

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 31st January 2006

**Report Title** **Judkins Landfill, Nuneaton - Extension to the time limit for the implementation of a Materials Recycling Facility**

**Summary** The application proposes the variation of condition number 1 attached to planning permission N85/98CM035. This permission involves the construction of a Materials Recycling Facility (MRF), which would separate recyclable materials from mixed household and similar commercial/industrial wastes, incorporating in-vessel composting of household organic wastes, a dedicated facility for green waste composting and associated infrastructure improvements.

**For further information please contact** Richard Forbes  
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**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Planning permission N85/98CM035.  
  
Letter applying to vary condition number 1 of planning permission N85/98CM035 received 23rd November 2005.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

Other Committees  .....

Local Member(s)  Councillor B. Hicks – no comments received as of (With brief comments, if appropriate) 17th January.  
Councillor S. Tooth – no comments received as of 17th January.

- Other Elected Members  .....
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  .....
- Finance  .....
- Other Chief Officers  .....
- District Councils  Nuneaton and Bedworth Borough Council – See paragraph 2.1.
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Environment Agency – No comments received.

**FINAL DECISION**                      **YES/NO**      *(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Regulatory Committee – 31st January 2006

### Facility Judkins Landfill, Nuneaton - Extension to the time limit for the implementation of a Materials Recycling Facility

#### Report of the Strategic Director of Environment and Economy

##### Recommendation

That the Regulatory Committee grants permission to vary condition number 1 attached to planning permission N85/98CM035, dated 24th November 2000, to allow the commencement of development for a Materials Recycling Facility to process mixed household and industrial wastes, incorporating in-vessel composting of household organic wastes, a dedicated facility for green waste composting and associated site infrastructure improvements on 5.2 hectares of land at Judkins Quarry, Nuneaton, Warwickshire, CV10 0JO by the 24th November 2010, subject to the conditions and for the reasons contained in **Appendix B** of the Strategic Director of Environment and Economy.

#### 1. Application Details

- 1.1 The application proposes the variation of condition number 1 attached to planning permission N85/98CM035. This permission involves the construction of a Materials Recycling Facility (MRF), which would separate recyclable materials from mixed household and similar commercial/industrial wastes. A location plan is attached as **Appendix A**.
- 1.2 None of the development approved under planning permission N85/98CM035 has been implemented. Indeed, the site remains unused and derelict. This application would allow the development, previously approved, to be commenced on any date up until 24th November 2010. Without this, the time limit for the commencement of development will have expired and the scheme would not benefit from a valid planning permission.
- 1.3 The operation would involve the separation of various materials, as well as the screening and sorting of materials by different methods carried out within the confines of large industrial type building located to the south of the site. This building would measure 50 metres by 100 metres with a 10 metre haunch height with an additional attached smaller annex with a floor area of 28 metres by 28 metres housing a compost pre-processing area. 6 metres on the west of the main building be a much smaller office and amenity block, is proposed with a floor area of 15 metres by 15 metres.

- 1.4 In addition, an open air composting unit would be located to the north of the site, enabling further recovery from incoming green and mixed waste. This would be supplemented by green waste from the existing civic amenity site and landfill. A dutch barn type building would be located to the northern end of the composting area for screening, blending and storage purposes. This would have a footprint area measuring 24 metres by 13 metres. However, most of the composting operations would involve the use of open air composting beds.
- 1.5 The planning permission was granted on the 24th November 2000, subject to conditions. Condition No. 1 of the permission states that *“the development to which this permission relates shall be commenced not later than 5 years from the date of this permission”*. The scheme has not been implemented for a number of reasons including:-
- (i) The landfill site, as a whole, is going through a review for the purposes of the Environment Agency Waste Management Licence. As such the entire site is being reviewed, including the final restoration of the site. These details are still being reviewed in order to address the Environment Agency’s concerns in relation to their permit.
  - (ii) The applicant has been reviewing their overall master plan for the site due to the need to over tip onto Phases 1 and 2 of the landfill operation.
  - (iii) The Waste Local Development Framework is currently being prepared and may affect the nature of facilities needed. Therefore the details and technology approved may need to be amended at a future date. However, the principle behind the existing permission is still valid although it is premature to implement the permission at this time.

