

09/01253/FUL FOCSA Services Ltd Welham Lane.

1. Determination of the application:

This application falls within the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 for determination by the county council as waste planning authority where there is a district council since the application covers classes i and ii: (PPS10 Planning for Sustainable Waste Management: 8.3 Determining Planning Applications)

(i) the use of land, the carrying out of building, engineering or other operations, or the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste;

(ii) operations and uses ancillary to the purposes in (i) above, including development relating to access to highways.

As LCC is the Waste Planning Authority this application should be dealt with as a 'county matter' rather than leaving it to HDC.

Removal by the applicant of the composting element of this application should not allow it to be downgraded to a district matter. The applicant has previously stated that they are seeking composting on the site and so a holistic approach should be taken to avoid a piece meal development and planning authority oversight being split between HDC and LCC.

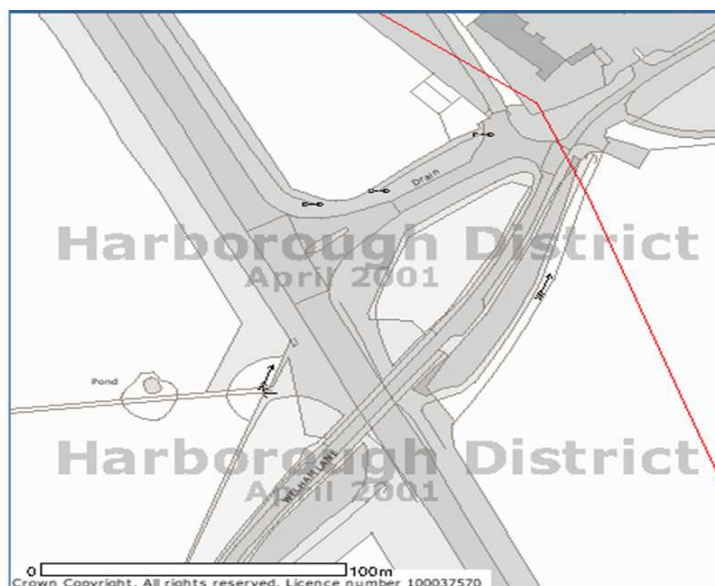
Additionally as FOCSA is HDC's household waste collection contractor it could be viewed that HDC have a prejudicial interest in approving the application. Because of the potential for perceived bias it would be seen to more open and fair if the whole planning decision is taken over by LCC.

2. Traffic and Highways

A6/Welham Lane Junction. This junction was not designed for this type and volume of vehicle accesses. The right turn from the major (A6) to minor road (Welham Lane) may not meet the requirement of TD 42/95 in that the existing ghost island layout may not allow sufficient length for queuing traffic, see Figure 7/4 below.

Queuing on the A6 might be expected when employees are arriving for work and refuse lorries return from rounds.

The left and right turns from the minor to the major road pose a major danger for the major road traffic as slow moving vehicles exit Welham Lane into a heavy, fast flowing stretch of single carriageway.



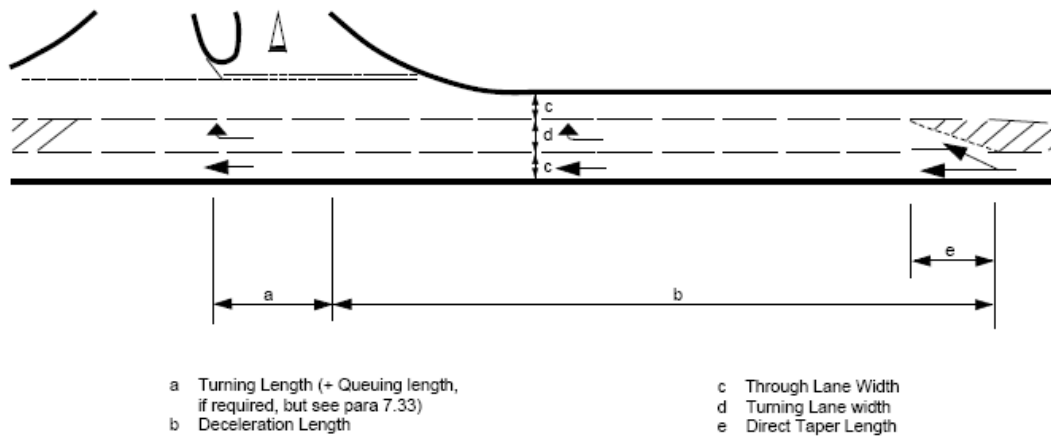


Figure 7/4 : Major / Minor Priority Junction with a Ghost Island (paras 7.20 - 7.48)

Due to the dead end nature of Welham Lane and its links to footpaths and bridleways it is well used by walkers, cyclists and horse riders. It forms part of the South Leicestershire Cycle Route 2 and it links to the Midshires Way Section 1 for both walkers and horse riders. It is also used on most days as an early morning exercise route for the hounds of the Fernie Hunt. Given the volume and length of working day and 365 day a year nature of the proposed operation the entrance and exit from the Focsa site will be a major danger to all of these existing users.

