

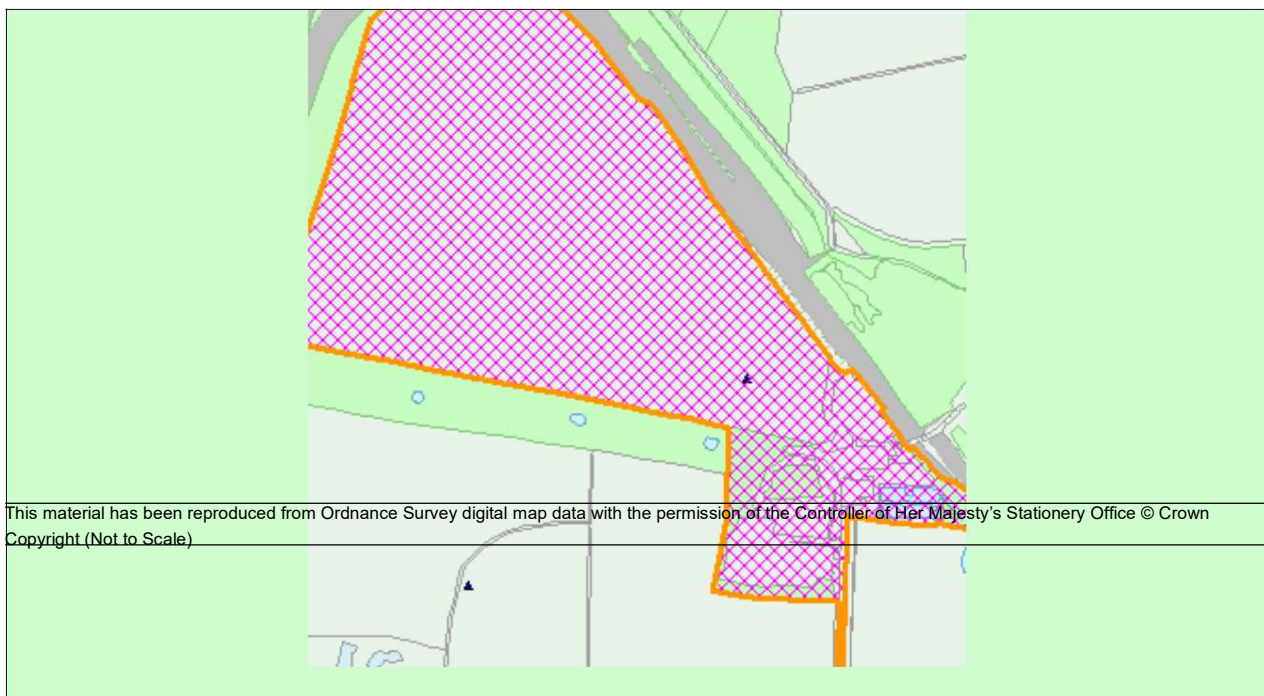


Northumberland County Council

Strategic Planning Committee, 6th June 2023

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:	Clark Butterwell Disposal Point, Linton, Morpeth, England	Agent:	Mr. Barney Corrigan 4 Redhill Drive, Wickham, Newcastle upon Tyne, NE16 5TY United Kingdom
Ward	Pegswood	Parish	Longhirst
Valid Date:	9 September 2022	Expiry Date:	9 June 2023
Case Officer Details:	Name: David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

Recommendation: That this application be minded to GRANT permission subject to conditions and the resolution of comments made by the Environment Agency and the Local Lead Flood Authority.



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1. Introduction

1.1 The application falls to be determined by the Strategic Planning Committee as it is a waste management proposal. Our scheme of delegation requires such applications to be determined at committee.

1.2 The application site is located at Butterwell Disposal Point, approximately 1.3km west of Linton and 2km south-east of Ulgham. The site has been used as a disposal point for coal and other minerals since 1976, with operations largely ceasing in 2016. Temporary planning permission 17/01922/CCMEIA was granted for the transport of coal from the site in 2017 but was not implemented. As a result, the restoration scheme permitted under the previous application - 15/02307/VARYCO and 16/00901/DISCON - remains the default position. This includes retained hard standing on the site of all proposed development other than the proposed distribution of soils.

1.3 Officers are aware that both comments from the LLFA and EA need to be fully resolved prior to the determination by Members. However, it is expected that both consultees will receive additional information and that this will be with officers prior to the meeting of the committee.

2. Development and Site Description

2.1 The site is bounded by the East Coast Mainline to the west and by the railway branch line that serves the site to the north and east. To the south is agricultural land.

2.2 This is a hybrid application and has several components. Full permission is sought for:

- Receiving primary aggregates at a rate of three loads per week via the railhead facility and onward transport of these aggregates by road;
- The erection of plant for recycling of inert construction and demolition waste to produce recycled aggregates and soil materials;

2.3 Outline permission is sought for offices, a workshop, and a security office. The latter will double up as amenity facilities including mess area for staff.

2.4 The application relates to the northern part of the site adjacent to the rail loading pad which was retained following the restoration of the main part of the site. The rail loading pad would be extended as part of this proposal to create improved access and egress from the processing pad.

2.5 Access to the site would be from the existing road access from the C125. Material would be brought in by road and then exported by rail.

2.6 The proposal involves the use of the existing area of hard standing to accommodate processing equipment which would include a crushing plant, two mobile screens and a washing plant. The existing lagoons on site would be retained and these would provide water for an automatic dust suppression system. A weighbridge would be installed at the site along with a wheel washing facility.

