
Reference No.: 11/01980/FUL Full Application

Proposal: **Redevelopment of existing Household Waste and Recycling Centre, including raised access platforms, roof over Household Waste and Recycling area and erection of building to accommodate Waste Electrical and Electronic Equipment (WEEE) and provide staff facilities and associated access and infrastructure.**

Location: Gateshead M B C Campground Refuse Disposal Works
Springwell Road Springwell Gateshead NE9 7XW

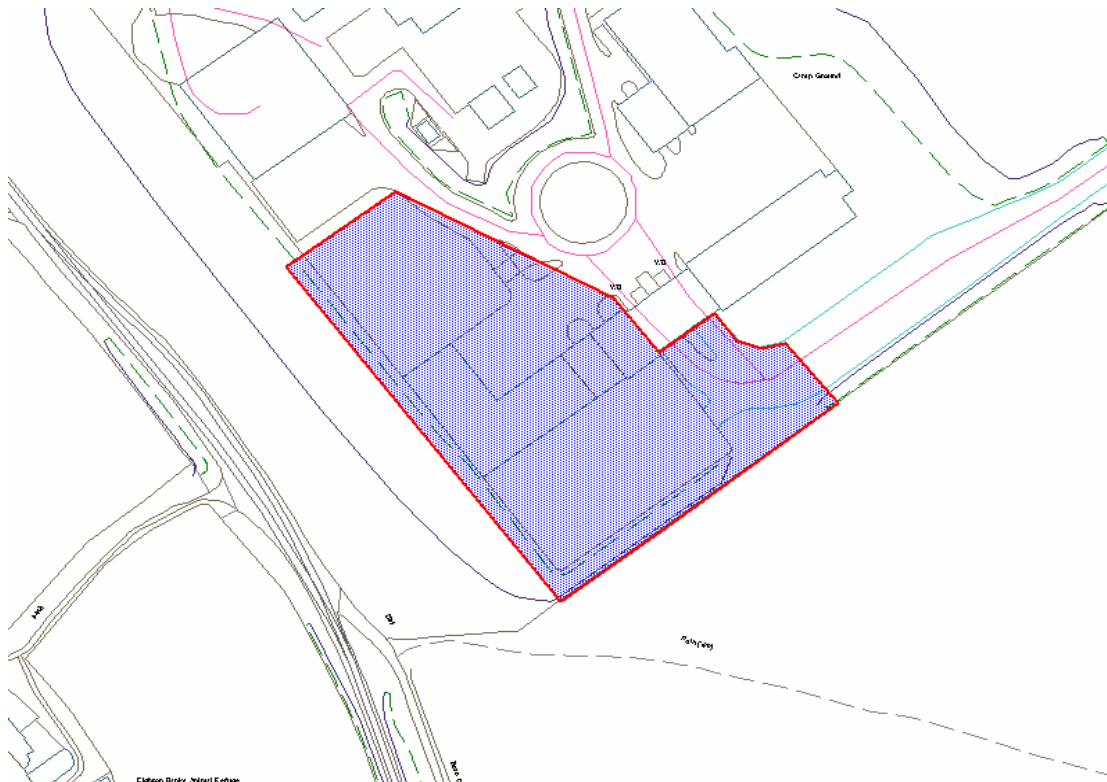
Ward: Washington West

Applicant: Gateshead Council

Date Valid: 30 June 2011

Target Date: 29 September 2011

Location Plan



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Purpose of Report

The purpose of this report is to make a recommendation to Committee in relation to a planning application submitted by Gateshead metropolitan Borough Council GMBC for the redevelopment of the existing Household Waste and Recycling Centre (HWRC), including raised access platforms, roof over Household Waste Recycling Area and erection of building to accommodate Waste Electrical and Electronic Equipment (WEEE) and provide staff facilities and associated access and infrastructure.

Description of Decision

The Committee is recommended to resolve to approve the application for the redevelopment of the existing Household Waste and Recycling Centre (HWRC), including raised access platforms, roof over Household Waste Recycling Area and erection of building to accommodate Waste Electrical and Electronic Equipment (WEEE) and provide staff facilities and associated access and infrastructure, subject to the conditions listed in the “recommendation section” of this report.

Background

The application was submitted on 24 June 2011 and was validated on 30 June 2011.

Proposal

It is proposed to redevelop and modernise the existing Household Waste Recycling Centre (HWRC) at Campground. These improvements are being undertaken to improve service for users of the site; to improve the appearance of the site within its Green Belt setting and to process waste more efficiently.

