

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: Wed 23rd June 2010

Page

APPLICATION REF. NO:	10/00182/Ful
STATUTORY DECISION DATE:	18 th May 2010
WARD/PARISH:	Harrowgate Hill
LOCATION:	630 Whessoe Road
DESCRIPTION:	Full Planning Permission for Waste Transfer, Waste Recycling and Processing Operation, Importation and Exportation of Waste, Excavation and Landfill Tipping to Engineered Level, Erection of Associated Buildings [Phase1] Outline Planning Permission for [B2] General Industrial Use and Waste Transfer Recycling and Processing Operations and Erection of Associated Buildings [Phase2]
APPLICANT:	Culsmore Limited

CONTEXT TO THE APPLICATION

The background to the use of the site is long and complicated. It is reasonable however to summarise the position as follows. Mr Blair, the father of the now owners of the site [Mrs Gelley and Mrs Cail] owned and used the site for numerous uses over a number of years dating back to the early 1960's. These uses have included a contractor's plant yard. In addition it is likely that tipping on the site in question had taken place intermittently, often in an unauthorised manner.

More recently after a period of inactivity dating back to 2002, the current operator at the site [Shepherd/Albert hill Skip Hire] commenced tipping operations on the land. in 2007. The activities of this has caused significant amenity problems with nearby residents on the adjacent Harrowgate Farm housing development, which has generated a number of complaints to both the planning and environmental health sections. These complaints have involved dust, noise fires and activities at unsocial hours. More recently the Police, HM Customs and the Environment Agency have entered the site and other sites under the control of Shepherd/Albert Hill Skip Hire to gather evidence relating to alleged illegal activity. This matter is ongoing. The applicants [Culsmore Ltd] wish to be disassociated with these actions of these people. The applicants have also denied that Mr Shepherd, or Albert Hill Skip Hire; have any legal or equitable interest in the land.

The Council served two Temporary Stop Notices to seek to control the situation, one of which was challenged in the High Court, unsuccessfully by the site operator [Shepherd]. A full award of costs was awarded to the Council. An enforcement notice has also been served which is currently the subject of an Appeal. A Public Inquiry into the matter was opened and adjourned on 27th April 2010, to enable Members to assess this application. Should Members be minded to grant planning permission, it would be the intention of the Council to withdraw from these proceedings, as an established planning position which is controlled by relevant planning conditions would have been reached. This would clarify the planning status of the site, which is currently uncertain. The applicants have asked that the committee be made aware that they wish to take a different none adversarial approach to the development of the site with the benefit of planning permission

This application and recommendation is the culmination of extensive discussions with the applicants over a number of months and seeks to clarify the planning position of the site for all concerned particularly with regard to the residential amenity of nearby residents.

APPLICATION AND SITE DESCRIPTION

The application site is located within an existing industrial area the site is situated near the edge of the town adjacent to open countryside. It is a broadly L shaped piece of land measuring some 2.61 hectares.

The remnants of a large structure is evident to the North West of the site, which has been the subject of recent fire damage. The site is currently in an unkempt condition and is visually intrusive, particularly when viewed from the adjacent nature reserve and housing beyond. The appearance of the site has changed markedly in character and visual appearance in recent times as a result of the site operator's activities. The site is covered in stock piled material, which has been deposited by Shepherd/Albert Hill Skip Hire.

Vehicular access, into the site is gained from the adjacent public highway, to the North of the above building with direct access onto Whessoe Road. This is an established access and has been used for a number of years.

This application is made in hybrid form for full planning permission for waste transfer and recycling and processing operations [on the eastern part of the site] excavation, mounding and tipping [the foregoing being phase 1 of the development] and for outline permission for the end use of the tipped part of the site for B2 general industrial use and waste transfer, recycling and processing operations.

In brief the purpose of the application is to facilitate remediation and restoration of the eastern tipped part of the site. That together with waste related activities on the western part of the site comprises phase 1. A detailed application is made in respect of phase 1. Thereafter it is proposed to use the eastern part of the site for B2 general uses. That development will comprise built units and the activities will be internalised. An outline application is made in respect of phase 2.

PLANNING HISTORY

There now follows below a chronological list of planning applications. Some of the records are over 60 years old and may not relate directly to the site the subject of this appeal but to adjacent land as well. These applications have been marked with an asterisk *.