2.7 The site was used as a coal disposal point since the 1970's and the restoration plan for the most recent surface mine at the site was designed to retain the rail loading pad to facilitate the future use of the site for this or similar rail transportation purposes.

3. Planning History

Reference Number: C/95/CC/060

Description: Variation to condition of planning permission 94/CC/37 in respect of lorry numbers

Status: REPLY

Reference Number: C/97/CC/079

Description: Variation of condition nos. 34 and 61 of planning permission 88/D/83 in respect of vehicle movements and processing of coal

Status: WDN

Reference Number: C/97/CC/064

Description: Variation of condition no. 1 of planning permission 96/CC/58 in respect of siting of plant and office

Status: PER

Reference Number: C/96/CC/58

Description: Temporary siting of plant and office

Status: PER

Reference Number: C/97/CC/55

Description: Variation of condition no. 1 of planning permission 88/D/83H in respect of renewal of temporary permission of mobile washing and screening plant

Status: PER

Reference Number: C/96/CC/12

Description: Variation to permitted extraction area on 7 ha of land within existing site

Status: PER

Reference Number: C/95/CC/061

Description: Variation of condition no. 1 of planning permission 88/D/83H in respect of coal washing plant

Status: PER

Reference Number: C/94/CC/037

Description: Variation of condition no. 34 of planning permission 88/D/83 & condition no. v(a) of planning permission 87/D/394D in respect of lorry movements

Status: PER

Reference Number: C/94/CC/012

Description: Variation to condition no. 34 of planning permission 88/D/83 and the scheme submitted pursuant to condition no. 18 of planning permission 85/A/53 to permit increased coal lorry traffic from Butterwell & Widdrington Disposal Points

Status: REF

Reference Number: C/94/CC/006

Description: Variation of condition no. 1 of planning permission 88/D/83H to permit extended use of existing coal washing plant

Status: PER

Reference Number: C/93/CC/086

Description: Variation of condition no. 8 of planning permission 81/D/552 in respect of vehicle numbers

Status: PER

Reference Number: C/93/CC/064

Description: Construction of Rapid Loading Rail Facility

Status: PER

Reference Number: C/93/CC/025

Description: Variation of condition no. V(d) of planning permission 87/D/394 to increase the number of fireclay lorries leaving

Status: WDN

Reference Number: C/93/CC/024

Description: Variation of condition no. 34 of planning permission 88/D/83 to increase the number of fireclay lorries leaving

Status: WDN

Reference Number: C/76/D/015 (1)

Description: Construction of connecting railway lines between the London / Edinburgh line and the proposed disposal point

Status: PER

Reference Number: C/76/D/015 (2)

Description: Details of levels of rail link submitted pursuant to condition no. 4 of planning permission 76/D/15

Status: PER

Reference Number: C/76/D/640

Description: Temporary coal haulage road on 0.64 ha, south of Linton Farm

Status: PER

Reference Number: C/76/D/640A

Description: Renewal of temporary permission 76/D/640 for coal haulage route on 0.64 ha south of Linton Farm

Status: PER

Reference Number: C/80/D/223

Description: Opencast works

Status: PER

Reference Number: C/80/D/223A

Description: Details of advanced planting

Status: PER

Reference Number: C/80/D/223B

Description: Draft restoration plan

Status: PER

Reference Number: C/80/D/223D

Description: Final restoration details

Status: PER

Reference Number: CM/80/D/661

Description: Proposed workshop

Status: NONCCZ

Reference Number: CM/81/D/552

Description: General use of the existing site for the preparation and dispatch of opencast coal on 82.49 ha

Status: NONCCZ

Reference Number: CM/81/D/552/A

Description: Variation of condition no. 8 of planning permission 81/D/552 to enable a maximum of 2000 lorry loads of coal (representing 4000 lorry movements) to leave site during any single calendar week

Status: OBJECT

Reference Number: CM/81/D/552/C

Description: Variation of condition no. 8 of planning permission 81/D/552 to increase vehicle movements

Status: PER

Reference Number: CM/83/D/562

Description: Construction of lime handling and dosing plant, as amended by letter received on 12th July 1983

Status: NONCCZ

Reference Number: CM/86/D/428

Description: Construction of a screening and road loading facility for large coal

Status: NONCCZ

Reference Number: C/88/D/083

Description: Extraction of coal and associated fireclay by opencast methods and continued use of Butterwell Disposal Point, haul road and B1337 also provision of a sewage disposal facility and water treatment lagoons, extension of existing haul road

Status: PER

Reference Number: C/91/D/006

Description: Construction of extension to amenity block to provide office accommodation

Status: PER

Reference Number: C/92/D/558

Description: Erection of additional plant and buildings for the processing of coal and storage of geological core

Status: REPLY

Reference Number: C/92/D/559

Description: Continuation of use for reception, processing, stocking, and dispatch of coal by rail and road for a period of 25 years

Status: REPLY

Reference Number: C/E/D/006

Description: Disposal point

Status: REPLY

Reference Number: C/01/00031/CCM

Description: Variation to condition No.12 of planning permission 97/CC/72 to increase weekly permitted lorry movements to 550 per week

Status: WDN

Reference Number: C/05/00173/CCM

Description: Variation to planning application 04/00220/CCM to permit extension of time for completion of restoration until 30 September 2009

Status: WDN

Reference Number: 99/00010/NCCCON

Description: Variation of planning conditions to allow increased vehicle movement (County Consultation)

Status: NOOBJ

Reference Number: C/09/00055/CCMEIA

Description: Extraction of 1.01 million tonnes of coal and 200,000 tonnes of fireclay with subsequent restoration to agriculture, conservation headlands and woodland

Status: PER

Reference Number: 11/00739/DISCON

Description: Discharge of conditions 5, 12, 15, 16, 19, 41, 49, 50, 52, 53, 55, 63, 64, 65, 66 and 67 pursuant to planning permission C/09/00055/CCMEIA.