As the approved time limit has now expired the applicant has applied to vary this condition to allow the commencement of development within the next five years.

- 1.6 The applicant wishes to change the condition to read as follows *“the development to which this permission relates shall be commenced not later than 24th November 2010.”* In normal circumstances, since the implementation of the Planning and Compulsory Purchase Act 2004, time limits relating to the commencement of development should be restricted to three years. However, the County Planning Authority does have some flexibility in determining the time limit period. In this case, the applicant has demonstrated the following justification for an additional five year time limit:-
- (i) It will provide sufficient time for the determination of the Pollution Prevention Control Permit (PPC) to be issued by the Environment Agency for the adjacent landfill, requiring an amendment to the overall restoration scheme;
  - (ii) A consolidating planning application, including a site Master Plan for the entire site, can then be submitted.

- (iii) The Waste Local Development Framework Review will have been completed by this time and the waste strategy for the county will have been finalised.

## **2. Consultations**

- 2.1 **Nuneaton and Bedworth Borough Council** – No objection, providing the future development of the land for Industrial purposes, allocated under policy Emp2 of the Nuneaton and Bedworth Borough Local Plan Proposed Modifications 2005 is not jeopardised.
- 2.2 **The Environment Agency** – No comments received.
- 2.3 **Network Rail** – No comments received.
- 2.4 **British Waterways** – No objection.
- 2.5 **County Museum** – No objections, subject to conditions.
- 2.6 **Councillor B Hicks** – No comments received as of 17th January.
- 2.7 **Councillor S Tooth** – No comments received as of 17th January.

## **3. Representations**

- 3.1 Two letters from local residents objecting, and raising concerns on the following grounds:-
  - (i) If granted this can only lead to further environmental detriment in the adjacent area;
  - (ii) For years now the area has been infested with gulls, flies, rats and noise and this can only increase if planning permission is granted;
  - (iii) Surely sites can be found further away from living areas where these activities could continue;
  - (iv) Traffic generation – relating to the MRF, traffic to and from the Civic Amenities Site and employees;
  - (v) The facility is expected to handle approximately 65,000 tonnes per year;
  - (vi) Noise impacts;
  - (vii) The need to respect adjacent residential properties;
  - (viii) Mud/soil on the Highway during excavation works.

## 4. Observations

### The Site and Surrounding Area

- 4.1 The application area is situated to the north east of the existing quarry access, away from the current approved landfill activity. The Coventry Canal separates the development from other permitted waste management activities carried out by the applicant. Access to the site will be gained from the main site access via a canal bridge.
- 4.2 The land is bounded by Stoney Road to the south-east, the concrete block works to the north-east and the Coventry Canal to the west. The nearest residential properties are the canal side cottages adjacent to the site on Stoney Road.
- 4.3 Currently the site is derelict and was previously used for quarry processing plant and the surface comprises of quarry waste, old concrete bases and footings.

### Considerations

#### Previous Planning Approval

- 4.4 This application seeks to vary a particular condition attached to a planning permission dated 24th November 2000. As such the main considerations are whether any elements of planning policy have changed since this time, or whether on site conditions, or those within the affected vicinity, have changed to the point that they would alter the previous decision.
- 4.5 The application details for the permission included a comprehensive supporting statement addressing the environmental impacts of the scheme and incorporating a noise assessment and traffic impact assessment. As the facility is linked to a landfill site a planning condition limits the operation to the lifespan of the landfill and require the submission of a restoration scheme for the site.
- 4.6 The original approval was also the subject of a Section 106 agreement that covered minor improvements to Manor Court Road junction including road signs and the installation of an Urban Traffic Control System/Computer Program. This would restrict HGV movements and help improve traffic flow within the vicinity.