The proposed development involves demolition of all of the existing buildings on the site and redevelopment to provide a separate circulation system for the public and the service vehicles, on an enlarged site. The new site boundary includes storage buildings that are currently used by staff for segregation of wastes, and land occupied by the existing soak-away in the Waste Transfer Station site. One of the public areas will be raised approximately 1.7m above the waste containers (skips) to allow easier disposal. The raised area will be supported by a concrete retaining wall and sheltered by a roof. A new building will be constructed in the northern part of the site to provide secure storage for waste electrical and electronic equipment (WEEE) and staff facilities. It will be equivalent to two storey height. The northern loop of the public circulation route will be cut into the existing ground levels, whilst the southern and western section will be built up onto the adjacent land. The site will have new high

security perimeter fencing and replacement tree and shrub planting beyond it to replace and improve screening for the site.

The proposal includes:

- Improving access to the site, circulation within the site and traffic arrangements.
- Providing a roof to shelter users of the site.
- Construction of a raised parking area to assist in the depositing of waste into skips below.
- Provision of additional waste skips.
- Improvement in on site signage and perimeter fencing.

If the proposed redevelopment is approved the existing facilities will be closed whilst construction takes place. A temporary household waste recycling centre will be set up at another location prior to the closing in order to maintain a continuous service to users. No information regarding the location of this temporary facility has been included in this planning application.

The Application Site

The proposed development site is an existing Household Waste Recycling Centre (HWRC) located within the designated Tyne and Wear Green Belt adjacent to the settlement of Wrekenton, Gateshead (although the site lies within the administrative boundary of Sunderland). Access to the site is taken from a dedicated roadway accessed from Springwell Road.

The site is for the disposal of domestic waste only and is available for use by any member of the public regardless of the location of their home address. The site does not accept trade waste and operates a Waste Permit System to prevent the disposal of commercial waste generated by businesses.

The site currently handles around 10 000 tonnes of waste per annum with approximately 150 000 visitors per year travelling to the site in private cars to deposit domestic (usually bulky e.g. large cardboard, furniture etc.) waste, split 56% summer and 44% winter. 59% of visits to the site are made on a weekday with the remainder of visits being split evenly over Saturday and Sunday. On a weekend day the number of visits to the site generally ranges from 325 to 1420 per day.

The Planning Application

The application is accompanied by a supporting statement which supplies additional information in connection with the proposed development.

TYPE OF PUBLICITY:

Press Notice Advertised (Sunderland Echo)
Site Notice Posted (9 Notices)
Neighbour Notifications

CONSULTEES:

City Services - Network Management
County Archaeologist
Environment Agency
Northumbrian Water
Street Scene (Environmental Service)

Final Date for Receipt of Representations: **10.08.2011**

Representations

4 letters of objection have been received.

1 petition in objection has been received.

Members should note that the representations received in connection with this planning application also referred to planning application 11/02076/FUL (adjacent SITA Waste Transfer Station). For the avoidance of any doubt Members will find copies of each objection and the petition received in objection to this application at the end of this report as Appendix 1. Full consideration of the objections raised to both this planning application (11/01980/FUL) and planning application 11/02076/FUL is contained in Appendix 2.

POLICY CONTEXT

In the Unitary Development Plan the site is subject to the following policies:

EC_12_Criteria relating to potentially polluting industries

EC_13_Proposals involving hazardous substances

EC_15_Development or extension of bad neighbour uses

EN_1_Improvement of the environment

EN_2_Proposals for the production and distribution of energy

EN_3_Utilisation of renewable energy sources

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_12_Conflicts between new development and flood risk / water resources

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

B_1_Priority areas for environmental improvements

B_2_Scale, massing layout and setting of new developments

B_11_Measures to protect the archaeological heritage of Sunderland (general)

CN_2_Purpose of the Green Belt in Sunderland

CN_3_Control of development within the Green Belt

CN_5_Safeguarding the visual amenity of the Green Belt

CN_7_Measures to protect/ enhance the urban fringe

CN_15_Creation of the Great North Forest

CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN_18_Promotion of nature conservation (general)

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_22_Developments affecting protected wildlife species and habitats

CN_23_Measures to conserve/ improve wildlife corridors

M_12_Strategic requirements for development/extension of waste disposal/transfer sites

M_18_Provision of waste reclamation and recycling facilities subject to amenity etc.