Due to the number of vehicle movements the application fails HDC policy TR/3 in that it creates a substantial adverse effect of the existing road network
 The proposal fails HDC policy TR/13 in that as this is a goods vehicle operating centre it fails to provide; satisfactory access, the road network is unsuitable; it will adversely affect the character and appearance of the area; it does adversely affect the amenities of the residents in the area.

Number of vehicles discrepancy

The applicant states that there is to be 15 refuse vehicles and 12 light goods vehicles operating from the site. However they have applied to VOSA for a Vehicle Operators licence for 30 goods vehicles.

Satellite Navigation GPS

It should be noted that one postcode, LE16 7HS, covers the whole of Welham Road/Lane from its junction with Langton Road, Great Bowden to the bridge over the Langton Brook. As has already been encountered any drivers using GPS will be directed to the site via the village of Great Bowden not via the A6 bypass.

3. Noise and disturbance

The applicant is proposing a 365 day a year operation starting at 5:30 and finishing on weekdays at 17:30. With these operating hours and a proposed 27 vehicles along with 50 employee cars this will have a major impact on noise, smell, dust, grit, air pollution and an unacceptable level of traffic.

As well as the coming and going of all the service and employee vehicles there will, no doubt, be vehicles, fork lift trucks, loaders etc, operating within the site during the proposed hours. These vehicles will be fitted with reversing beepers and due to the confined nature of the site the use of these beepers will be almost continuous.

Reversing beepers with their high frequency narrow band signal typically penetrate the ambient noise and are audible over great distance

The World Health Organisation (WHO) published the document “Guidelines for Community Noise” in 2000. The document states that general outdoor noise levels of below 50dB LAeq during the day (07:00 – 23:00) are desirable to prevent ‘moderate’ annoyance. The guidelines also recommend a noise level in the region of 45dB LAeq for night time periods (23:00 – 07:00 hours) in order to meet sleep disturbance criteria.

The impact of all these operations and vehicles cannot be mitigated and thus under HDC Policy EV/23 the application must not be granted permission.

In addition the nature of the operation means that there is a high potential for litter, vermin and pests as well as odour again failing policy EV/23.

4. Employment

The application fails policy EM/7 (5.30 - 2, 3 and 6) in that it will affect the character and appearance of the countryside and the amenity of nearby residents; the access from the A6 or via Great Bowden on a single track road is unsatisfactory; and the capacity of the access road, being single track, cannot accommodate the traffic likely to be generated.

5. Composting

We understand that composting has now been removed by the applicant. However as this is likely to become a future requirement it must be noted at this stage that the applicant had proposed an open windrow composting scheme. This requires an Environmental Agency bespoke permit for the operation. EA regulations (SR2008 No. 16) state that the composting site cannot be within 1km of a SSSI nor within 250m of residences or workplaces. The Borrowpit SSSI is only 500m away and the bungalow and Marigold mushroom works far less than 250m away.