1004 / x12	Erect workshop – no decision – (1948)
1004 / x11	Erect workshop – permission granted until January 1957 – (1948)
1004 / x10	Erect dwelling – permission refused – (1949)
1004 / x9	Install pumps and tanks - permission granted until January 1957 – (1949)
1004 / x8	Drainage – No decision – (1949)*
1004 / x7	Drainage – granted – (1949)*
1004 / x6	Erect workshop - permission granted until January 1957 – (1951)
1004 / x5	Erect paint and assembly shop - permission granted until January 1957 – (1952)
1004 / x4	Caravan site for 1 caravan and trailer – permission until May 1954 (1954)
1004 / x2	Continue use of garage and pumps – permission until January 1960 (1957)*
1004 / x2 (i)	Continue use of garage and pumps – permission until January 1965 (1958)*
1004 / x1	Continue use of workshop – permission until January 1960 (1957)*
1004 / x1 (i)	Continue use of workshop – permission until January 1965 (1958)*
1004 / 1	Erect fence – permission granted – (1959)
1004 / 2	Extension to office – permission until January 1965 (1960)
1004 / 4	Workshop – outline permission granted (1961)
1004 / 4 / 2	Siting of workshop - permission granted (1962)
1004 / 4 / 3	Design of workshop - permission granted (1962)
1003 / 1	Erect petrol service station – refused (1962)

1003 / 2	Use of land as contractors plant yard – permission granted (1962)
1004 / 4 / 4	Amendment to design of workshop approved (1964)
1000 / 1	Residential development – refused (1964)*
1004 / 4 / 5	Extension to workshop - permission granted (1965)
1004 / 13	Office block and workshop permission granted (1966)
1004 / 14	Amended plans to the above – permission granted (1966)
1001 / 1	Levelling of land and use for industrial purposes – permission granted (1968)

PLANNING POLICY BACKGROUND

National Planning Guidance

Planning Policy Guidance 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities, which generate noise. Paragraphs 23 and 24 of Annex 3 are particularly pertinent to this appeal:

Conditions attached to waste disposal licences generally set limits on the amount of waste, frequency of deliveries and hours of operation, and prescribe screening requirements. These will have indirect effects on the amount of noise generated, but site licence conditions can also relate specifically to noise control in the interests of protecting local amenity. This will be particularly relevant when dealing with sites where the operator is working with the benefit of an Established Use Certificate (as defined in section 36(2) of the Environmental Protection Act 1990) or a planning permission not subject to a noise condition. Local planning authorities and waste regulation authorities should consult closely at an early stage when considering the need for specific noise controls to be imposed by appropriate conditions in any planning permission or in the subsequent site licence.

The main sources of noise will be from vehicular movement, tipping operations, and site plant. Appropriate planning or licensing conditions might therefore relate to hours of working; the number and/or capacity of vehicles using the site and their points of ingress and egress; and the provision of acoustic screening. Useful information on predicting the noise will be found in BS 5228: Part 1: 1984. In addition, general guidance can be found in paragraph 9 of MPG 11.

Planning Policy Statement 10: Planning for Sustainable Waste Management refers to Government policy on managing waste disposal in a more effective and sustainable manner. Whilst this Guidance relates primarily to the overall core strategy of waste planning authorities, the following paragraphs are considered relevant in the context of the current appeal:

- Waste planning authorities should adhere to the following principles in determining planning applications:

- *Controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;*
- *work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously;*
- *In considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan.*

Regional Planning Guidance

The North East of England Plan: Regional Spatial Strategy to 2021 (RSS) sets out the Secretary of State for Communities and Local Government's policies in relation to the development of land within the region. The Plan sets out a broad development strategy for the region for the period up to 2021. It covers Northumberland, County Durham, Tyne and Wear and the Tees Valley and addresses matters such as the scale and distribution of provision for new housing, priorities for the environment such as countryside and biodiversity protection, transport, infrastructure, economic development, agriculture, mineral extraction and waste treatment and disposal. Again this document is concerned primarily with guiding new development across a wide area, however the policies relating to the management of waste disposal may be considered relevant in this instance:

Policy 46 - Waste and Local Development Frameworks should:

- Allocate sites for waste management facilities and contain policies which identify specific criteria for the location of waste management facilities, having regard to the locational and planning considerations set out in national planning policy, the environmental and social-economic impacts, the suitability of the road network and the potential for access by non-road transport;*
- Encourage the provision of new waste related businesses to process recycled materials including, where appropriate, defining suitable sites and/or criteria based policies;*
- Facilitate the development of a network of small-scale local waste management facilities in accessible locations, and effective methods of waste management such as facilities to require to be separated for kerbside collection schemes;*
- Limit additional landfill sites unless it can be demonstrated that there is insufficient capacity for the deposit of residual wastes; and*
- Assess the capacity gap for the municipal solid and commercial and industrial waste streams*

Local Planning Guidance

The Borough of Darlington Local Plan 1997 is the statutory Local Plan for Darlington, adopted by the Borough Council on 11th November 1997 with Alterations adopted in September 2001. There are two policies which specifically relate to the appeal site; Policy EP2 – Employment Areas and Policy EP17 – Waste Material Storage, Processing and Transfer.

