



# Northumberland County Council

**Strategic Planning Committee**

**6<sup>th</sup> June 2023**

## **ADDENDUM REPORT**

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**Application No: 22/02869/FUL**

**Proposal:**

Hybrid application - Full application - distribution of primary aggregates on site via railhead and distribution out by road, recycling plan for inert construction/demolition waste to secondary aggregates/soil materials; and addition of pumphouses, weighbridge, and wheel wash. Outline application for erection of office, workshops, and security office (amended description 6th April 2023).

**Site Address:**

Butterwell Disposal Point, Longhirst, Morpeth, Northumberland, NE61 3NF

**Applicant:**

N.B. Clark

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**RECOMMENDATION:**

That this application be GRANTED permission subject to conditions.

**1. Introduction**

1.1 The purpose of this report is to update Members on the recent consultation responses from the Council's Lead Local Flood Authority (LLFA) and the Environment Agency (EA). Further discussion has been had with the applicant regarding the wording of the conditions and this is detailed below.

**2. Details**

2.2 Officers are in receipt of comments submitted by the Council's LLFA and EA. Both responses confirm that there are no water issues with the proposals that cannot be addressed by planning conditions. The condition list has been amended and new conditions are added under numbers 24 and 25. These cover a surface water drainage scheme during operation. Please note there are further informative comments, and these are attached below under the relevant consultee heading.

2.3 Since the publication of the original report the applicant and case officer have continued discussions over the wording of the conditions. There are no substantive changes to those in the original report but there some minor amendments to the wording as detailed below:

- Condition three contains a typo and the word 'quarry' should be replaced with 'facility',
- Condition seven has been updated to remove the reference to post completion as this is not a temporary permission.

2.4 A further representation of support has been received. We have now received 11 objections, 4 general comments and one in support. In summary the recent submission supports the application as a perfect location for this type of development providing for secondary aggregates and will support further recycling opportunities. They ask for conditions relating to access, noise, dust and water quality.

2.5 Officers would also like to provide further comment and response to the Parish Council comments dated 9<sup>th</sup> January 2023. Conditions are attached to avoid excess dust. Public Protection officers have not raised any concerns regarding noise but should there be any concerns residents will have the opportunity to raise this through the Environmental Protection Act for statutory nuisance. The planning department cannot prevent the applicant from using certain public roads however movements are controlled through conditions six to ten. Finally, with respect to liaison meetings and community contributions there are no mechanisms in the planning system to implement these, but the applicant has voluntarily agreed to liaise with the community council. Furthermore, concerns can be raised directly with officers who can consider appropriate action.

### **3. Conclusion**

3.1 In conclusion, there are no material changes to the proposals resulting from consultation responses from the EA and the LLFA or the third-party representation in support of the development. Officers are satisfied with the recommended conditions from the LLFA.

### **4. Recommendation**

That this application be GRANTED permission subject to conditions.

#### **Conditions**

##### Conditions/Reason

#### **Full Permission Conditions**

##### **1. Timescale**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

##### **2. Full Permission Approved Plans**

The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced.

Approved Plans  
Existing Surveyed Features BDP/2  
Layout as Proposed BDP/3B  
Locality Plan BDP/1B  
Location Plan BDP/1A  
Proposed Overall Layout BDP/3A  
Wash Plant BDP/4

Approved Documents  
Ecological Appraisal, August 2022  
Supplementary EclA March 2023 by FCPR  
IHRA, March 2023 by FCPR  
Phase 1 Contamination Assessment (Desk Study Report) DAB Geotechnics Ltd, 30th March 2023  
Dust Management Plan, 7th July 2022, LA Environmental Consultants  
Flood Risk and Drainage Assessment, DAB Geotechnics Ltd, 5th August 2022  
Noise Assessment, LA Environmental Consultants, 7th July 2022  
Transport Statement, Milestone Transport Planning, June 2022

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and the Local Plan.

### **Hybrid Conditions**

#### **3. Dust Management**

Prior to the development being brought into use, the applicant shall submit a written dust management plan to be approved in writing by the Local Planning Authority. The agreed plan shall be implemented for the development's lifetime and shall include measures for the control and reduction of dust emissions associated with the operation of the facility which are likely to generate dust. The plan shall also include details of how the business will deal with complaints of dust by any nearby receptors.

Reason: To ensure a commensurate level of protection against dust.