#### The amenities of residents within the surrounding area

- 4.7 The particular issues were addressed as part of the original application. However, there has been a letter of objection submitted by a resident on Tuttle Hill regarding the *“further detrimental environmental detriment in the surrounding area”*. It goes on to state certain nuisances that may be increase if the planning permission is granted.
- 4.8 Some of the nuisances referred to in the letter appear to relate to an open landfilling operation rather than the proposed activity. However, industrial type buildings will be used as part of the scheme to help contain and reduce some of the impacts that may result from the recycling activities.

- 4.9 With reference to a local residents concerns relating to the location of the Civic Amenity site and the development. These sites are located at least 290 metres from each other.
- 4.10 Planning conditions attached to the original permission address some of the impacts associated with such development. Such conditions include the submission and implementation of a noise control scheme, and the deposition of mud on the Highway.
- 4.11 As such the possible impacts on the amenities of local residents would remain unchanged since the determination of the original planning permission for the Facility. Therefore such impacts remain acceptable.

### **Ecology**

- 4.12 The site lies adjacent to Judkins Quarry that has been identified as a potential Site of Importance for Nature Conservation (pSINC). A colony of Dingy Skipper butterflies were recorded in 2005 at the pSINC. This is a Local Biodiversity Action Plan species and is a Butterfly Conservation Regionally High Priority Species. The presence of this species was not known at the time of the approval of Planning Permission N85/98CM035. Therefore the County Ecologist has requested the planting of Birds Trefoil, the butterfly's foodplant, as part of the landscaping scheme to encourage such butterfly species.

## **5. Planning Policy**

- 5.1 Policy ER9 of the adopted Warwickshire Structure Plan 1996 – 2011 expects that the new waste recycling facilities should be located as close as possible to the source of waste. Policy number 1 of the adopted Waste Plan states that the extent to which the proposal makes a positive contribution to re-use and/or recycling of materials and satisfies the proximity principle will be taken into consideration.
- 5.2 Since the granting of the original permission, the Nuneaton and Bedworth Local Plan has come under review and is currently at revised modifications stage. The adopted plan was adopted in 1993 and as such is somewhat dated.
- 5.3 Within both the emerging and adopted local plan the site is designated for employment purposes. Policy EMP2 of the emerging plan, the Nuneaton and Bedworth Borough Local Plan 2005, Proposed Modifications, states that "*some 16 hectares of land at Judkins, Tuttle Hill are allocated for Industrial purposes. Development will be in accordance with a revised Development Brief.*" The policy also acknowledges that the site's close proximity to the town centre could add to transport accessibility problems, as such B8 uses would not be considered. Highways improvements would also be required and these would be funded by development.
- 5.4 Policy EMP2 also makes reference to a revised Judkins Quarry Development Brief that will guide development. This document has yet to be published. However, there is an existing planning brief that was jointly published by ARC

Limited, Nuneaton and Bedworth Borough Council and Warwickshire County Council in 1989, and designates the area for industrial purposes. Due to the age of this particular document much of the information contained within it will be outdated and carry little weight as a material planning consideration.

- 5.5 The 16 hectares designated in EMP2 of the emerging plan has reduced from 32 hectares within the adopted local plan. The application area covers 5.2 hectares of this designated area, leaving a further 10.8 hectares free for the implementation of this policy. In any case, the proposed activities would represent an industrial type activity and policy 6 of the Waste Local Plan states that such facilities will be allowed on Industrial Estates. In view of these facts the proposal would not jeopardise the implementation of policy EMP2.
- 5.6 Policy number 6 – Material Recycling Facilities accepts the principle for the development of Material Recycling Facilities as an integral part of new and established waste disposal facilities, on industrial estates and on other land which has been used for a commercial use and where the proposed use would be compatible with adjacent land uses. Where the proposal is associated with a landfill site, the life of the material recycling facility will be limited to the life of the landfilling operation, this would be achieved through the use of a planning condition.
- 5.7 As mentioned, within the application details, time limit conditions are usually restricted to three years. However, the decision maker has discretion to use alternative time limits for the commencement of development. In this circumstance, the Waste Local Development Framework Review Waste Allocations are not due for adoption until sometime in 2009. This document would directly affect the operations, including the proposed MRF, at Judkins Landfill Site, which provides a valid justification for a five year time extension.