Part of Policy EP2 states that: general industrial (Use Class B2) and warehousing (Use Class B8) uses will be permitted where they do not harm the amenity of the area or nearby residential areas. development will not be permitted if its access is via a residential street and it will have a material adverse impact on residential amenity. Where practicable, access should be obtained from streets not in residential use.

Part of Policy EP17 states that: premises for the storage and processing of reclaimed or scrap materials or for the dismantling of motor vehicles and other machinery may be permitted within the employment areas covered by POLICY EP2 and proposal EP3 (excluding areas covered by POLICIES EP6 and EP7) where There is adequate screening of the site by a fence, wall or other means of enclosure and there is no material adverse impact on the amenity of the surrounding areas.

RESULTS OF CONSULTATION AND PUBLICITY

An extensive round of consultation has been undertaken which has included site notices being posted in the area and 139 letters delivered to nearby residents on the Harrowgate Farm Estate.

In addition two public meetings were organised which were attended by the Principal Planning Officer, at Longfield Club and Harrowgate Hill Working Mens Club which were well attended by residents. A question and answer session took place at both meetings.

Finally the applicant's [Culsmore Limited] attended a separate meeting with residents to explain their position and the development that they propose.

As a result of consultation 1 letter of support has been received which states that it is the person's belief that the application would bring statutory regulation to the site.

In addition 25 letters of objection have been received which raise the following concerns:

- The site is an eyesore.
- The adjacent Drinkfield marsh would be ruined.
- The site operator has total disregard for neighbours and property, which has included night working with heavy machinery noise and dust generation
- Increased traffic at the site would create pollution including littering the road
- Tipping by this person has caused an environmental disaster.
- Night time working by the current operator is disruptive to sleep.
- The existence of asbestos on site is very worrying.
- Noise and nuisance will send house prices plummeting
- Part of the application would involve excavation into previously tipped land, this could contain contamination.
- The road network around the site is not capable of dealing with the traffic generated.
- The tip would be visually intrusive, particularly from residential properties on Harrowgate Farm
- We already have a waste recycling centre on the adjacent site. We do not wish to see any additional litter.
- Potential problems relating to ground water contamination.
- I work shifts and I am finding it increasingly difficult to rest when the site is in operation.
- The total disregard of residents concerns by the current operator is causing untold problems.
- Wildlife at the adjacent marsh will be affected.
- The site is an eyesore.
- The site is approx 80m from residential property

- As the site has been used as a waste site for a number of years, it has resulted in the number wildlife varieties and quantities to be reduced. This situation would merely legalise this position.

In addition the following responses have been received from other consultees.

The Campaign to Protect Rural England [CPRE] has stated that;

We have had view of the application which is central to a complex situation. This is not normally the type of development we would like to see in this location, but we appreciate this is a serious attempt to control a situation which is causing environmental damage. In the light of this we support the endeavours the applicants and Darlington Borough Council to control the situation.

Natural England [NE] has stated that based on the information submitted by the applicants which relate to Great Crested Newts, bats, birds water voles and reptiles it advises that the above proposal is unlikely to have an adverse effect in respect of these species which are protected by law, subject to the imposition of an appropriate condition relating to a method statement. On this basis they wish to raise no objection.

The Environment Agency [EA] has stated that they have no objection to the scheme subject to the imposition of appropriate conditions which are discussed latter in the report

The Council's Highway Officer has examined the Transport Statement which has been submitted with the application and subject to conditions relating to remedial works to the access and reinstatement of redundant accesses and control over discharge of water onto the road, wishes to raise no objections.

PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Impact on the amenity of the area
- Impact on the adjacent nature reserve
- Highway Implications
- Considerations of the Environment Agency

Planning Policy

Policy EP2 of the Borough of Darlington Local Plan identifies the application site as being within an Employment Area. This policy states that permission will be granted for B1 (Business) uses within the Area and B2 (General Industry) and B8 (Storage or Distribution) uses providing they do not harm the amenity of the area or nearby residential areas. All of the areas included within this policy are well established and have good access to the existing main road network in this case via Whessoe Road. Industrial and other engineering uses already predominate. In this case the site is separated from dwellings on the Harrowgate Farm Estate to the East by Drinkfield Marsh Local Nature Reserve [Approx 80 m]

The proposed use is a Sui Generis use and therefore is not addressed specifically in policy EP2. However there are other policies in the Local Plan that relate to the provision of other uses in employment areas.

Policy EP5 (Other Uses in Employment Areas) states that development will be permitted in policy E2 areas only to the extent that it accords with the policies applicable to it and forms part of comprehensive proposals for development or redevelopment within B1, B2 or B8. The proposal does form part of a wider proposal for development that relates to, B2 or B8 uses therefore for the purpose of assessing this proposal, and it could be argued that it is acceptable. The other policy that is applicable is EP17.

