

Herefordshire Council  
Minerals & Waste Division  
PO Box 230  
Hereford  
Herefordshire  
HR1 2ZB

**Our ref:** SV/2015/108472/01-L01  
**Your ref:** 151184  
**Date:** 3 June 2015

**FAO: Rebecca Jenman**

Dear Madam

**PROPOSED CHANGE OF USE TO AN INERT RECYCLING FACILITY AT LUGG  
BRIDGE QUARRY, BROMYARD ROAD, HEREFORD, HEREFORDSHIRE HR1 3LZ**

I refer to the above planning application which was received on 20 May 2015.

We make the following comments for your consideration:

**Environmental Permitting Regulations (2010)**

The current land use (operation) is not regulated by ourselves. However, the proposed activity will require authorisation from ourselves via an Environmental Permit (EP) i.e. 'Inert and excavation waste transfer station with treatment' (link to relevant page of our website: <http://www.environment-agency.gov.uk/business/topics/permitting/35313.aspx>)

In this instance, a '**bespoke**' permit is required, because one of the criteria for a 'standard rules' permit is that " ... *the activities are not carried out within 500 metres of a European site, Ramsar site or Site of Special Scientific Interest (SSSI)*" and the site is within 500 metres of the River Lugg – in fact less than 200 metres.

We have received an EP application from the applicant. However, at the time of writing the application has not been 'duly made'.

The EP will control general management and operations including waste types, emission and monitoring including for odour, noise and vibration. It will also control impacts to the water environment. The planning application should demonstrate that the development is 'appropriate for its location' with a cross reference to those issues/material planning considerations, which may be subsequently controlled in the permit.

**Habitat Regulations Assessment (HRA)**

We would recommend that you seek the views of Natural England and your Ecologist in relation to the HRA screening/assessment.

Environment Agency  
Hafren House, Welshpool Road, Shelton, Shrewsbury, Shropshire, SY3 8BB.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

Given that the proposal requires a bespoke permit, due to the close proximity to the River Lugg Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), a HRA would be required as part of the permit.

We would encourage the 'twin tracking' of the EP, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application. We can also provide more detailed reassurance or concern on the proposals adequacy, to assist in your consideration of the HRA as 'competent authority' at the Planning stage (with reference to section 65 of the Habitats Directive). This does not affect our responsibility as a similar authority when considering the technical detail of the EP application. If the applications are not 'twin tracked' then the planning application will need to provide a reasonable degree of certainty through sufficient detail/assessment to confirm impacts and controls relating to any land use planning considerations will/can be addressed.

We are unable to provide any further comments on the above, at this time, as the permit has not been 'duly made'.

### **National Planning Policy**

The above approach is supported by paragraph 109 and 120 of the National Planning Policy Framework (NPPF). Paragraph 109 of the NPPF states that *"the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils; ... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate"*.

Paragraph 120 goes on to say that planning decisions should ensure that *"new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account..."*

### **Water quality impacts, including run-off emissions**

With regard to the Water Framework Directive (WFD) the site falls within the catchment of the 'Little Lugg near Wyatt Farm to confluence of the River Lugg'. This is currently classified as 'moderate status'. The proposal should not result in a deterioration of WFD status and seek to improve it to help meet the objective of 'good status' by 2027.

The planning application considers the potential for waterborne pollution arising out of the proposed operations, with an explanation of how any mitigation measures can manage the risks.

The EP will require waste to be stored on an impermeable hardstanding with a sealed drainage system. The only direct discharges to controlled waters should be clean surface water from the roofs of any buildings or from areas not used for storage of waste.

With reference to the above, the planning application confirms that a detailed Waste Acceptance Criteria (WAC) has been developed (as submitted in Appendix 2 of the



planning statement) to ensure that the waste accepted at the site will be strictly inert. This will be controlled in the permit. The proposed strategy covers procedures for sampling and testing of material and measures for dealing with any non-conforming waste including rejection and quarantine procedures ('including measures during flood events'). The application confirms that an impermeable pad will be constructed to deal with non-conforming waste (quarantine area) which will incorporate impermeable bunds around the pad to retain surface water, with a sump to catch water. This must be emptied and disposed of to an appropriate licensed facility.

We also acknowledge that a silt trap will be installed on the existing culvert which directs surface water to the stream (an 'ordinary watercourse' under the jurisdiction of your Council) a tributary of the Lugg; to enable suspended solids to be removed prior to discharge.