Status: PER

Reference Number: 11/00750/CCM

Description: Discharge of conditions 14 and 65(2).

Status: PER

Reference Number: 12/01380/VARCCM

Description: Variation to condition nos. 2 and 5 relating to the phasing of the development in relation to application 09/00055/CCMEIA.

Status: WDN

Reference Number: CM/81/D/552/B

Description: Planning permission (reference 81/D/552) in respect of general use for the preparation and dispatch of opencast coal

Status: PER

Reference Number: CM/81/D/552/D

Description: For the period 18-27 October 1993 only condition 8 of planning permission 81/D/552 in respect of vehicle movement

Status: PER

Reference Number: 15/02307/VARYCO

Description: Variation of Conditions 2 and 82 of planning application 09-00055-CCMEIA (relating to approved plans and restoration)

Status: PER

Reference Number: 16/00791/SCREEN

Description: EIA (Environmental Impact Assessment) Screening opinion

Status: EIA

Reference Number: 16/00901/DISCON

Description: Discharge of condition 7 (restoration strategy) and 40 (lighting) pursuant to planning application 15/02307/VARYCO (Variation of Conditions 2 and 82 of planning application 09-00055-CCMEIA (relating to approved plans and restoration))

Status: PER

Reference Number: CM/76/D/157

Description: Erection of a 20000-volt overhead line and the laying of a 20000-volt underground cable to provide a supply of electricity to the coal disposal area at Longhirst the overhead line will consist of three wires supported on wooden poles of 8.5

Status: PER

Reference Number: CM/76/D/592

Description: Amenity block for supervisory staff including offices toilets showers canteen and first aid room

Status: PER

Reference Number: CM/85/D/512

Description: Three hoardings (as amended by letter dated 31st October 1985)

Status: PER

Reference Number: 16/04071/DISCON

Description: Discharge of Condition 99 (Restoration Plan) of approved planning application 09/0005/CCMEIA

Status: PER

Reference Number: 17/01922/CCMEIA

Description: Proposed temporary use of the Butterwell site for the receipt, storage (of unprocessed and processed coal or mineral) and processing of coal and other minerals (using screener, crusher and washing plant) including the erection of ancillary structures and infrastructure works for a 10-year period.

Status: PER

Reference Number: CM/87/D/394

Description: Extraction of coal and associated fireclay by opencast methods continued use of Butterwell disposal point provision of sewage disposal facility and water treatment lagoons diversion of public highway C121 restoration of land to agriculture woodland and creation of nature reserve and associated car parking all on 225 hectares of land as amended by letters and plans of 23rd October 1987

Status: OBJECT

Reference Number: CM/87/D/394B

Description: Extraction of coal and associated fireclay by opencast methods continued use of Butterwell disposal point provision of sewage disposal facility and water treatment lagoons diversion of public highway C121 restoration of land to agriculture woodland and nature reserve with car parking

Status: NONCCZ

Reference Number: CM/87/D/394C

Description: Amended working scheme

Status: PER

Reference Number: 19/00726/DISCON

Description: Discharge of condition 34 (Under Drainage) relating to approved planning application C/09/00055/CCMEIA and 15/02307/VARYCO.

Status: PER

Reference Number: 20/01013/DISCON

Description: Discharge of condition 34 (under drainage) of approved planning application 15/02307/VARYCO

Status: PER

Reference Number: CM/91/D/6

Description: Construction of extension to amenity block to provide office accommodation

Status: NONCCZ

Reference Number: 21/00641/NONMAT

Description: Non-material amendment: (to amend wording of condition 7 (soil handling)) on approved application 17/01922/CCMEIA

Status: PER

Reference Number: 21/01105/DISCON

Description: Discharge of conditions 9(Method statement for the control of invasive weed species) 13(Dust management Plan) 17 (Method statement and road condition surveys) 19 (Construction method statement) on approved application 17/01922/CCMEIA

Status: PER

Reference Number: 21/02498/NONMAT

Description: Non-material amendment to the wording of Condition 3 which currently restricts the use of the site to the receipt, storage, and processing of coal to allow the receipt, storage and processing of minerals and recycled aggregates

Status: APPRET

Reference Number: CM/88/D/83/U

Description: Proposed extension to permitted extraction area to allow the extraction of 430,000 tonnes of coal and associated fireclay at Stobswood Opencast Site, East Stobswood

Status: PER

Reference Number: CM/88/D/83/P

Description: Proposed extension to permitted extraction area to allow the extraction of 430,000 tonnes of coal and associated fireclay at Stobswood Opencast Site, East Stobswood

Status: PER

Reference Number: CM/88/D/83/R

Description: Variation to conditions 19,20,21,22 & 24 attached to PLANNING PERMISSION 88/D/83P (97/CC/92)

Status: WDN

Reference Number: CM/99/D/422

Description: Change of use of former fitting shops and land to storage and operation of micro light aircraft and revised access onto C129 country road.

