WDC18 of the Waste Core Strategy.

Amenity and Environmental Impacts

74. In terms of the effect of the change of use upon neighbouring land uses and users, the land immediately adjacent to the site is vacant and awaiting redevelopment. Other occupiers within the immediate vicinity are industrial businesses. The nearest residential properties to the building are between approximately 770m and 1050m distant. All waste management operations associated with the recycling and recovery facility such as the dismantling and processing of waste materials are all proposed to be undertaken within the existing building. The yard areas would continue to be used for storage and parking. The site layout details could be controlled by planning condition.

75. The waste facility currently has a permit from the Environment Agency (granted in 2016), and this provides the primary controls for the operational aspects of the proposed development. The Agency has advised that the permit has controls (inter alia) in respect of air monitoring, water emissions, noise and odour, and that a variation to the existing permit would be necessary to oversee the operation of the proposed small pyrolysis plant.

76. With regard to the above controls, the National Planning Policy for Waste (2014) advises that in considering the likely impact on the local environment and on amenity; Waste Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The National Planning Policy Framework (2012) advises that planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It also advises that planning authorities should assume that these regimes will operate effectively. In the light of the above controls, it is considered that the operation of the waste management facility would not have any significant detrimental impact on the local environment or amenity.

77. Subject to the control of the matter outlined above by planning condition, given the separation distance to residential properties, and the existing and proposed controls it is considered that the issues relating to protection of amenity are capable of being satisfactorily resolved in accordance with the requirements of policies WCS10 and WDC8 of the Waste Core Strategy.

Hours of Operation

78. The proposed development seeks a continuation of 24 hours a day, 7 days a week operation. The extant planning permission for the permanent use of the Business Park, granted in April 2000, did not seek to restrict either vehicle movements or hours of operation at the site. This is the overarching permission under which the remainder of the industrial estate, including the present use of the building, can operate, and it would seem unreasonable to restrict the activities or vehicle movements currently proposed to more stringent working hours. Especially given that the proposed activities would be undertaken within an enclosed environment, the distances to potentially sensitive receptors, and the proposed lorry controls discussed above. It is considered that the proposed hours of working for the operation of the waste management facility in these circumstances are satisfactory.

79. Subject to the control of the matter outlined above by planning condition, it is considered that the issues relating to hours of operation and HGV movements in relation to the existing controls at the site and protection of amenity are capable of being satisfactorily resolved in accordance with the requirements of policies WCS10, WCS14, WDC8 and WDC18 of the Waste Core Strategy.

Water Environment

80. The proposed development seeks to utilise the existing surface drainage system that is currently in operation at the site. This is to be modified by the Environment Agency's permit in respect of pollution control safeguards, and the surface water requirements of the Lead Local Flood Authority (LLFA) would run alongside the Agency's requirements. The surface water drainage details could therefore be controlled by the submission of scheme and subject to conditional approval. The LLFA has also requested details covering the long term maintenance of the surface water drainage system. This matter could also be controlled by condition.

81. Subject to the control of the matter outlined above by planning condition, it is considered that the issues relating to the water environment are capable of being satisfactorily resolved in accordance with the requirements of policies WCS10 and WDC12 of the Waste Core Strategy.

Conclusion

82. The proposed waste management facility accords with the thrust of national and local policy objectives for the location of non-strategic waste operations. Given its location on an established employment site and distance away from sensitive receptors, it is not considered necessary to restrict the hours of operation of the facility or numbers of vehicle movements beyond an annual limit, subject to the proposed lorry controls. Subject to appropriate conditions and a proposed planning obligation, the proposal would not lead to a significant impact on local amenity or the environment, and would not affect the local highway network or road safety. No statutorily protected sites would be affected. Therefore, it is considered that the proposal would not conflict with the aims of the relevant policies of the Waste Core Strategy.

Recommendation

A. PERMIT subject to the conditions as set out in Appendix A and the prior completion of a planning obligation in respect of lorry routeing controls.

B. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of

   a. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

      In dealing with the application and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Steve Marriott (Tel: 0116 305 7045)
E-Mail planningcontrol@leics.gov.uk

APPENDIX A

Conditions

Scope of Development

1. This permission shall relate only to the operation of a bespoke recycling facility treating waste electrical and electronic equipment (WEEE) and composite insulation panels incorporating a pyrolysis plant for the recovery of energy from the processing of polyurethane foam (PUR foam) and other residues generated from the recycling activities.