## **6. Conclusion**

- 6.1 The previously approved MRF still accords with Planning Policy, and the local circumstances have changed little since the determination of the planning permission. In view of this there is no reason to refuse the extension of time limit allowing the implementation of the facility.

## **7. Environmental Implications**

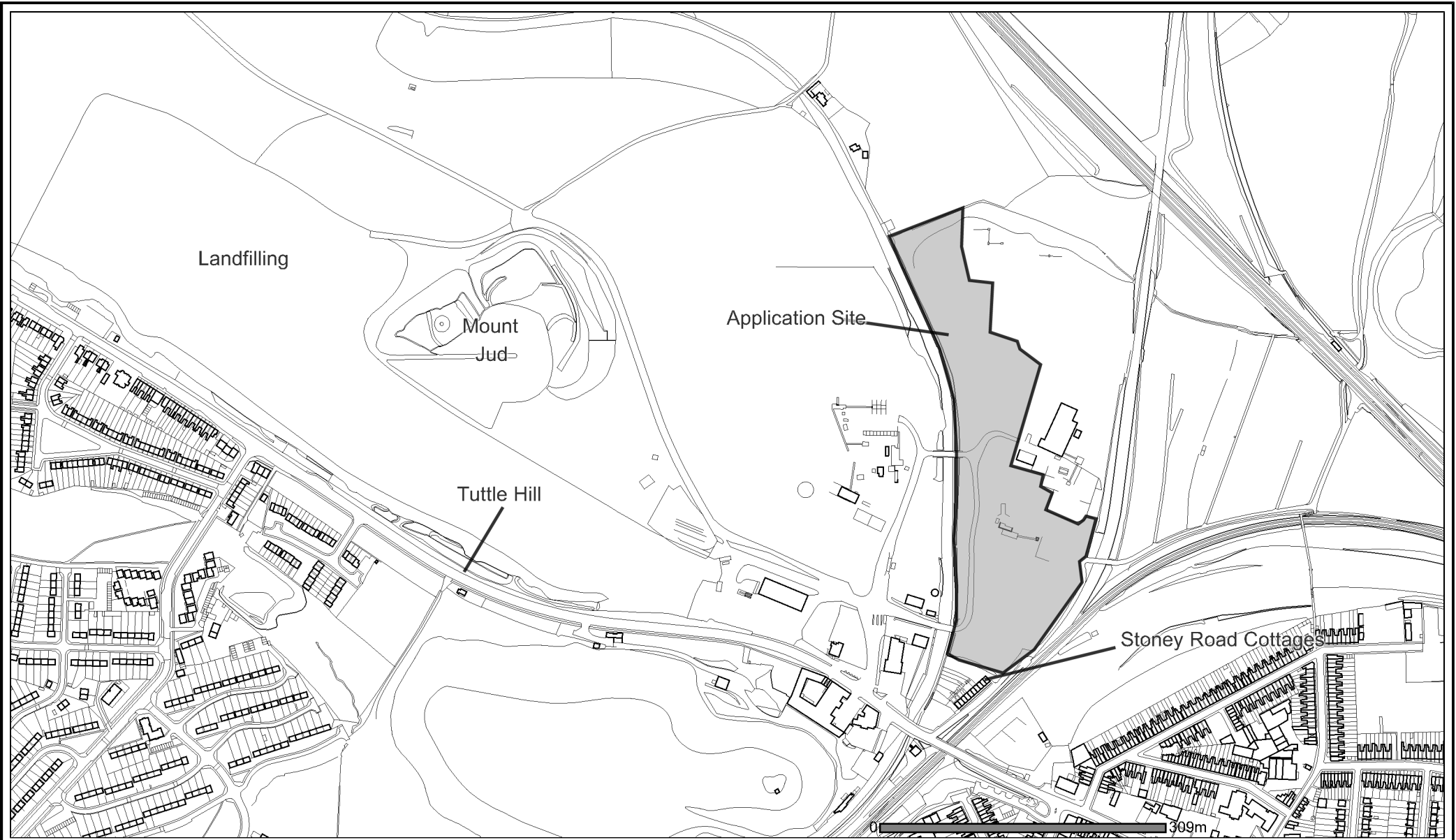
- 7.1 Extending the time limit condition would enable the implementation of a scheme that would substantially reduce the amount of waste going to landfill for disposal and therefore provide a number of benefits to the operation of the Judkins landfill site. The proposal would also help to conserve valuable natural resources.