#### **4. Ecological Mitigation**

All works on site shall be undertaken in accordance with the avoidance and mitigation measures identified in the ecological report 'Supplementary EclA March 2023, FPCR Environment and Design Ltd' including:

- i) Any vegetation removal or works to construct the freshwater storage lagoon will be avoided during breeding bird season (March to August), so that breeding birds would not be affected. If this is not possible, the area will be checked prior to work by an experienced ecologist.
- ii) A great crested newt and reptile working method statement shall be followed during construction (Para. 7.46).
- iii) Areas of Bird's-foot trefoil (food plant of Dingy Skipper) to be lost as identified on 'Figure 6 Impacts and Mitigation' will be translocated to a retained area of open mosaic habitat.

Reason: To avoid and mitigate impacts on biodiversity in line with the NPPF and Local Plan Policy ENV2.

#### **5. Biodiversity Enhancement**

To provide enhancement for biodiversity within the design of the development the following features, as detailed in the ecological report

'Supplementary EclA March 2023, FPCR Environment and Design Ltd' will be included as part of the development:

i) Prior to first use of the site a new butterfly bank with associated open mosaic habitat will be created to the northeast of the new water storage lagoon as shown on 'Figure 7 Compensation and Enhancement' plan, and in accordance with the details contained in Section 8. of the report.

ii) Prior to commencement of development a plan for the new mixed native species woodland to be planted along the western and southern boundaries of the site office/workshop area, and between the new freshwater storage lagoon and the active area of site shall be submitted for the written approval of the Local Planning Authority. The plan shall detail the species and number of trees and shrubs and use only Northumberland native species. Once approved the plan shall be implemented in full during the first planting season (November - March inclusive) following the commencement of development'.

Reason: To conserve and enhance biodiversity in line with the NPPF and Local Plan Policy ENV2.

#### 6. Construction Method Statement

Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

#### 7. Off-Site Highways Survey

No development shall commence until details of off-site highway surveys have been submitted to and approved in writing by the Mineral Planning Authority.

These details shall involve:

- i. provision for the completion of pre-commencement condition surveys of that part of the C125 road between the A1068 and the access to the Butterwell rail loading facility;
- ii. a mechanism for mitigation measures to be implemented prior to, during and/or following the development along that part of C125 road between the A1068 and the access to the Butterwell rail loading facility which may include the protection of the highway verge, highway structures and culverts and resurfacing of part(s) of this highway;
- iii. provision for monitoring the condition of this length of the highway during the development

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

#### 8. Vehicular Access

The development shall not be brought into use until full details of the vehicular access improvement works off the C125 including a scheme for signage have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access and signage scheme shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

#### 9. HGV Movements - Timings

No lorries shall enter or leave the site except between the following hours:

- Monday to Friday 07:00 - 1800
- Saturday 07:00 - 14:00

No lorries shall enter or leave the site on Sundays or Public Holidays.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

#### 10. HGV Movements – Total Number

The maximum number of lorry movements in and out of the site shall not exceed:

- Monday to Friday: 550 (275 in and 275 out)
- Saturdays: 380 (190 in and 190 out)

No heavy goods vehicles shall use the C125 to the west of the development site access at any point.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

#### 11. Surface Water – Construction

During the construction period all surface water run-off shall be passed through a settlement facility or settlement facilities prior to being discharged into any watercourse, soakaway or surface water sewer. The facility shall be retained and maintained until construction works are complete.

Reason: To prevent silty water from entering the water environment and to protect water quality and biodiversity.

#### 12. Surface Water - Operation

Surface water draining from areas of hard standing shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason: To reduce the risk of pollution to the water environment

### **Outline Permission Conditions**

#### 13. Commence Development

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be Approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

#### 14. Approved Plan

Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number;

Existing Surveyed Features BDP/2

Layout as Proposed BDP/3B

Locality Plan BDP/1B

Location Plan BDP/1A

Proposed Overall Layout BDP/3A

Reason: To ensure the development is carried out in accordance with the approved plans.