Status: REF

4. Consultee Responses

Longhirst Parish Council	Concerns raised regarding the lack of consultation with the PC by the applicant and issues relating to noise, dust, and traffic. Since this response, a public meeting has taken place where the applicant attended to answer questions.
Highways	No objection subject to conditions.
Public Protection	No objection subject to conditions relating to public health and prevent loss of amenity.
County Ecologist	No objection subject to conditions. The proposed development may impact on ecology in the absence of avoidance and mitigation measures, which are proposed in the ecological report (Supplementary EclA March 2023, FPCR Environment and Design Ltd). The development is required to provide an enhancement for biodiversity which is proposed through the creation of a butterfly bank and new native species woodland.
Natural England	No objection.
Strategic Estates	No response received.
Climate Change Team	No response received.
LLFA (Lead Local Flood Authority)	Response outstanding, (however final responses are expected prior to members considering the application)
Environment Agency	Response outstanding (however final responses are expected prior to members considering the application)

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	11
Number of Support	0
Number of General Comments	4

Copies of all representations received are available through Planning Public Access on the Councils website.

Notices

General site notice, 11th May 2023

Northumberland Gazette 20th April 2023

Summary of Responses:

There have been eleven objections raising a variety of issues:

- Impact on air quality
- Adverse impacts on the tranquility and rural character of the area resulting from noise and disturbance
- Concern over a lack of consultation with residents and the Parish Council Excessive traffic movements
- Over reliance on assessments paid for by the applicant.
- Concerns over ecological impacts.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RGCSJAQSIRH00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036

STP 1 - Spatial strategy (Strategic Policy)

STP 2 - Presumption in favour of sustainable development (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 4 - Climate change mitigation and adaptation (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

STP 6 - Green infrastructure (Strategic Policy)

ECN 1 - Planning strategy for the economy (Strategic Policy)

ECN 12 - A strategy for rural economic growth (Strategic Policy)

ECN 13 - Meeting rural employment needs (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 4 - Landscaping and trees

TRA 1 - Promoting sustainable connections (Strategic Policy) TRA 2 - The effects of development on the transport network TRA 5 - Rail transport and facilities

ENV 1 - Approaches to assessing the impact of development on the natural, historic, and built environment (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

WAT 2 - Water supply and sewerage

MIN 3 - Mineral and landfill site restoration, aftercare, and after-use (Strategic Policy)

MIN 6 - Safeguarding minerals related infrastructure (Strategic Policy)

MIN 7 - Aggregate minerals (Strategic Policy)

WAS 1 - Principles for the location of waste re-use, recycling, and recovery facilities (Strategic Policy)

WAS 2 -Development management criteria for waste re-use, recycling, and recovery facilities

POL 1 - Unstable and contaminated land

POL 2 - Pollution and air, soil, and water quality

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)
NPPG - National Planning Practice Guidance (2021, as updated)
NPPW – National Planning Policy for Waste

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main considerations with this application are:

- Principle of Development
- Waste Strategy
- Outline Permission Elements
- Ecology
- Public Protection including impact on residential amenity
- Highways
- Minerals Safeguarding
- Climate Change
- Broadband Connectivity

Principle of Development

7.3 This is a complex proposal. After consideration of the proposal's alignment with spatial strategy policies, it is necessary to consider the degree of alignment with extant policy of each element of the proposal separately to assess the principle of development for each portion.

The NPPF provides a policy framework supporting the principles of sustainable development. The policies of the Northumberland Local Plan are broadly consistent with the NPPF. The principle of mineral processing at the site was established through previous permissions dating back to the 1970's.

7.3 In determining planning applications, the NPPF advises that Local Planning Authorities should give great weight to the benefits of mineral extraction, including to the economy and ensure that in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health, or aviation safety, and consider the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.

Spatial strategy

7.4 Policy STP 1 sets the spatial strategy for Northumberland and directs development towards established settlements. Outside of these areas, development will only be supported if it aligns with one of the exceptions listed in criterion g of this policy. This includes if the proposal supports the sustainable growth and expansion of an existing business in accordance with Policy ECN 13.

7.5 Policy ECN 13 states that development in the countryside that will generate employment opportunities will be supported where three criteria are met. The proposal aligns well with the first and third of these, as it re-uses existing buildings and their footprints and has no adverse impact on operational aspects of local farming or forestry. The remaining criterion requires that the proposal be related as closely as possible to the existing settlement pattern, existing services, and accessible places. The site cannot be considered well connected to the existing settlement pattern. However, the distance from nearby large settlements is not excessive and arguably given the proposal's industrial nature would not be well suited to being directly within a rural settlement. The site is considered accessible, being close to the primary road network and possessing a rail freight link.

7.6 The proposal makes use of previously developed land which is encouraged by the wording of the NPPF. Although the proposal is not fully aligned to the requirements of ECN 13 it should be noted that it does make use of a Brownfield site against which considerable weight should be afforded. Other benefits are explored below.

Primary aggregate deliveries via railhead

7.7 The historic railhead and associated loading and unloading facilities remain in place and the applicant proposes to use these to receive up to three train loads per week of primary aggregates. These aggregates will then be transported across the region by road.

7.8 The Northumberland Local Plan does not include a specific policy or policy criteria relating to the development of rail depots for the importation of aggregate minerals. Policy MIN 7 of the Northumberland Local Plan (NLP) sets out the strategy for providing a steady and adequate supply of aggregates to meet local and wider needs. The aim of this policy is to minimise the need for primary aggregates to be imported over large distances into the region. However, this policy does not prevent the importing of aggregates and it is recognised that there will be occasions when this is necessary. The most recent Local Aggregates Assessment identifies that Northumberland has sufficient permitted reserves of crushed rock to meet future need in the long-term. However, for sand and gravel, there is a shortfall in permitted reserves to meet the calculated demand. No specific need for the importation of materials is identified in the Local Plan or Local Aggregates Assessment.