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Shire Hall  
Warwick

13th January 2005

Regu/0106/ww3





Scale 1: 5716

Ref No. N85/05CM038

Drawn Richard Forbes

Regulatory Committee 31st January 2006  
 Subject  
**Materials Recycling Facility - Judkins Landfill Site**



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**Regulatory Committee – 31st January 2006**

**Judkins Landfill, Nuneaton Extension to the time limit for the implementation of a Materials Recycling Facility**

**Application No: N85/05CM038**

1. The development to which this permission relates shall be commenced not later than 24th November 2010

**Reason:** To comply with the provisions of Section 90 of the Town and Country Planning Act 1990 (as amended).

**Pre-Commencement**

2. No development of the Materials Recycling Facility shall take place until details of the biofiltration, including how it is to be run and emissions standards has been submitted to and approved in writing by the County Planning Authority. Following approval the equipment shall be installed and used accordingly.

**Reason:** To protect the amenity of the area from undue noise, odour and dust nuisance.

3. No development of the Materials Recycling Facility shall take place until details of the deodourisation equipment have been submitted to and approved in writing by the County Planning Authority. Following approval the equipment shall be installed and used accordingly.

**Reason:** To protect the amenity of the area from undue noise, odour and dust nuisance.

4. Before any work on site commences, including site clearance and investigation, a combined ecological and landscaping scheme shall be submitted and agreed between the applicant and the local planning authority (with advice from Warwickshire Museum Ecology Unit). The scheme will include areas of habitat creation for dingy skipper (i.e. bare ground seeded with bird's-foot trefoil) together with details of tree and shrub planting and associated management, and a timetable for the implementation of the scheme. The agreed scheme shall be implemented in accordance with the timetable.

**Reason:** In the interests of visual amenity and to provide additional habitat or a Butterfly Conservation Regionally High Priority Species.

5. No regarding earthworks pursuant to Section 3.2 of the supporting statement to the planning permission N85/98CM035 shall be carried out at the top of the canal embankment until a temporary fence has been erected along a line following the 95m AOD contour. No trees or other vegetation shall be damaged

on the canal side of the temporary fence and no vehicles or plant connected with the development shall be allowed to enter this area.

**Reason:** To protect the existing trees and other vegetation along the canal embankment below the area to be re-graded.

6. Following the regrading works mentioned in Condition 5 above and before any further development is undertaken to the east of the canal, a buffer zone of 3 metres width shall be fenced off between the development area and the top of the canal embankment. Thereafter, no vehicles or plant connected with the development shall be permitted to enter this buffer zone and no materials shall be stored within this area.

**Reason:** To protect the existing trees and other vegetation along the canal embankment below the area to be re-graded.

7. No building shall be erected until the colour of the building has been submitted to and approved in writing by the County Planning Authority. Following approval this colour shall be adhered to accordingly.