#### 15. Reserved Matters

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Notwithstanding details contained within the approved plans, approval of the details of;

- Appearance;
- Landscaping;
- Layout; and
- Scale

hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

#### 16. Cycle Parking

The development(s) shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development(s) is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

#### 17. Refuse Storage Facilities

The development(s) shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

#### 18. Car Parking including EV (Electric Vehicle) Provision

The development(s) shall not be occupied until full details of the car parking area including provisions for EV charging and disabled parking have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

#### 19. Climate Change

Notwithstanding the details submitted with the application, prior to the construction of any building above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

#### 20. Broadband Connectivity

Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be

submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

#### 21. Ground Gases

No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

#### 22. Validation and Verification

No buildings shall be occupied or used until the applicant has submitted a validation and verification report to the approved methodology in Condition 19, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

#### 23. Contaminated Land

If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

[Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

#### Hybrid Condition – Surface Water

24. Before each phase of the development a Flood Risk Assessment and Drainage Strategy providing detail on how the scheme will dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall:



- i. Restrict discharge from the development to Qbar for all rainfall events up to and including the 1 in 100 year event, and within its natural catchment unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy from NB Clarke Morpeth reference drawing number – BDP/3B dated April 2022
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Provide details of the adoption and maintenance of all surface water features on site.
- vi. Provide detail on how water is treated prior to discharge to watercourse
- vii. Provide a health and safety assessment for each Lagoon or Sustainable drainage system holding volumes of water

The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the effective disposal of surface water from the development.

#### Hybrid Condition – Surface Water

25. Prior to restoration a full scheme for the surface water management post-restoration shall be submitted to and agreed by the local planning authority. Any agreed scheme shall be implemented in full.

REASON: To ensure drainage post development does not increase the risk of flooding elsewhere.

### Informative

**Ground Gas Protection**  
 Ground gas protection should be provided in accordance with the guidance in BS 8485:2015+A1:2019. The protection should be designed to prevent the ingress of gas into the building. The protection should be designed to prevent the ingress of gas into the building. The protection should be designed to prevent the ingress of gas into the building.

This may be achieved through

- A recognised gas membrane fitted as a gas membrane - taped or welded, top-hats on services taped or welded to the membrane, fabricated internal corners taped or welded to the membrane following CIRIA C735 and BS 8485:2015+A1:2019.
- A reinforced concrete ground bearing raft/slab floor with limited-service penetrations.

Assuming a gas regime (Characteristic Situation) of CS2 and Building Type C (Table 3 of BS8485:2015+A1:2019) the development will have to achieve a score of 2.5.

Therefore, the applicant should propose gas protection measures meeting the requirements of CIRIA C735 and achieving the necessary 2.5 point in BS 8485:2015 for CS2. BS 8485 defines Building Type C as:

Building Type C = commercial building with central building management control of any alterations to the building or its uses and central building management control of the maintenance of the building, including the gas protection measures. Single occupancy of ground floor and basement areas. Small to large size rooms with active ventilation or good passive ventilation of all rooms and other internal spaces throughout ground floor and basement areas. Examples include offices, some retail premises, and parts of some public buildings (such as schools, hospitals, leisure centres and parts of hotels).

#### Structural Barrier (Table 5 of BS 8485)

A cast in-situ ground bearing floor slab/raft would achieve a score of 0.5, whereas a well-reinforced cast in situ monolithic reinforced ground bearing raft or reinforced cast in-situ suspended floor slab with minimal penetrations would achieve a score of 1.5.

#### Gas Membrane (Table 7 of BS 8485)

A gas membrane can achieve a score of 2.0 if it meets the requirements of Table 7 of BS 8485, which are:

- sufficiently impervious, both in the sheet material and in the sealing of sheets and sealing around sheet penetrations, to prevent any significant passage of methane and/or carbon dioxide through the membrane.
- sufficiently durable to remain serviceable for the anticipated life of the building and duration of gas emissions.
- sufficiently strong to withstand the installation process and following trades until covered (e.g., penetration from steel fibres in fibre reinforced concrete, penetration of reinforcement ties, tearing due to working above it, dropping tools, etc.); and to withstand in-service stresses (e.g., settlement if placed below floor slab)
- capable, after installation, of providing a complete barrier to the entry of the relevant gas; and;
- verified in accordance with CIRIA C735 [N1].
- Membrane must meet the gas transmission specification in BS 8485 for methane not to exceed 40ml/m<sup>2</sup>/day/atm.