7.9 In general, the principle of rail freight is supported by Policy TRA 5. This states that support will be given to proposals to improve the flow of freight by rail whilst existing rail freight facilities will be safeguarded. There is also support from Policy TRA 1, which seeks to reduce and encourage sustainable modes of transport.

7.10 Overall, it is not possible to say this portion of the development is fully aligned with the objectives of the NLP as it involves the importing of primary aggregates into the region. However, it is recognised that importing of aggregates is necessary in some cases and as there are no direct policy conflicts - and the proposal involves rail freight - the principal of development for this element of the proposal can be considered supported, notwithstanding the issues identified with spatial strategy policies above and any harm identified being acceptable. Erection of plant for recycling of inert construction and demolition waste to produce secondary aggregates and soil materials

7.11 The applicant currently operates two sites which process inert waste to produce an aggregate product. The applicant refers to this product as secondary aggregate, however traditionally this is used to refer to aggregate that is a by-product of an industrial process. The more common term used to describe this product is recycled aggregate, which the NPPF defines as aggregates resulting from the processing of inorganic materials previously used in construction. The applicant proposes to divert operations from these two sites to Butterwell, where the setup would allow the recycled aggregates to be washed. This allows the production of a soil product as well as a higher quality recycled aggregate product. To enable this, the applicant proposes to introduce a water supply pond and utilise existing settlement ponds on site.

7.12 Policy MIN 7 of the NLP is supportive towards proposals that would contribute to the supply of recycled aggregates. It is not clear if the applicant proposes to increase the quantity of recycled aggregates produced, but the quality would be improved. The applicant states that this cannot be achieved on the sites currently run due to the unavailability of settlement ponds.

7.13 Paragraphs 210, 211 and 213 of the NPPF are all broadly supportive of the role recycled aggregates can play in contributing to a steady and adequate supply of aggregates. The site involves the processing of inert construction and demolition waste to produce the recycled aggregate product. Policy WAS 1 sets the principles for the location of waste recycling and recovery facilities. These will be supported where they are located within or close to one of the county's main towns or service centres, or where they would supplement the provision of an accessible network of local facilities and have suitable connections to the transport network. Whilst the site should be considered to have suitable transport connections it does not meet the requirement of supplementing a network of local facilities. This policy also sets a sequential order of preference for locations of waste sites. Third in this hierarchy are sites identified for employment uses or previously developed land (amongst others). This portion of the proposal would involve moving the management of waste away from two sites that are identified for employment uses; however, given that this part of the proposed site (the rail loading pad area) constitutes previously developed land, from a policy perspective this would not conflict with Part 2 of Policy WAS 1.

7.14 Paragraph 4 of the NPPW states that waste planning authorities should plan for the disposal and recovery of waste in line with the proximity principle followed by Policy WAS 1, as well as giving priority to the re-use of previously developed land and sites identified for employment uses.

7.15 Policy WAS 2 sets a series of development management criteria for waste recycling and recovery facilities which the proposal needs to comply with to be supported. These include:

- a. The design is compatible with its location in terms of its siting, scale, mass, form and landscaping and contributes positively to the quality and character of the area where it is located;*
- b. The facility is fully contained within buildings or enclosed structures, unless it can be demonstrated that any unacceptable adverse environmental effects can be effectively mitigated and/or it is a facility that genuinely requires an outdoor location;*
- c. The proposal is well related to the transport network and, where practical, located and designed to enable transport by rail or water. Where road transport is proposed*

the applicant shall demonstrate that there would be no unacceptable adverse effects on the surrounding highway network and infrastructure capacity, or such effects can be suitably mitigated;

d. The proposal helps to support a reduction in the distance waste is transported for management, whilst recognising the economics may mean facilities have to operate over large catchments;

e. The proposal would not result in unacceptable adverse effects on the natural or historic environment, sensitive receptors or residential amenity as a result of noise, dust, lighting, vibration, odour, vermin and birds, litter and visual intrusion; and

f. The proposal would not give rise to unacceptable adverse cumulative effects.

7.16 The proposal appears well aligned with most of these criteria, however, there remain some issues which require close consideration. The site will not be fully contained; however, this is not an issue if there are no unacceptable adverse effects identified. It could also be argued that the process of washing the inert waste requires an outside location. The applicant has provided a transport statement to demonstrate that there will be no unacceptable adverse effects on the surrounding highway network as well as a dust management plan and noise assessment. These issues are considered below. Cumulative effects should also be considered, given the site's proximity to Ellington Road Landfill Site. Finally, there is no suggestion that the proposal would help to support a reduction in the distance waste is transported for management. Given that the applicant currently operates at sites at Morpeth and Lynemouth, which are closer to large settlements, distances look likely to increase.

7.17 The NPPW requires that several factors be assessed when considering an application which is broadly like those in Policy WAS 2. These include the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (both into and products out of the site) as well as the cumulative impact with existing waste disposal facilities on the well-being of the community.

7.18 In summary, the principle of a recycled aggregates facility producing a high-quality product is supported, however there are a few policy conflicts surrounding the location. The proposal would not supplement a network of local facilities nor is it likely to reduce the distance waste will be transported. The applicant has submitted that the use of this site will enable them to produce a higher quality product utilising a different technique which would not be possible in their current locations on employment sites within (or close to) established settlements. This argument does have merit and is considered to carry a degree of weight in the planning balance.