Policy EP17 (Waste Material Storage, Processing and Transfer) is the policy that will determine whether the proposals are in accordance with the other policies EP2 and EP5 as the proposal is for a use other than B1, B2 or B8. The policy provides guidance on the location, appearance and Operation of activities, which are generally unsightly, and can cause problems even in industrial areas. The policy states that permission may be granted where:

- 1) There are no adjacent class B1 uses.
- 2) The storage or processing of any material in the open is not visible from the main or branch line railways, the main road network, the line of the cross-town route or residential property.
- 3) There is adequate screening of the site by a fence, wall or other means of enclosure.
- 4) There is no material adverse impact on the amenity of the surrounding areas.

BI Office Uses

The majority of the properties in the locality of the application site fall under B2 and B8 uses. The residential properties within Harrowgate Farm are located to the East.

The Storage or Processing of Materials

The application indicates that most of the material to be brought onto the site will be construction waste timber, boulder clay, mixed aggregate, soils and other inert material. Used following sorting, to infill the eastern part of the site to agreed levels. These levels have been submitted with the application and indicate that the waste transfer operation on the western part of the site will be commercial waste, metal, plastic, wood etc and potentially some hi tech goods such as computer key boards This activity will be undertaken within a newly constructed building. This element of the operation would be shielded from the view of the residents of Harrowgate Farm. The building would be visible from the Harrowgate Farm estate from a distance of approx 200m. The building would be partially visible from Whessoe Road from a distance of approx 104m.

It is considered that the proposed application would on balance accord with the second criteria point.

Screening

The site in the main is open in nature with occasional unkempt fencing around the perimeter. As part of the proposals it is intended to give further consideration to the treatment of boundaries to best enclose the site, which will be covered by a planning condition. In particular it is considered important to screen the proposals from the residential properties to the east of the site. The most appropriate way to do this would be by screen planting along the edge of the nature reserve. This would be undertaken as soon as practically possible after this part of the site had been satisfactorily remediated and again covered by planning condition.

Amenity

The fourth criterion refers to any material adverse impact on the amenity of the surrounding area. Possible impacts, in this instance are traffic impacts; visual appearance land contamination and noise.

These matters are considered in more detail below ;

Noise and Dust

The Environmental Health Section concerns are in relation to contaminated land, noise, dust and general nuisance.

With respect to contaminated land they are far from confident that either historically or presently only "Permitted" materials have been tipped on this site, it lies above a Principal Aquifer and on part of the site there is a controlled watercourse.

Government guidance makes it clear that following the granting of planning permission a site must not be capable of being designated as contaminated land under Part 2A of the Environmental Protection Act 1990. Therefore if planning permission is granted for this site there will need to be a full site investigation and if necessary remediation to break any potential pollutant linkages, e.g. contamination which may affect controlled waters. Landfill gas may also be an issue. Should planning permission be granted then the standard contaminated land condition (J2) should be attached.

With regard to noise it should be noted that the Council Environmental Health Division had a number of noise complaints about the operation of the site in recent times. It should be noted that the operation has been uncontrolled. Should an Hours of operation condition be attached to any approval this would likely improve this situation.

An hours of operation condition, not just hours of opening for receipt and dispatch of waste need to be controlled to Monday to Friday 0730-1800 hrs, Saturday 0800-1400hrs., with no working on Sundays or Bank Holidays. Should be applied to any permission

A dust action plan needs to be produced to limit and control airborne emissions from the site, which could be the subject of a condition

Highway Implications

A Transport Assessment has been submitted. This document has assessed the impact of the development on predicted traffic flow data supplied by the applicant and by comparing the site with traffic generation data for similar developments. This assessment predicts that in the morning and evening peak hours the traffic generation will be 10 (in and out) and 6 (in and out) respectively. This represents 1.9% (am peak) and 1.4% (pm peak) of the traffic flows on Whessoe Road and this could not be considered as having a significant traffic impact. The predicted HGV movements are 30 per day and it is expected that these will be spread evenly throughout i.e. only 3 movements in the morning and evening peak hour.

There is an existing access to the site, within the existing 30mph limit, and it is proposed that this will be retained as the vehicular and pedestrian access to the site. It is likely that some remedial works will be required at the access, to tidy the existing verge and to reinstate redundant accesses. Also, intercept drainage must be provided to ensure that water from the site does not discharge onto the public highway. Conditions will be required to secure all of these works.

Also, a safe pedestrian access must be provided to the proposed offices. A pedestrian route, segregated from the vehicular access, must therefore be provided to link the main entrance to the offices to the existing footway on Whessoe Road.

Provided the above conditions are included with an approval there would be no highway objection to the proposal.