#### Service Duct Annulus

The applicant should ensure that as well as any top hats being secured to the membrane (taped or welded) that the internal annulus of the duct holding each of the service pipes and conduits (water, gas, electric etc.) is filled with a recognised and advertised gastight sealant such as FILOSeal+ or FILOSeal+HD produced by Filoform UK Ltd: <https://www.filoform.co.uk/catalog/category/view/s/re-enterable-duct-sealingsystems/id/9/>

Please note that verification of the sealing of the service ducts will be required to fully discharge the gas protection verification condition.

#### Dust Management

It would be expected that a dust management plan will be required by condition to identify the risks of dust from onsite operations and how it will be controlled and minimised.

Dust minimisation and control shall have regards to guidance such as:

The Institute of Air Quality Management "Guidance on the Assessment of Mineral Dust Impacts for Planning" May 2016 (v1.1): [https://iaqm.co.uk/text/guidance/mineralsguidance\\_2016.pdf](https://iaqm.co.uk/text/guidance/mineralsguidance_2016.pdf)

The Institute of Air Quality Management "Guidance on the Assessment of Dust from Demolition and Construction October 2018 (version 1.1)" available at: [https://iaqm.co.uk/text/guidance/guidance\\_monitoring\\_dust\\_2018.pdf](https://iaqm.co.uk/text/guidance/guidance_monitoring_dust_2018.pdf)

Additionally, the Mayor of London's office has produced robust supplementary guidance document entitled "The Control of Dust and Emissions During Construction and Demolition" which is available at: <https://www.london.gov.uk/what-we-do/planning/implementing-londonplan/supplementary-planning-guidance/control-dust-and> A dust management plan would normally include:

- Identify the higher-risk receptors close to the site (school and residential).
- Identify the main sources of dust from the operations.
- Indicate methods to minimise the risks from sources of dust.
- Suggest "toolbox talks" for aspects of plant and general site operations.
- Use the normal wind direction to indicate the likely direction for any wind entrained dust to be carried, using long-term wind rose data.
- Identify an individual who will have overall site responsibility - I.e., site manager, operations manager etc.
- Provide any contact details in the dust management plan for a responsible person/organisation.
- Indicate how the dust management plan will be conveyed to the employees and any sub-contractors (if relevant), unless this is to be through toolbox talks.
- Indicate whether there will be a site notice board for the public with contact details contained on it, especially out-of-hours.

#### Environmental Permitting

Any mobile plant (crushers or screens) may require appropriate environmental permits under The Environmental Permitting (England and Wales) Regulations 2016 (as amended). Their use may be covered by any WML required by the Environment Agency for the site. Clarification should be sought as to whether processing of virgin products would also be covered by such a permit or require alternative regulation.

#### Fuel Storage

If there is to be any onsite storage of fuels or oils, they should be stored following appropriate guidance and bunded to 110 percent of capacity.

The legislation covering onsite oil fuel storage is The Control of Pollution (Oil Storage) (England) Regulations 2001 regulated by the Environment Agency. Procedures should be in place for dealing with catastrophic spillages of any liquids which may impact land contamination, surface waters and/or aquifers.

#### Statutory Nuisance

The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice. Failure to address issues of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

#### Burning Materials Onsite

There shall be no burning of any material associated with the construction phase on the site.

#### Highways Authority

##### Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Highway Authority and will require an agreement under section 278 of the Highway Act 1980. This work should be carried out before the first occupation of the development. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.

#### Highway condition survey

You should note that a highway condition survey should be done before demolition and construction vehicle movements from this site begin. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

#### Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the StreetWorks team on 0345 600 6400 for Skips and Containers licences.

#### Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

#### Section 59 Agreement - Extraordinary Expenses

You are advised to contact the Council's Highway Development Management team at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) concerning the Section 59 Agreement of the Highway Act 1980 relating to extraordinary expenses

#### Surface Water – LLFA

Reservoirs below 25,000 m<sup>3</sup> are inspected in accordance with the Health and Safety (Enforcing Authority) Regulations 1998 providing a work undertaking exists which means many of the smaller reservoirs will be inspected by HSE.

Mine lagoons do not fall within the Reservoirs Act 1975 but are dealt with by HSE under the Mines and Quarries (Tips) Act. Lagoons associated with quarries are now covered by the Quarries Regulations 1999. For the purpose of these regulations a lagoon containing 10,000 m<sup>3</sup>, having an embankment higher than four metres and being within 50 metres of an excavation is considered as presenting a significant hazard.

Reservoirs over 25,000m<sup>3</sup> fall under the Reservoirs Act 1975 and as such the Environment Agency need to be consulted.