

ELDON PARISH COUNCIL

8th SEPTEMBER 2020

PROPOSED CONVERSION OF FORMER ELDON BRICKWORKS TO MATERIALS RECYCLING FACILITY – RESUBMITTED APPLICATION

REPORT OF CLERK

1. INTRODUCTION

The Parish Council was consulted earlier this year about proposals to convert the former Eldon Brickworks site to a materials recycling facility (Application No. DM/20/0314/WAS) by Falcons Two Limited. The Parish Council objected to the application on a number of grounds and asked for the application to be called in for consideration by the County Councils Planning Committee and for an opportunity to be afforded to the Parish Council to be allowed to address the Committee.

2. SUMMARY OF OBJECTIONS

The Parish Council met on 3rd March 2020 to consider the application. The meeting was attended by a large number of local residents who expressed opposition to the proposal. The main points of the Parish Council's objection which was sent to the County Council on 4th March were as follows:

- The application will result in serious traffic generation, highway safety and road access issues, which are material planning grounds so as to require the application to be determined by the Planning Committee, and it wishes to be given the opportunity to address the Committee on these matters.
- Although the Parish Council had raised no objections to a previous application on the site by Viridis Environmental (subject to certain caveats), the intervening period had seen the completion of an important development nearby at The Barns, Old Eldon; a high value conversion of a number of Georgian farm buildings which were previously in disrepair. We raised the possible development of this site in our response to the previous Viridis application and flagged up that it may be a development that could be impacted upon in the future. The Barns is the first major development in Eldon for nearly seventy years, since the village was designated as category D by Durham County Council in the late 1950's/early 1960's, and is considered by the Parish Council to be an important first step in regeneration within our area.
- The former Eldon Brickworks, on the site to which the application relates, was a well tolerated local business which provided employment for residents in the locality and had relatively low movements of vehicles into and out of the site each day. The current (Viridis) approval for the site is for 60 vehicles in and 60 vehicles out per day, much greater than that previously, although this had not been fully realised because of problems on the site. The current (Falcons Two) application seeks to mirror this and proposes retention of some of the current conditions, such as vehicles exiting

the site being required to turn left and head eastwards towards the A689. However, there are no restrictions or requirements in terms of designated routes for vehicles driving towards the site.

- In recent weeks there has been considerable activity on the former Brickworks site. It has only just come to the attention of the Parish Council that the existing permission for Viridis to operate an MRF has become active in the past month and many local residents had advised the Council about vehicles which have not been sheeted and allegedly exceeding local speed limits in the locality. It has also been reported that vehicles have been accessing the site outside operational hours. There has been removal of trees from within the site which previously assisted with screening and impacts on visual amenity of the area. Although we understand that it is the current application which we need to focus on, recent events have led the Parish Council and local residents to have concerns about the future operation of the site, should a new permission be granted, in terms of the new operators being able to effectively control these issues. If the County Council was minded to approve the new application, we would certainly be asking about how the existing controls could be enforced, or stronger controls put in force, either as planning conditions, or by enforceable legal agreements. We would also ask for a Local Liaison Committee to be established to discuss such issues as set out in the current permission – sadly, it has never met.
- Proposals in the application (it is also in the existing Viridis permission) refer to the aim to implement a voluntary 30 mph speed limit on HGVs using the site. We suggest this is likely to be unworkable and in practical terms, unenforceable. The lengths of roads in the vicinity of the development may not show any history of accidents involving HGVs, but this is likely simply to be a reflection of the fact that HGV levels in the recent past along these roads have been relatively low. However, the lengths of roads in the vicinity of the application site, most of which are currently de-restricted outside the main settlement of Eldon, lend themselves to speeding by traffic and have blind bends and restricted sight lines.
- Eldon crossroads within the main settlement has an accident record which the County Council has acknowledged in the past with traffic schemes, including road markings, signage and a flashing sign. The crossroads at Old Eldon are also known to have traffic issues which local residents are currently exploring with the County Council, local members and the police. There is particular concern about use by HGVs of the side roads from this junction towards Shildon which passes The Barns development (there have already been two incidents with vehicles colliding with the perimeter wall around the settlement) and the side road towards Eldon Hope from the opposite junction at the crossroads. If the County Council, despite our objections, is minded to approve the application, we would hope, at the very least,

that use of these roads by HGVs using the application site might be prevented by means of a Legal Agreement with the applicant. Local residents made the point to us at our meeting that most of the roads in the vicinity have little or no footpath provision. At the time of writing, we are not aware of whether the County Council's internal Highways Officers have commented on the highway implications of the application, but in the longer term, regardless of the outcome of the current application, the County Council needs to review speed limits and weight restrictions on these roads.