The highway officer has also requested that the following informative are included within any approval:

- *The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director : Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works and to obtain necessary agreement for construction of foundations in the highway.*
- *The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.*

Impact on the Drinkfield Marsh Nature Reserve

Natural England were provided with additional information in relation to the above. entitled 'An Extended Phase 1 and Protected Species Survey of Land at Whessoe Road, Darlington',

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law (great crested newts), subject to the following condition (with reason):it should of course be borne in mind that the current tipping activity has been on going for approximately 3years.

'No development shall take place unless in complete accordance with the requirements of the 'Method Statement for the Development of Whessoe Road – Great Crested Newts' included at Appendix 4 of 'An Extended Phase 1 and Protected Species Survey of Land at Whessoe Road, Darlington', E3 Ecology Ltd, 4th June 2010.'

Reason: To conserve protected species and their habitat.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

An Informative should be attached to any planning permission granted advising that the developer may need to obtain a Natural England licence prior to commencement of works. The developer should be advised by their ecologist with respect to this issue.

The above represents Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. The later stage decision on a licence application (if required) is a matter dealt with by Natural England, and is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

In addition Natural England have offered their views on the following other species included in evidence submitted by the applicant in relation to the Marsh.

Bats

The only structure on site (a warehouse) is in a state of severe disrepair, is damp and draughty and there is a lack of immediate cover and foraging habitats. It concludes that bats are unlikely to be present on site.

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of these species especially protected by law.

Birds

It is noted that Bittern and Reed Warbler have been recorded within the adjacent Drinkfield Marsh LNR site, but are unlikely to use the proposed development site, or the reed areas along the boundary between the two, due to their limited width.

It is noted that, at present, the development site offers limited opportunities for nesting birds, but if areas are left undisturbed for some time, they may re-vegetate, improving habitats. Should this be the case, any vegetation clearance should avoid the bird breeding season (March to end of August), unless checked by the project ecologist immediately prior to clearance and it is confirmed that no breeding birds are present.

Water voles

It is noted that there are historical records of this species in the adjacent pond, but none during more recent surveys. There is a residual risk that the species may still be in the area. Natural England therefore recommends that the Water Vole Method Statement at Appendix 3 of the report prepared by E3 ecologists is attached to any planning permission that may be granted, to ensure that contractors on site are aware of the appropriate working methods and action to take should water voles be found during development.

Reptiles

It is noted that there are no known records of reptile species in this area. However, it further notes that there the site offers '*good quality basking opportunities*' but few foraging areas, making it less likely to support a population, but there remains a residual risk that the species may be in the area. Natural England therefore recommends that the Reptile Method Statement at Appendix 2 of the report be attached to any planning permission that may be granted, to ensure that contractors on site are aware of the appropriate working methods and action to take should reptiles be found during development.

Environment Agency considerations

The information that has been considered by the Environment Agency includes confirmation of the proposed uses on site, a Geo-environmental Desk Study, and further information to confirm there will be no storage or tipping of hazardous waste on site.

On the basis of this information they wish to make the following comments:

Land Contamination and Groundwater

In relation to the proposed development, in so far as it relates to land contamination, the Environment Agency only considered issues relating to controlled waters and relevance of regulatory regimes where the Environment Agency is the enforcing authority, e.g. environmental

permitting.

The applicant or their representative has provided a copy of the following report:

- 630 Whessoe Road, Darlington. Phase 1 Geo-environmental Desk Study. Mott MacDonald (April 1010).

We consider that the information within this report meets the requirements of a Preliminary Risk Assessment (PRA) for controlled water receptors only.

The report indicates that a number of potentially contaminative land uses have been undertaken within the site boundary and on adjacent land including waste storage, hydrocarbon storage and use, machinery repair and vehicle storage. We have particular concern with the importation and storage of a variety of waste materials that has taken place at the site over a lengthy period of time, mainly unregulated.

The report concludes that the site poses a moderate risk of contamination to both ground and surface waters within the vicinity of the site and recommends that further site investigation works be undertaken to fully assess the risks posed by the site. We acknowledge and agree with the need to undertake these works.

Due to the high degree of uncertainty with regards to the type and amount of waste that has previously been deposited on site we recommend that intrusive investigation work are undertaken across the full extent of the site. Investigations should determine the type, depth and extent of the waste material in order to determine associated risks. We recommend that both soil leachability and groundwater samples are collected and analysed as part of the works. BS 10175:2001 (Investigation of potentially contaminated sites - Code of practice) states, "where practicable, groundwater should be characterised using data from repeated sampling operations." We recommend a minimum of three sampling rounds be undertaken.

The findings of the site investigation works and resulting risk assessment will determine the need for remedial works to be undertaken. If remedial works are required the applicant will be required to submit a remediation strategy for approval. We will not be in a position to determine whether the importation of any waste materials will be acceptable as part of the remedial works until the site investigation works and risk assessment have been completed and approved. However, due to the high environmental sensitivity of the site, as it lies on the Magnesian Limestone principal aquifer, it is likely that we would only consider the importation of inert waste materials as a remedial option. We would not approve the importation of hazardous or non-hazardous waste.