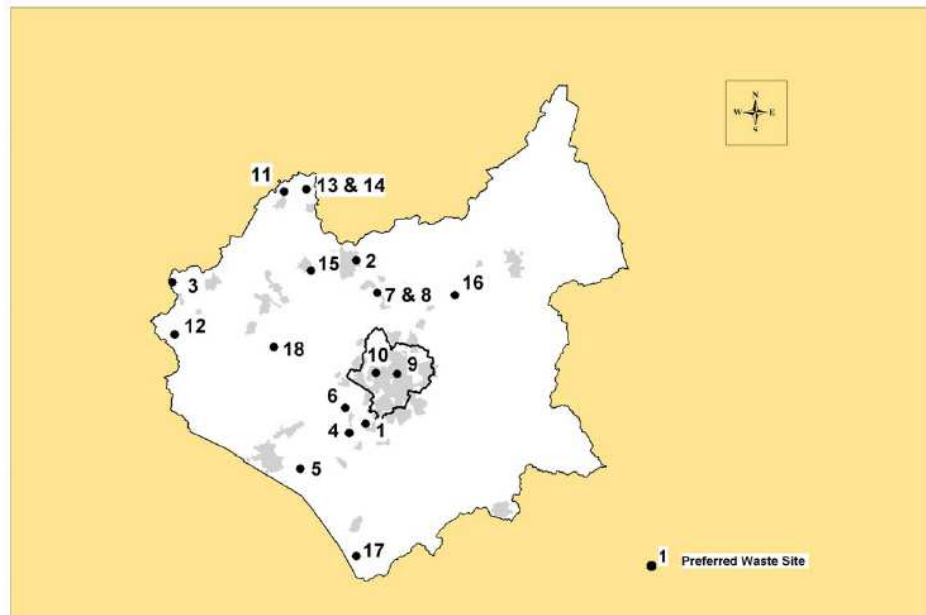
6. Attractive Countryside

The site is within an area designated by HDC as Attractive Countryside and is thus subject to policy EV/4. In HDC’s submission to the Leicestershire and Leicester Waste Development Framework they stated that “*Policy 16 – Need to ensure that local landscape designations such as ‘Areas of Particularly Attractive Countryside’ (APAC) are recognised as special landscape areas.*” And so need to recognise this application falls within this category.

7. LCC Waste Development Framework to 2021 (adopted 8th October 2009)

This site is not included in the Leicestershire and Leicester Waste Development Framework list of preferred waste site allocations and so be rejected.

Figure 1: Location of preferred waste sites



NB: Numbers correspond to site numbering in Table 3.1 (page 27)

8. Site of Special Scientific Interest

This development is within 500m of the Borrowpit SSSI and is thus subject to HDC policy RM/7 whereby the application should be refused as it could adversely affect the ecological or geological interest of a site of special scientific interest.

The SSSI comprises a long disused railway borrow pit dug in clays of the Jurassic Low Lias series which has developed on unusual marsh flora. The plant community is dominated by soft rush *Juncus effuses* and tufted hair-grass *Deschampsia cespitosa* with cottongrass *Eriophorum angustifolium* occurring abundantly while Yorkshire fog *Holcus lanatus*, bulrush *Typha latifolia* and the bog moss *Sphagnum squarrosum* are also present in the community. The site is also a regular feeding ground for snipe.

9. Trade Effluent/Vehicle Wash/Sewerage

The applicant states that they will be dealing with trade effluent as well as operating a vehicle wash. As there is no mains drainage from the site can this effluent be contained securely within the site so as not to present a pollution risk to the adjacent field drains that discharge directly in to the River Welland?

No details are given in the application as to how the effluent will be disposed of. As it will contain oils, from vehicle washing, it will be classified as waste and has to be dealt with in an appropriate manner.

In addition, can the existing cess-pit arrangement cope with not only the toilet requirements of the employees, increasing from 14 to 89, but any other waste water discharge? The Environment Agency, (Pollution Prevention Guidelines, PPG4 July 2006) do not recommend cess-pits as a permanent method of sewerage disposal. The guideline per capita sewerage volumes are given as 50 litres per employee per day for a factory without a canteen; 4,450 litres per day from this site. This is at least a six fold increase in the potential sewerage required to be stored on-site.

The DETR Circular 03/99 'Planning Requirements in respect of Use of Non-Mains Sewerage incorporating Septic Tanks in New Development' states:

'Where proposed, the suitability of the use of such sewerage systems is likely to be a material consideration in reaching planning decisions. Local planning authorities should aim to satisfy themselves on the basis of – a) any information provided by the developer, b) comments provided by other appropriate bodies and c) their own considerations, that the sewerage proposals for a development are suitable, and that significant environmental and amenity problems which might justify refusal of planning permission are unlikely to arise'

The applicant has given insufficient information regarding sewerage disposal for the proposal to be assessed under Annex A of the circular.

10. Flood Risk

It is known that due to the low lying nature of the site and the unsatisfactory drainage arrangement from the A6 it has been prone to flooding in the recent past. The drainage access from the site to the field drain on the eastern side of Welham Lane has a very limited fall and major flooding emanating from the site has impacted properties including the Welland Lane Game Farm in recent years.

11. Hazardous Substances

The applicant indicates on the application form that no hazardous substances are to be stored on site yet the site layout plan clearly indicates a diesel tank. It is inconceivable that a vehicle operating depot as proposed here would not include fuel storage facilities.

Diesel is classified as a hazardous substance in Schedule 1 of The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009. Its storage, if above ground, is also covered by 'The Control of Pollution (Oil Storage) (England) Regulations 2001 or, if below ground, The Groundwater Regulations 1998.

Far more information is required from the applicant on the quantity and nature of any fuel stored on the site before this application can be considered.

12. Light Pollution

No lighting design scheme has been supplied by the applicant. A site that operates from 5:30 in the morning 365 days a year will require a large amount of lighting for health and safety purposes as there will be a preponderance of early morning movements on and to/from the site. The lighting of the site will have a major impact on the countryside character, may be a glare hazard to road users and will cause a nuisance to neighbours. The applicant is also not considering a landscaping scheme for the site so has made no attempt to shield the visual dominance of the site from the road or village.