**Reason:** To protect the visual amenities of the site.

8. No development shall take place until a bat survey has been carried out for any mature trees affected by the scheme and its findings and recommendations for migration has been submitted to and approved in writing by the County Planning Authority. Following approval the recommendations shall be carried out accordingly.

**Reason:** To ensure protected species are not affected.

9. No development shall take place until a scheme for monitoring and reduction of off site drainage has been submitted to and approved in writing by the County Planning Authority. Following approval the scheme shall be carried out accordingly.

**Reason:** To reduce the effects of off site drainage on the surrounding area.

10. No development shall take place until a survey of any water voles and white clawed crayfish has been carried out and its findings and any recommendations for migration has been submitted to and approved in writing by the has been submitted to and approved in writing by the County Planning Authority. Following approval the recommendations shall be carried out accordingly.

**Reason:** To ensure protected species are not affected.

11. Prior to the commencement of development a scheme of work to prevent pollution entering the canal and water environment during and after the completion of construction works shall be submitted to and approved by the County Planning Authority. The scheme shall then be provided in the approved form and to the agreed timetable during the development of the site.

**Reason:** To protect the adjacent canal and water environment from pollution.

12. All foul and surface water drainage systems serving the site shall be installed in accordance with a scheme which shall have first been submitted to and approved by the County Planning Authority, prior to their installation.

**Reason:** To protect the adjacent canal and water environment from pollution.

### **General Operations**

13. The development shall not be carried out except in accordance with the details submitted in accordance with the planning application ref:N85/98CM035 and the supporting statement, plans 3091/01, 3091/02, 3091/03, 3091/04, 3091/05, 3091/06 (sheets 1 and 2), 3091/07, 3091/08, 3091/09, 3091/10 and the following conditions.

**Reason:** To protect the amenity of the area.

14. The Materials Recycling Facility hereby permitted shall cease to operate and the site be restored in accordance with condition no. 13 on, or before, the restoration of the adjacent landfill site.

**Reason:** To time limit the operation of the life of the landfill site.

15. Six months prior to the restoration of the landfill site and / or the cessation of the operation hereby permitted, (whichever is the sooner) a scheme for the restoration of this site shall be submitted to and approved in writing by the County Planning Authority. Following approval in writing the scheme shall be implemented accordingly.

**Reason:** To ensure the proper restoration of the site.

16. No waste shall be delivered to or accepted at the site from members of the public.

**Reason:** To minimise the disturbance to local people from traffic.

17. There shall be no retail sale of compost or other recycled materials from the site.

**Reason:** To minimise the disturbance to local people from traffic.

### **Working Hours**

18. Unless otherwise agreed in writing with the County Planning Authority the receipt of incoming waste vehicles shall not take place except between the following hours:-

Mon to Fri 0800 – 1800 hours

Saturdays 0800 – 1300 hours (1800 for Green Waste only)

Sundays and Public Holidays 0800 – 1800 (Green Waste only)

**Reason:** To minimise the disturbance to local people.

19. Unless otherwise agreed in writing with the County Planning Authority waste processing at the MRF/Enclosed Composting Plant shall not take place except between the following hours:-

Mon to Fri 0800 – 2230 hours  
Saturdays 0800 – 1400 hours  
Sundays and Public Holidays None

**Reason:** To minimise the disturbance to local people.

20. Unless otherwise agreed in writing with the County Planning Authority, mechanical processing relating to Green Waste Composting Operations shall not take place except between the following hours:-

Mon to Fri 0800 – 1800 hours  
Saturdays None  
Sundays and Public Holidays None

**Reason:** To minimise the disturbance to local people.

### **Highways**

21. Access to the site shall not be made to the site other than via the existing quarry/landfill access from Tuttle Hill.

**Reason:** In the interests of highway safety.

20. There shall be no deposit of mud or other deleterious material on the public highway.

**Reason:** In the interests of highway safety.

### **Pollution Control**

21. No operations shall take place until the works and measures relevant to them detailed in para 10.1.15 of the supporting statement to planning permission N85/98CM035 have been implemented.