Outline permission for an office and workshop

7.19 Finally, the proposal also includes a number of buildings described as ancillary to the operations previously described. These would be on the foundations of former office and workshop buildings. This area is identified as 'greenfield' because the extant mineral planning permission makes provision for the restoration of this part of the site to agriculture (unless otherwise determined by another planning permission). Planning permission 15/02307/VARYCO has not been fully complied with and this part of the site has not yet been restored.

7.20 As discussed above, the location of this element of the proposal means that it will need to comply with Policy STP 1 and Policy ECN 13, which is concerned with meeting rural employment needs. This states that existing buildings should be reused, or where this is not possible new buildings should contribute positively to local landscape character. Paragraph 84 of the NPPF states that planning decisions should

enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings. Whilst the proposed new buildings use only the existing hard standing and foundations. The facility would expect to have an office and a workshop. Such facilities are reasonably expected to have an office and a workshop to attend to any breakdown of machinery etc. It is considered that these elements are consistent with the provisions of the development plan.

Conclusion

7.21 The proposal would enable an increase in the quality (and potentially quantity) of recycled aggregates which is strongly supported by extant policy. There is conflict identified with spatial strategy policies and as a rural location, the proposal does not fully align with policies regarding the location of waste recovery and recycling facilities. The applicant has submitted that this location will enable them to produce a higher quality product that would not be possible in other locations, and this will need to be assessed as part of the planning balance exercise. They have chosen this site given the presence of the railhead which allows them to take vehicles off the road. It is not unreasonable to see the reuse of the railhead aligned with such a facility.

7.22 Although there are some minor policy conflicts the site is previously developed land, for which the redevelopment is generally supported though the Local Plan and NPPF, and the reuse of the railhead facility is supported by policy. It is not unreasonable to expect such an operation to be associated with this type of facility. The application allows the applicant to combine their existing sites into a single entity, freeing up employment land for alternative operators whilst allowing the applicant to improve the quality of the recycled aggregate. It is considered that the proposal can be supported by the policies of the Local Plan, albeit as a minor departure.

Ecology

7.23 Policies ENV 1 and ENV 2 of the Local Plan seek to protect and enhance the natural environment. To this end the application is supported by a supplementary Ecological Impact Assessment (EclA) and information to support a Habitat Regulations Assessment:

- Supplementary EclA March 2023, FPCR Environment and Design Ltd.
- Information to Inform a Habitat Regulations Assessment March 2023, FPCR Environment and Design Ltd.

7.24 The supplementary EclA has fully assessed the potential impacts from the proposal on habitats and notable/protected species and designated nature conservation sites. The assessment has been substantiated with clear evidence giving confidence in the results and recommendations. Key impacts to note are summarised below.

7.25 The site contains areas of 'open mosaic habitat on previously developed land', which is a Habitat of Principal Importance as listed on Schedule 41 of the NERC Act (2006). The proposals will result in a minor reduction in this habitat's area but continue to be within the minimum threshold, so this would be considered a not-significant negative impact on a Local scale.

7.26 The site is hydrologically connected to the Northumberland Shore Site of Special Scientific Interest (SSSI) and the Linton Lane Wildlife Trust Reserve; the site lies in the catchment of the River Lyne, a small tributary of the River flows from west

to east through the application site with a discharge from the current settlement lagoons. The Phase 1 Contamination Assessment (Desk Study Report) (DAB Geotechnics, 2023) states that the impacts of the proposals on receptors will be low risk and pollutant linkage to watercourses may be present but the circumstance under which harm would occur are improbable. Runoff from the proposed mineral processing and stockpiling areas should not impact discharge water quality if only inert materials are imported as proposed. The principal contaminant in the runoff will be inert suspended solids which can be removed by simple settlement in silt traps, sumps, and the existing lagoons. A Dust Management Plan has been produced as part of the planning application, this primarily focused on where dust may be a nuisance, however the assessment and mitigation can be applied to consider ecological receptors. It is therefore concluded the effects of the proposals on the Northumberland Shore SSSI and Linton Lane Wildlife Trust Reserve will be neutral.

7.27 The avoidance and mitigation measures identified as necessary as:

- Good practice during construction to help prevent and control pollution and dust deposition (a Dust Management Plan as already submitted with the application).
- 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 works by an experienced ecologist.
- Great crested newt and reptile working method statement during construction (para. 7.46)
- Bird's-foot trefoil (*Lotus corniculatus*), a food plant of Dingy Skipper, will be translocated to a retained area of open mosaic habitat (para. 7.50)

7.28 Compensation and enhancement measures identified as necessary (Section 8 of the EclA report):

- A new butterfly bank with associated open mosaic habitat has been proposed to compensate for any losses of dingy skipper habitat, should the species be present and also provide further enhancements regardless. The proposed location of the butterfly bank will be within a 100m long x 15m wide (0.15 ha) strip of land on the eastern edge of the 'big field' and within the applicant's ownership, see Figure 7 of EclA.
- Newly planted woodland belt to the east of the lagoon will provide a suitable new terrestrial habitat for GCN providing connectivity around the Site.