We have no cause for concern based on the above management and mitigation which help to reassure us that there are measures in place to help ensure no adverse impact on controlled waters. An effective drainage scheme to control water quality will be secured as part of the EP.

Note - We would leave surface water 'quantity' (flood risk) matters to the Lead Local Flood Authority i.e. your Flood and Water Management team, with reference to the surface water requirements within our area Flood Risk Standing Advice.

### **Pollution Prevention**

We note that fuel is to be stored on site in double bunded fuel tanks.

### **CONDITION:**

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**REASON:** To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

Informative:

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk>

### **Other emissions**

The planning application considers other relevant emissions as arising out of the proposed operations, with an explanation of how any mitigation measures can manage and/or reduce the risks:

- **Noise and vibrations**

The Planning Statement considers the potential effects of noise and vibrations. It confirms that there are no sensitive receptors within 400m of the operation. There are some residential properties approximately 450m distant. The statement concludes that the operation is similar to the existing quarry operations or current approved use and the proposal should not have any additional impact in terms of noise.

A noise assessment may be required as part of the bespoke permit. This could inform mitigation measures, where appropriate, the detail of which may form part of a noise management plan (which may be subsequently 'controlled' by the EP), to manage and reduce any risk.

- **Dust**

The treatment activities will produce particulate matter so a high magnitude risk is estimated. There is potential for exposure to people living (residents approximately 450m distant) or working close to the site. There is a risk of increased dust generation during prolonged dry periods e.g. summer months.

The planning application identifies the potential impacts and offers measures to manage the risk of dust. For example, the mobile water irrigation system for dust suppression, use of dust suppression units on crushing equipment and sheeted lorries. A dust management plan will be 'controlled' as part of the permit.

### **Flood Risk**

The site is approximately 3ha in size and is located entirely within Flood Zone 2 (0.1% annual probability of fluvial risk) based on our indicative Flood Map. Parts of the wider area are located within Flood Zone 3 (1% annual probability risk). We acknowledge that there is an extant permission at the site for storage of as dug aggregates.

We have no modelled flood data available for this site area. Our River Lugg flood model only extends as far as Boddendam. However, we are in possession of historic records as follows:

**March 1947:** for Lugg Bridge (SO 53213 41829) which is about **750 m downstream from the application site** 164.99 feet (**50.28m AOD**);

**February 1941:** flood level of 164.21 feet (50.05m AOD).

In the absence of a 1% plus climate change level, the applicant could utilise the 1947 level as a nominal design flood event to inform the development. However, consideration should be given to the distance between the flood level and the site i.e. some increase on the historic event to cater for the slight increase in gradient.

We note that the FRA has identified a nominal design flood level of 50.6m AOD.

The National Planning Practice guidance (NPPG) classifies the proposed use as 'less vulnerable development'. Whilst this development may be appropriate in this location (Flood Zone 2), as referred to in Table 3, a Flood Risk Assessment (FRA) is required to confirm the impacts and possible flood risk reduction measures/ improvements.

The National Planning practice guidance states that the Sequential Test does not need to be applied for individual developments on sites which have been allocated in



development plans through the Sequential Test, or for applications for minor development or change of use.

### **Safe development**

We would suggest that any flood susceptible electrics, or items that may be damaged should be sited above possible flood levels, in order to prevent flood risk and associated pollution. As confirmed in section 9.1.2 of the FRA 'non compliant waste skips should be located on higher ground to reduce risk of flood water contamination'.

We would advise in relation to the office, store and welfare facilities, that **Finished Floor Levels** should be set no lower than 600mm above the 1% river flood level plus climate change (or in this case the nominal design flood level) with flood proofing techniques considered (where appropriate). For more information on resistance and resilience techniques see:

[http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf)

For 'less vulnerable' development (especially those uses where there are people occupying the building and/or vehicles are present) the FRA should consider **safe access** above the 1% river flood level plus climate change. However, given the nature of this type of proposal we would advise that this is considered as a less critical risk i.e. future occupants may not be able to access the proposed development (building and/or any car park) in design flood events. On this basis, this risk could be managed by implementation of a flood evacuation plan (see below) in consultation with your Emergency Planners.

For information on developing a Flood Evacuation Plan see sub-section 22 of the Flood Risk and Coastal Change Section of the PPG and our guidance online at:

<https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>

Note - This could be implemented by linking to our flood warning system. Our flood warning service only operates from downstream of Lugwardine Bridge on this stretch of watercourse.

Yours faithfully

**Mark Davies**  
**Planning Specialist**

Direct dial 01743 283405

cc GP Planning