Adherence to Approved Details

2. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:

   a) the planning application reference 2017/0194/06 and accompanying environmental statement;
   b) the accompanying drawings referenced: GPP-17-01-01-Site Location; GPP-17-01-02-Site layout; GPP-17-01-03-Indicative Site Layout Plan; GPP-17-01-04-Porta Cabin elevations;
   c) email from the Agent dated 13th April 2017 and the supplementary information.

3. A copy of this permission, the plans and documents referred to in condition no. 2 above, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept on site and made available for the duration of the development.

Highways Traffic and Throughput

4. The maximum throughput of waste/recyclable material processed by the recycling facility shall be 29,000tonnes per annum.

5. The maximum number of HGV trips to and from the site (two way movements) on an annual basis shall be 11,600. Records of the number of HGV trips to and from the site including their payload shall be maintained and made available for inspection by the Waste Planning Authority upon request.

6. The parking, turning and maneuvering spaces detailed on the Indicative Site Layout Plan shall be provided and maintained for the duration of the development.

7. Cycle Parking facilities shall be agreed in writing with the Waste Planning Authority within three months of the date of this permission.

Site Operations

8. There shall be no external processing of waste materials outside of the building on the application site. The storage of waste materials containing liquids shall only take place on the southern yard as detailed on the Indicative Site Layout Plan.

9. The stockpiles of waste and recycled materials held on site within the storage yard shall not exceed 4m in height.

Water Environment

10. Within three months of the date of this planning permission a scheme of surface water drainage details for the development shall be submitted to the Waste Planning Authority for approval. The development shall operate in full accordance with the approved details.

11. Within three months of the date of this planning permission details in relation to the long term maintenance of the sustainable surface water drainage system within the development shall be submitted to the Waste Planning Authority for approval. The development shall operate in full accordance with the approved details.

Reasons

1, 2 & 3 For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

4, 5, 6 & 7 In the interests of reducing impacts on the highway network and the amenity of the area, in order to minimise the impacts of the development.

8 & 9 In the interests of the amenity of the area and in order to minimise the impacts of the development.

10 & 11 To prevent flooding by ensuring the satisfactory conveyance, storage and disposal of surface water from the site. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.

APPENDIX B

PUBLIC MEETING

Asfordby Village Parish Hall
Friday 31st March at 18.30 hrs.

REPORT

A public meeting convened by Asfordby Parish Council by placing notices on all Parish notice boards from Wednesday 15th March 2017, was held on Friday 31st March in the Parish hall.

The meeting was to allow eSynergy who operate a waste recycling plant at Asfordby Hill Business Park, an opportunity to present and discuss their plans for a change of use, and the implications that those changes may have on the local environment and infrastructure to interested parties.

And to provide members of the community, and councillors with an opportunity to ask questions and voice any concerns that they have directly with company representatives.

Additionally, Writen question were requested to be posted through the Parish office letterbox by 5pm on 28th March 2017. (None were received)

The meeting commenced at 18.30 hours. when those present were welcomed and thanked for attending.

Councilor Orson was introduced and invited to address the meeting.

A comprehensive slide presentation by the company followed.

Attendees were invited to ask questions of company representatives.

Councillor Sheldon: raised concerns about access roads.
Councillor Attwood: asked about chemical waste.
Councillor R Cousen: expressed concerns about additional road usage and potential damage / repair.
A member of the public: asked questions about road insurance / landfill / monitoring of emissions and traceability / and if this type of plant is operational anywhere else in the world.
Councillor K De Burle: raised questions relating to capacity and future expansion.
Another member of the public: asked if public refrigeration would be considered, for disposal.
Councillor J Cousen: asked about fire risk / and the possibility of restricting the service road from Asfordby hill roundabout to 7.5 tons.

Company representatives openly and positively responded to all questions.

Following which, each questioner was asked if the answer given was acceptable or if they wished for further clarification.

Note: **It was recommended and agreed:** That a request for reclassification of the supply road through the built up area of Asfordby hill together with the imposition of a of 7.5 tons weight limit should be made via the Parish council, to Leicestershire highways authority as a matter of urgency and preparatory to the planning hearing for this application.

The Meeting closed at 20.50 hrs

The meeting was attended by:
Three members of the public.
Four senior members of the company.
County councillor: J Orson.
Ward councillors: M Sheldon, and R de Burle.
Parish Councillors: R Cousen, J Cousen, K de Burle, S Boyden, D Anderson, B Attwood.
Public usher: Steve.