7.29 The application is subject to the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Northumberland County Council is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

7.30 The Northumberland Marine Special Protection Area (SPA) and Northumbria Coast SPA and Ramsar are located c.5.1km and c.5.2km east of the Site, respectively. The applicant has submitted a document of supporting information for the HRA process and an EclA; Supplementary EclA March 2023, FPCR Environment and Design Ltd and Information to Inform a Habitat Regulations Assessment March 2023, FPCR Environment and Design Ltd. Having considered the nature, scale, timing, duration, and location of the project it was concluded that it is eliminated from further

assessment because it could not have any conceivable effect on a European site. This conclusion has been endorsed by Natural England who raise no objection or concerns.

7.31 Considering the above the proposal is consistent with the provisions of policies ENV 1 and ENV 2 of the NLP.

Public Protection

7.32 There are several considerations with respect to policy WAS 2 and to ensure the proposal complies with policy and the NPPF to protect residential amenity.

7.33 It is important to identify the nearest sensitive receptors followed by an assessment against:

- Noise Impacts
- Air Quality / Dust
- Artificial Lighting

Nearest Sensitive Receptors

7.34 There are six residential receptors which comprise the nearest receptors to the site, distances are given as nearest noise/dust generating activities and in parentheses from the redline boundary, there are:

- High Steads at approx. 300 metres (170 metres) to the South of the site
- Crowden Hill Nurseries at approx. 1020 metres (425 metres) to the west-south-west of the site
- The Sanctuary at approx. 975 metres (300 metres) to the North-West of the site
- Hawthorn Bungalow at approx. 550 metres (500 metres) to the east of the site
- Middle Steads Farm at approx. 400 metres (260 metres) to the South-East of the site
- Fairwinds at approx. 1000 metres (960 metres) South-West of the site

7.35 It should be noted that receptors to the south of the site (High Steads and the more distant Old Moor Shaft) will be screened by the proposed buildings along the southern edge are currently with hard standing (former car park on offices for Butterwell DP OCCS).

Noise Impacts.

7.36 The application is supported by a number of studies and reports which have been assessed by Public Protection. In all cases the predicted noise levels are between 3 and 24dB below the measured ambient noise levels at all receptors.

7.37 There was no assessment of ambient or background noise levels at Middlesteads, however given the distance from the C125 road, the noise levels are likely to be similar to those at Hawthorn Bungalow. This would give a predicted noise level about 3dB below the likely ambient noise level at this location.

7.38 Similarly, there was no assessment of ambient or background noise levels at The Sanctuary, however this receptor is a similar distance from the site and the ECML, the noise levels are likely to be similar to those at Crowden Hill Nurseries. This would give a predicted noise level of about 16dB below the likely ambient noise level at this location.

7.39 The applicant's submission concludes that no noise attenuation is required or proposed. This is acceptable, given the separation distances and topography, the area of the rail loading pad is several metres lower than the C125 road, the predicted noise impacts are well below the existing ambient noise levels. This does not mean that noises will not occasionally be audible, but these should not be any more intrusive than road traffic on local network or train passes on the ECML. Public Protection has advised that there is no further information required in respect of noise.

Air Quality / Dust Impacts

7.40 As the site will process waste materials, they will require an environmental permit from the Environment Agency, usually this would be a Waste Management License (WML).

7.41 The processing of primary aggregates may also require some form of regulation, but this may depend upon the redline boundary for any WML and the annual quantities processed. Normally, a WML would require some dust management plan to be in place by the operator to support the permit and act as a management tool.

7.42 However, it is recommended that a dust management plan (which could be the same one used to support any permit) is submitted as part of the planning application to support this.

7.43 A condition has been recommended for the applicant to submit a dust management plan; information has been provided in the informative to assist the applicant. This has been agreed by the applicant.

Artificial Lighting

7.44 Given the separation distances, any fixed or mobile lighting would be unlikely to exceed measurable lux levels at any of the nearest receptors. It is recommended that any fixed or mobile lighting complies with the ILP Guidance Notes for the Reduction of Obtrusive Light, SKU: GN01-20, 2020.

7.45 Any lighting should comply with Environmental Zone E2 - Rural (low district brightness) as contained within the ILP guidance which means any lighting installation (fixed or mobile) would have to meet:

- 5 lux pre-curfew* (vertical plane)
- 1 lux post-curfew* (vertical plane)
- 2.5 per cent Upward Light Ratio (ULR)

**Curfew is taken to be 2300 until dawn.*

7.46 Public Protection has confirmed that the lighting levels are acceptable and that there are no concerns in this regard. In this regard the proposal is consistent with policy WAS 2 subsections 'b' and 'e'.

Highways

7.47 Policy TRA 1 seeks to promote sustainable connections whereas policy WAS 2 subsection 'c' seeks to ensure proposals are well connected to the existing transport network. The proposals should seek to reduce reliance on private vehicles and maximise sustainable modes of transport. Furthermore, applications should seek to promote good design principles in respect of permeability, connectivity and legibility of

buildings and public spaces, and includes access. Applications should also seek to promote and enhance rights of way.

7.48 The proposed development conforms to highways policies TRA1, TRA2, TRA3 and TRA4 of the Northumberland Local Plan and highways paragraphs 110 and 112 of the National Planning Policy Framework. The principle of utilising the site for industrial use was re-established in 2017, subject to planning conditions securing various highway and transportation requirements. This has been considered in the consultee response from Highways.

7.49 This proposal will result in 550 HGVs per operational day (275 in and 275 out) which will see a lesser impact on the highway network than that previously approved in 2017. The operating times for vehicular deliveries/extractions will be 0700-1800 weekdays and 0700-1400 Saturdays which is similar to what was previously approved. It is noted that there will be 3no anticipated train deliveries per week. HDM have considered the accident data where it was noted there have been two incidents close to the site, but both are noted to be driver error and were not HGVs or an HGV was not involved.