- In the objections from local residents which we heard, it was alleged that the proposals set out in the supporting statement from Falcons Two for an Environment Agency Permit/Licence would actually still allow for the continuation of black bag waste for processing. However, elsewhere in the statement there is a reference to the applicant being satisfied for a restriction against black bag waste to be inserted in any planning approval. This needs to be clarified and an explanation given about whether such a condition in a planning approval would outweigh any licence/permit.
- There were concerns from residents about neighbour notification letters which had been circulated by the County Council in relation to the application. We were uncertain about the criteria employed by the County Council when notifying neighbours of such applications, but a number of residents at our meeting from the Eldon Hope area said that they had not received any notifications; had only heard about the application anecdotally; and they queried the adequacy of the consultation process.
- In a comment from the Parish Council on the previous (Viridis) application, the subject of the current approval, we raised the issue of water run-off from the site access and mud on the road. This had been a continuing issue and if the County Council were minded to approve the current application we would hope that if there is not one already, conditions would be imposed either for a wheel wash within the site, or for regular cleaning of the adjoining highway in the vicinity of the entrance.
- The Parish Council looked forward to addressing the Planning Committee on the above issues and suggested that, in relation to any call-in, the Committee carried out a site inspection (including the highways in the vicinity and The Barns development) prior to hearing our views and determining the application.

3. CURRENT RE-SUBMITTED APPLICATION

On Friday 21st August 2020 the Parish Council received notification on the County Council's weekly list that a revised planning application had been re-submitted by Falcons Two for the conversion of the former Brickworks to a materials recycling facility. On contacting the

Council, the Parish Council was advised that the first application by Falcons Two (Application No. DM/20/0314/WAS) had been refused as additional information in relation to that application had been requested by the Council, but not provided by the Company. The two main issues cited in the refusal certificate relate to

- There being insufficient information in the application relating to ecology to appropriately assess if the development is likely to cause harm to habitats or protected species.
- Insufficient information in relation to drainage and flood risk to appropriately assess if the development is likely to cause harm to surface or groundwater resources.

The latest re-submitted application is essentially the same as that previously, but contains additional supporting documents in relation to the two areas identified above, together with an air quality assessment document. A copy of all the documents can be found on the County Council's website using the following link:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QF25NKGDIU500>

The ecological report found that the habitats on the site were man-made and of low ecological value, but there were some buildings with negligible to low bat roosting potential and the potential for operational maintenance of the site to affect both bats and breeding birds if they were present.

The flood risk assessment found that the site was entirely within Flood Zone 1 and not within any areas with critical draining problems such that the risk of flooding was considered minimal, although it was highlighted that there may be a risk to the site in the form of short-lived flash flood events caused by intense rainfall. In the event of this occurring it would be at the discretion of the site manager to temporarily suspend operations at the site.

The Air Quality report looked at potential impact of traffic exhaust emissions associated with HGVs travelling to and from the site. The modelling looked at the potential emissions from both the MRF operations as well as vehicles used in the export of brick shale and coal which is the subject of a separate planning application to the County Council which is yet to be determined. The report states that there would be peak (combined) HGV movements of 197 Annual Average Daily Traffic (AADT) which would trigger the air quality impact assessment criteria set by the Institute of Air Quality Management. The report/assessment found that modelling of the proposed vehicle movements and emissions had indicated that concentrations of Nitrogen Dioxide and Particulate Matter were negligible and exposure to future users to poor air quality was considered unlikely and no mitigation measures were required.

4. RECENT DEVELOPMENTS

In the period since the initial application for the MRF was lodged by Falcons Two, there have been a number of issues and concerns submitted by the Parish Council and local residents to the County Council in relation to operations at the former brickworks. The supporting documents to the latest application appear to indicate that the site is being operated by Falcons Two. These concerns include strong odours from the site; swarms of flies; vehicles allegedly working on the site outside permitted hours and also during the night. The Parish Council is aware that both the County Council and the Environment Agency have been involved in attempting to resolve some of the issues. These recent difficulties, however, regrettably do not lead the Parish Council or local residents to be overly confident about the proper operation of the site, both currently and in the future, should planning

permission be granted, although we have indicated our willingness to participate in a local Liaison Committee.

5. OTHER RELEVANT PLANNING APPLICATIONS

There is another planning application (Ref. DM/20/00604/VOC) to vary conditions of Planning Permission 7/2007/0524CM (Durham County Council Planning reference CMA/7/63) which relates to proposals to export brick shale as well as coal from Eldon Quarry, now that the brickworks is no longer operational. The Parish Council objected to this on 2nd April 2020 and asked that it be called in, together with the MRF application, for consideration by the County Council's Planning Committee. The Parish Council was concerned primarily about the traffic issues of this proposal when combined with the MRF application.

6. RECOMMENDATION

The latest MRF re-submission application is essentially the same as that refused by the County Council, although it now contains supporting information in relation to ecology, flood risk/water contamination and air quality. The air quality supporting document confirms that the potential vehicle movements per day are projected to be 197, if both applications were to be approved. This, it is considered, would lead to unacceptable levels of HGVs on local roads in and around Eldon with a consequent impact on local settlements, including new development within the Parish. Voluntary arrangements in relation speed limits are considered to be unenforceable and unworkable and recent alleged activity on the site in relation to operating hours, routing of vehicles and materials processed, observed by local residents, raises concerns amongst local people that any conditions in a permission, if approved, will be strictly adhered to. It is **RECOMMENDED** that the Parish Council consider the application and that it determines whether or not to object to the re-submitted planning application.

Tom Bolton
Clerk to the Council