In order to ensure that the site investigation and any remedial works required are undertaken we recommend the inclusion of a number of planning conditions:

Environment Agency position:

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The suitability of importing waste to remediate the site will not be determined until the site investigation works and risk assessment (2) have been completed and approved. As part of the options appraisal and remediation strategy the applicant should submit details of any waste proposed to be imported on site and include an assessment of the risks posed from the waste to both ground and surface waters.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. storage/use of hydrocarbons, importation/storage of waste, vehicle storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Condition:

Prior to occupation of any part of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason:

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. storage/use of hydrocarbons, importation/storage of waste, vehicle storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Condition:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

Informative/ advice to applicant: The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Informative/ advice to applicant: The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit. Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

Informative/ advice to applicant: Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i) Duty of Care Regulations 1991
- ii) Hazardous Waste (England and Wales) Regulations 2005
- iii) Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

For the land reclamation part of the application the applicant will have to apply for a permit under the Environmental Permitting (England and Wales) Regulations 2010. This is likely to be a standard rules permit SR2010No9 Use of waste for reclamation, restoration or improvement of land (up to 50000 tonnes). The link to the Agency website is below.

For the waste transfer, waste recycling and processing operations a permit under the Environmental Permitting (England and Wales) Regulations 2010 will be necessary.

Surface Water Drainage

Environment Agency Position

The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

Condition: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality.

Provided that the above conditions are attached to any approval the Environment Agency would not wish to object to this proposal.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

Members are asked to note the complexities of this site in terms of land ownership and uncertain past planning histories. Notwithstanding the uncertain history of the site, this application offers a mechanism to control operations to the benefit of members of the public who live nearby, which currently does not exist. The outcome of the adjourned public enquiry to enable this application to be considered by Members is uncertain. Should the Government Inspector take the view that tipping has been undertaken for a prescribed period of time i.e. ten years dating back to the late 1960's he may take the view that a Certificate of Lawful Use could be granted. This would effectively mean that tipping could continue in an unregulated manner without any control over time limits hours of operation or agreements over after use of the site. Members are asked to acknowledge the efforts of the applicant to bring to a close this current state of affairs which has affected Members of the Public profoundly and move forward with a new chapter that would afford the Council clear levels of control of the development which would seek to minimise any noise nuisance and disturbance currently experienced by neighbours

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING
CONDITIONS

<p>Implementation Limit (Three Years)</p>	<p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
<p>Outstanding Investigation of Contamination</p>	<p>Prior to the commencement of development, and notwithstanding the information already submitted to the Local Planning Authority, a Phase II intrusive investigation report and remediation method statement (including the detailed phasing and method for engineering of remediated ground works to the water's edge in the north and east of the site) will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in accordance with the approved remediation statement.</p> <p>REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been land filled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
<p>Landform to water's edge</p>	<p>No later than 6 months after the commencement of development, a method statement for the engineered landform to be provided to the water's edge in the north and east of the site will be submitted to and approved by the Local Planning Authority.</p> <p>Reason: in the interests of amenity.</p>
<p>Phasing of development.</p>	<p>The development hereby permitted shall be carried out in accordance with the phasing indicated on plan Ref: [: Overall Site Indicative Phasing Plan 03/100 dated 14.06.2010] submitted as part of the application.</p>

	<p>REASON - To ensure the development is carried out in accordance with the planning permission in the interests of visual amenity.</p>
Remediation time limit	<p>The remediation phase (Phase 1a on plan Ref: Overall Site Indicative Phasing Plan 03/100 dated 14/06/2010) shall be completed no later than 3 years from the date of commencement of the remediation works (in accordance with the approved remediation method statement required by condition 2 to this permission).</p> <p>Reason and informative: In the interests of residential amenity. The principal purpose of the remediation works is to enable excavation of any historically deposited unsuitable material and its removal from the site, followed by the commercial tipping of the resultant void with appropriate inert material to achieve suitable levels and ground stability for the end use development (hereby permitted in outline). The temporary negative effects of the remediation are considered able to be time limited to provide local residents with a finite position.</p>
Target ground levels	<p>At the completion of the remediation phase (Phase 1a of plan ref: Overall Site Indicative Phasing Plan 03/100 dated 14/06/2010) the resultant engineered ground levels shall be in accordance with plan ref: 02/L2 [10/04/2010] submitted with the application.</p> <p>Reason and informative: in the interests of visual amenity and fit with neighbouring ground levels. The resultant ground levels to be achieved will be of an appropriate fit with the surrounding land and uses, in order to accommodate an appropriate form of the proposed end use development.</p>
Peripheral landscaping	<p>No later than six months after commencement of development, a scheme of landscaping to the remediated groundworks on the north and east boundaries, and boundary treatments of all boundaries to the site shall be submitted to and approved in writing by the Local Planning Authority.</p>