7.50 On the basis of the above assessment, the proposed development is unlikely to lead to substantial increases in traffic to the site compared to what has been obtained as part of previous planning approvals. HDM are satisfied the development can be achieved without impacting on highway safety by the provision of planning conditions.

7.51 The access works are required to ensure that vehicles egress the site and turn east onto the C125 towards Potland roundabout. HGV's will not be permitted to turn west and proceed along roads in this direction due to the adverse risk for collisions with other vehicles, major damage to the structural integrity of the carriageway and highway verges and disturbances to residents and wildlife.

The applicant will be required to enter an Agreement with the Highway Authority for the works to the site access which will see the eastern radius increased further as shown on Figure 7 of the Transport Statement. Noting that this was extracted from the previous planning permission, the applicant will need to generate their own plans and provide them as part of future discharge of conditions applications.

7.53 The applicant will also need to enter into a Section 59 agreement for the section of C125 between the site access and Potland Roundabout on the A1068. The applicant must provide up to date condition surveys of the C125 before any works start and entering the Agreement.

7.54 Considering the above the proposal is consistent with policy TRA 2 and WAS 2 subsection 'c'. There are no objections from Highways subject to conditions which form part of this recommendation.

Water Management

7.55 The LLFA has objected to the proposal, but this is on grounds of a lack of clarity on the information supplied by the applicant as opposed to something 'in principle.' Discussions are ongoing with the LLFA, and it is understood that a planning condition can overcome their concerns.

7.56 The Environment Agency are yet to comment but given they did not object to the previous grant of permission in 2017 for a very similar proposal it is not anticipated that this proposal will raise any significant concerns for them. It is considered that conditions will overcome any of their concerns, furthermore the proposal will be subject to the EA's own regulatory regime. A further update will be provided to members prior to any decision being taken.

Mineral infrastructure safeguarding

7.57 The entire proposed site is identified as safeguarded minerals infrastructure under Policy MIN 6 of the Northumberland Local Plan. Policy MIN 6 states that these sites will be safeguarded from unnecessary loss to non-mineral related development on the site or within its vicinity. Whilst using the railhead to import aggregate would be considered a mineral-related development, the rest of the proposal is better described as relating to waste processing. Policy MIN 6 goes on to state that proposals in the vicinity of safeguarded mineral infrastructure will need to demonstrate that it will not place unreasonable restrictions on the infrastructure. As the proposal involves bringing back into use the currently redundant railhead, it is considered the proposal complies with this policy requirement. Therefore, there is no conflict with Policy MIN 6 of the Northumberland Local Plan.

Climate Change

7.58 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.59 Local Plan Policy QOP1 sets out several design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.60 Local Plan Policy QOP 5 relates to sustainable design and construction. To minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation, and lighting amongst other matters.

7.61 The supporting documents accompanying the application do not provide any information about sustainable design and construction. It is therefore appropriate to attach a condition to the permission to ensure that the proposal will be constructed in accordance with the requirements of Local Plan Policies QOP1 and QOP5.

Broadband connectivity

7.62 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where

no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.63 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Equality Duty

7.64 The County Council has a duty to consider the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.65 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.66 The Human Rights Act requires the County Council to consider the public's rights under the European Convention on Human Rights and prevents the Council from acting in a manner incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.67 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.68 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to much case law. It has been decided that for planning matters the decision-making process, including the right to review by the High Court, complied with Article 6.

8. Conclusion and Planning Balance

8.1 The proposal is not consistent with the settlement strategy for economic development proposals in the countryside under policy ECN 13. However, planning policies cannot cover every possible scenario and the application offers the opportunity to re-use the existing rail head which is consistent with various policies of the Local Plan. Also the site is considered PDL, again the use of PDL is consistent with the Local Plan and NPPF. The application will present an opportunity for employment in the countryside in an area accessible by rail and road.

8.2 The development will allow for an existing recycling operator to improve their product offerings and re-use the former minerals processing site. This will result in the use of PDL and the rail head. In this regard the proposal meets most of the requirements subject to policies STP 1, ECN 13 and WAS 2.

8.3 On balance it is acknowledged the proposal represents a minor departure to policy ECN 13, however, the proposal seeks to re-use PDL and a rail head and will not result in adverse environmental, highways or residential amenity impacts.

9. Recommendation

That this application be minded to GRANT permission subject to conditions and the resolution of comments made by the Environment Agency and the Local Lead Flood Authority.

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 quarry 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 and post completion of development 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.

Informative

Ground Gas Protection

Our adopted guidance provides a guide to what should be included in a gas protection proposal and is included in Appendix 2 of the YALPAG Technical Guidance - Verification Requirements for Gas Protection Systems, Version 1.1 Dec

2016, which can be accessed in the "related documents for environmental protection in development" section at: <https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

Verification of the gas protection should be proposed to address the first gas condition, once the buildings are erected to floor level then the second gas protection condition can be discharged, and the verification should match what is proposed but should broadly consist of the items listed in Appendix 3 of the above guidance document.

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/m²/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

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

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 limited 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 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.

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 concerning the Section 59 Agreement of the Highway Act 1980 relating to extraordinary expenses

Date of Report: 19th May 2023

Authorised by: Elizabeth Sinnamon

Date: 19th May 2023

Background Papers: Planning application file(s) 22/02869/FUL