**Reason:** To protect the amenity of the area from undue noise, odour, dust and visual nuisance.

22. No external lighting shall be provided at the composting site unless a scheme of lighting has been previously submitted to and approved in writing by the County Planning Authority. Following approval the scheme shall be implemented accordingly.

**Reason:** To protect the amenity of the area from undue light nuisance.

23. All drainage from the weigh bridge and access road shall be passed through an oil interceptor designed to have a capacity compatible with the site to be drained. Roof water shall not pass through the interceptor.

**Reason:** In the interests of surface water and groundwater protection.

24. Open Air Composting shall be carried out in accordance with best practice in order to prevent the creation of unpleasant odour. In particular windrows shall be turned at an appropriate frequency to avoid anaerobic conditions from developing within the waste.

**Reason:** To protect the amenity of the area from undue odour nuisance.

25. All vehicles, plant and machinery used on the site shall be silenced to comply with the best practicable standard.

**Reason:** To protect the amenity of the area from undue noise nuisance.

26. The site shall not be used for the purposes hereby permitted unless a scheme for the control and monitoring of noise has been submitted to and agreed in writing by the County Planning Authority. Following agreement the scheme shall be implemented accordingly.

**Reason:** To protect the amenity of the area from undue noise nuisance.

27. The best practicable measures shall be adopted to prevent waste or litter being blown outside the boundaries of the site.

**Reason:** To protect the amenity of the surrounding area.

28. In order to minimise the raising of dust the following steps shall be taken:

- (i) All roadways and operational areas within the site shall be laid out and maintained in good condition. They shall be damped down as necessary using a water browser or other suitable plant.
- (ii) All windrows shall be maintained in a moist condition by spraying with water as necessary and in particular before windrow turning or screening of the composted material.
- (iii) All other operations, including the construction, movement and maintenance of screening and soil storage mounds shall be carried out only when the prevailing conditions are such that dust will not carry beyond the boundary of the site.

**Reason:** To protect the amenity of the area from undue dust nuisance.

29. No loaded vehicles shall enter or leave the site unless the loads are sheeted or otherwise secured.

**Reason:** To protect the amenity of the area from undue dust nuisance.

30. Unless otherwise agreed by the County Planning Authority all pumps used at the site shall be electronically powered.

**Reason:** To protect the amenity of the area from undue noise nuisance.

**Note:-**

1. Where it is **essential** to fell or lop any trees or shrubs, it should be ensured that this work does not disturb nesting birds. Nesting birds are protected under the 1981 Wildlife and Countryside Act, and if they are present, work should not take place during the nesting season, (approximately March - September).
2. It is possible that the site contains specially protected species such as badgers. Therefore care should be taken when clearing the ground prior to development, and if evidence of specially protected species such as badgers *is* found, work should stop while English Nature is contacted. ***Badgers and their setts are protected under the 1992 Badger's Act.***
3. Any works which have the potential to affect British Waterways' structures, operations or customers should be planned and undertaken in accordance with the latest revision of the document, 'The Code of practice for works affecting British Waterways', available from [www.britishwaterways.co.uk](http://www.britishwaterways.co.uk) or a British Waterways office.

**Development Plan Policies relevant to this Decision**

- (a) Warwickshire Structure Plan – 1996-2011 – Policies GD1, GD2, GD3, GD4, GD5, ER1, ER2, ER5, and ER9.
- (b) Nuneaton and Bedworth Borough Local Plan – Adopted February 1993 –E32, E33 and EMP9.
- (c) Nuneaton and Bedworth Borough Local Plan – Proposed Modifications 2005 – ENV31 and EMP2.
- (d) The Waste Local Plan for Warwickshire – Adopted August 1999 – Policies 1, 2 and 9.

**Reason for the Decision to Grant Permission**

The development hereby permitted remains in accordance with the relevant provisions of the development plan and would reduce the amount of material going to landfill, and there are no contrary material considerations that justify refusal.