	Reason: In the interests of visual amenity.
Peripheral landscaping	<p>The approved landscaping scheme shall be carried out within 6 months following completion of the approved remediation groundworks, or in accordance with a programme agreed with the Local Planning Authority.</p> <p>Reason: in the interests of visual amenity.</p>
Rating Level Phase 1	<p>The Rating Level (as defined in BS 4142:1997) as a result of Phase 1 a and b site operations shall be not greater than 5 dB (A) above the background noise level at the noise monitoring position 1 as specified in section 3 of the Atkins Noise Assessment Report (Document Ref. Jan/1/5079044/IU, dated January 2009), when measured in accordance with BS 4142:1997. The background noise levels to be used shall be agreed with the Local Planning Authority prior to the approved use commencing.</p> <p>REASON: In interests of amenity.</p>
Rating Level Phase 2 (the outline part)	<p>The Rating Level (as defined in BS 4142:1997) as a result of Phase 2 (the outline part) site operations hereby permitted shall be not less than 5 dB (A) below the background noise level at the noise monitoring position 1 as specified in section 3 of the Atkins Noise Assessment Report (Document Ref. Jan/1/5079044/IU, dated January 2009), when measured in accordance with BS 4142:1997. The background noise levels to be used shall be agreed with the Local Planning Authority prior to the approved use commencing.</p> <p>REASON: In interests of amenity.</p>
Noise Management Plan Phase 1	<p>Prior to commencement of Phase 1 operations on the site, a Phase 1 Noise Management Plan shall be submitted to, and approved by, the Local Planning Authority. The details of the Noise Management Plan shall be agreed with the Local Planning Authority but it will include details of all machinery and operations that are to take place within the buildings and external parts of the site. Thereafter, the development shall be carried out in complete accordance with the approved details.</p>

	REASON - To prevent nuisance from noise in the interests of amenity
Noise Management Plan Phase 2 (the outline part)	<p>Prior to commencement of Phase 2 (the outline part) operations, a Phase 2 (the outline part) Noise Management Plan shall be submitted to, and approved by, the Local Planning Authority. The details of the Noise Management Plan shall be agreed with the Local Planning Authority but it will include details of all machinery and operations that are to take place within the buildings and external parts of the site. Thereafter, the development shall be carried out in complete accordance with the approved details.</p> <p>REASON - To prevent nuisance from noise in the interests of amenity</p>
Dust action plan	<p>Prior to commencement of development, a Dust Action Plan, in respect of the remediation and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.</p> <p>REASON - To ensure that nearby properties are not adversely affected by dust.</p>
Reserved Matters	<p>An application for approval of reserved matters relating to Phase 2 (the outline part)(as shown on plan Ref: []) shall be submitted to the Local Planning Authority no later than 4 years from the date of this permission. Matters reserved for approval are as follows:</p> <ul style="list-style-type: none"> • Layout; • Scale; • Appearance; • Means of access; • Landscaping. <p>Reason: In the interests of amenity. Reserved matters relating to the end use of the Phase 2 (the outline part) land should be submitted for approval by the Local Planning Authority following the completion of the remediation phase 1a (duration of 3 years) in order that the most appropriate layout and design</p>

	outcomes can be achieved.
Details of sound insulation	<p>Prior to the commencement of development of any building on site, details of a sound insulation scheme for the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in complete accordance with the approved details.</p> <p>REASON: In the interests of amenity.</p>
Hours of external operation	<p>No machinery shall be operated externally, no external process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 7.30 am to 6.00 pm; 8.00 am to 2.00 pm on Saturdays. Nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of amenity.</p>
Hours of operation within buildings	<p>In respect of Phase 1b, and Phase 2 (the outline part) of the development, no machinery shall be operated within a building, no internal process shall be carried out outside the following times: 7.30 am to 6.00 pm; 8.00 am to 2.00 pm on Saturdays. Nor at any time on Sundays, Bank or Public Holidays.</p> <p>Reason: in the interests of amenity.</p>
Hazardous Waste	<p>No hazardous waste shall be used, stored or treated on site.</p> <p>Reason: in the interests of environmental protection.</p>
No waste stored outside of buildings	<p>No waste, except for waste which is the subject of the remediation statement, shall be stored outside of the buildings on the site unless otherwise agreed by the Local Planning Authority</p>

	<p>REASON: In the interests of amenity.</p>
<p>Waste recycling/transfer building</p>	<p>Prior to commencement of waste recycling/transfer operations in respect of Phase 1b (as shown on plan Ref: [Overall Site Indicative Phasing Plan 03/100 dated 14/06/2010]) the associated buildings of Phase 1b will be completed. Thereafter, no waste recycling/transfer operations shall take place other than within the associated buildings.</p> <p>Reason: in the interests of amenity.</p>
<p>No offensive odour</p>	<p>There shall not be any offensive odour from the development beyond the site boundary, as assessed by the relevant Local Authority Officer.</p> <p>REASON: In the interests of amenity.</p>
<p>Details of a secure cycle storage area</p>	<p>Notwithstanding the details shown on the approved plans, details of a secure cycle storage area shall be submitted to and approved by the Local Planning Authority prior to the use of the buildings. The development of the cycle storage area shall not be carried out otherwise than in complete accordance with the approved details.</p> <p>REASON: In order to encourage the use of cycles.</p>
<p>Details of Materials (Samples)</p>	<p>Prior to commencement of development of any building on site, and notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>

General internal site landscaping	<p>No development of buildings shall take place until full details of both hard and soft landscape works to non-boundary parts of the site have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed planting scheme, including plans and written specifications; vehicle and pedestrian access and circulation areas; hard surfacing materials; general drainage arrangement and written specifications.</p> <p>REASON: In the interests of the visual amenity of the locality.</p>
Landscape implementation	<p>Prior to occupation of the development, all hard and soft landscape works shall be carried out in accordance with the approved details. The date of completion of the works shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interests of amenity.</p>
Natural England	<p>‘No development shall take place unless in complete accordance with the requirements of the ‘Method Statement for the Development of Whessoe Road – Great Crested Newts’ included at Appendix 4 of ‘<i>An Extended Phase 1 and Protected Species Survey of Land at Whessoe Road, Darlington</i>’, E3 Ecology Ltd, 4th June 2010.’</p> <p>Reason: To conserve protected species and their habitat.</p>
Environment Agency	<p>Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> 1) A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a

detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The suitability of importing waste to remediate the site will not be determined until the site investigation works and risk assessment (2) have been completed and approved. As part of the options appraisal and remediation strategy the applicant should submit details of any waste proposed to be imported on site and include an assessment of the risks posed from the waste to both ground and surface waters.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. storage/use of hydrocarbons, importation/storage of waste, vehicle storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

	<p>Prior to occupation of any part of the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Reason:</p> <p>The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. storage/use of hydrocarbons, importation/storage of waste, vehicle storage. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.</p>
	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason:</p> <p>Unsuspected contamination may exist at the site, which may pose a risk to controlled waters.</p>

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Members were asked to note the complexities of this site in terms of land ownership and uncertain past planning histories. Notwithstanding the uncertain history of the site, this application offers a mechanism to control operations to the benefit of members of the public who live nearby. This is a situation that currently doesn't exist. The outcome of the adjourned public enquiry to enable this application to be considered by Members is uncertain. Should the Government Inspector take the view that tipping has been undertaken for a prescribed period of time i.e. ten years dating back to the late 1960's he may take the view that a Certificate of Lawful Use could be granted. This would effectively mean that tipping could continue in an unregulated manner without any control over time limits, hours of operation or agreements over after use of the site Members were asked to acknowledge the efforts of the applicant to bring to a close this current unacceptable state of affairs and move forward with a new chapter that would afford the Council clear levels of control of the development which would seek to minimise any noise nuisance and disturbance currently experienced by neighbours. Members balanced the effects of the development against planning policy and the conditions that were attached to the officer recommendation and considered that on balance planning permission be granted

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

RSS (North East of England Plan - Regional Spatial Strategy to 2021):

- Policy 2 (Sustainable Development)
- Policy 45 (Sustainable Waste Management)
- Policy 46 (Waste Management Provision)

Borough of Darlington Local Plan

- H15 (The Amenity of Residential Areas)
- EP2 (Employment Areas)
- EP17 (Waste Material Storage and Transfer)

National planning policies are contained within in Planning Policy Statement 10 - Planning for Sustainable Waste Management

Informative/ advice to applicant: The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Informative advice to the applicant The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

Informative/ advice to applicant: The Environment Agency recommends that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Informative/ advice to applicant: The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit. Treatment of contaminated soil by mobile plant requires a mobile treatment permit. Soil may be re-used on-site as part of a soil recovery operation by registering an exemption with the Environment Agency or by obtaining an Environmental Permit.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

Informative/ advice to applicant: Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i) Duty of Care Regulations 1991
- ii) Hazardous Waste (England and Wales) Regulations 2005
- iii) Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

For the land reclamation part of the application the applicant will have to apply for a permit under the Environmental Permitting (England and Wales) Regulations 2010. This is likely to be a standard rules permit SR2010No9 Use of waste for reclamation, restoration or improvement of land (up to 50000 tonnes). The link to the Agency website is below.

For the waste transfer, waste recycling and processing operations a permit under the Environmental Permitting (England and Wales) Regulations 2010 will be necessary.