M_19_Civic Amenity Sites

T_12_Major traffic flows and HGV's will be encouraged to use strategic route network

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

Principle of development

Section 38 of the Planning and Compulsory purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan in force unless other material considerations dictate otherwise.

European and national policy has been considered alongside regional (RSS) and local (UDP) policy.

It should be noted that when Local Planning Authorities make their decisions they must take into account the requirements of Section 38(6) of the Planning and Compulsory Purchase Act, 2004, which provides that:

“If regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”

Based upon the above, the first test and the statutory starting point in the determination of this planning application is whether the application is “in accordance with the plan”, which is a phrase that has been the subject of debate in the High Court in the context of Section 54A of the Town and Country Planning Act, 1990. In his judgement of 31 July 2000 (R v Rochdale Metropolitan Borough Council ex parte Milne) Mr Justice Sullivan concluded as follows:

“I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be “in accordance with the plan”...

“For the purposes of Section 54A it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein.”

The Rochdale judgement is applicable to the interpretation of S38(6) of the 2004 Act and the Council must reach a decision, therefore, as to whether the application under consideration is in accordance with the development plan when the plan is considered as a whole.

This assessment is therefore a balancing exercise with compliance with the Development Plan considered as a whole, as opposed to each and every policy, and that lack of compliance with one, or more, individual policies does not, of itself merit a verdict of non-compliance.

Waste Policy Context

The objectives of the proposed redevelopment of the Campground HWRC by Gateshead Metropolitan Borough Council (GMBC) are to promote and enhance recycling performance and create a reduction in associated environmental and economic implications and landfilling Municipal Waste.

The scheme is also intended to contribute towards the achievement of the Waste Strategy for England 2007 and the Joint Municipal Waste Management

Strategy (JMWMS) 2007 and attainment of recycling target and LATS (Landfill Allowances and Trading Scheme) obligations.

Landfill Tax is presently levied upon GMBC by central government at £56/tonne with annual increments of £8 per year over the next three years lifting this figure to £80/tonne in 2014. In addition to this there is the cost of disposal/transfer. Hence it is more environmentally and economically advantageous to divert waste away from landfill sites and recycle it instead.

The Waste and Emissions Trading (WET) Act 2003, which is intended to help the UK meet its national targets for reducing the amount of Biodegradable Municipal Waste (BMW) disposed to landfill, provides a framework for the Landfill Allowance Trading Scheme (LATS) as a way of dealing with the European Union (EU) Landfill Directive that imposes defined target reductions in landfill that will be allowed. A fixed penalty of £150 per tonne of excess BMW landfilled is enforced for Local Authorities that exceed their LATS allowance. In addition Local Authorities will have to bear the cost of any EU penalties imposed on the UK.

The national targets for waste recycling/composting and recovery as contained in the Waste Strategy 2007 for England have been incorporated into South Tyne and Wear Waste Management Partnership (STWWMP), Joint Municipal Waste Management Strategy (JMWMS). Gateshead Council, through the Joint Municipal Waste Management Strategy (JMWMS) adopted by the Council in October 2007. GMBC has also committed to improving access to recycling services (JMWMS Policy 8).

Policy 2 of the JMWMS endeavours to:

“provide waste management services and facilities in the most user friendly and environmentally sound manner through appropriate design of services and use of the planning system”.

The proposed redevelopment scheme will reduce the current on site problems experienced in terms of on-site traffic congestion and queuing by vehicles waiting to use the site. It is also considered that the proposed redevelopment will significantly enhance user safety as well as making the site generally more user-friendly. It is anticipated that such improved site conditions will make the site more attractive to users and in turn increase recycling levels.

The applicant (GMBC) has indicated that the successful delivery of this project will contribute towards the authority achieving its Corporate Priorities and Performance targets set out in NI 191: Residual household waste per household; NI 192: Household waste reused, recycled or composted and NI 193: Municipal waste landfilled and Corporate Priorities 1, 2 and 3, therefore contributing significantly towards Vision 2030. Vision 2030 is Gateshead Council's Sustainable Communities Strategy for the future:

Corporate Priority 1 Deliver Vision 2030, focusing on economy, environment and health – addressing climate changing through carbon reduction, sustainable waste management, ensuring a cleaner, greener, safer Gateshead and improving customer service/satisfaction.

Corporate Priority 2 – to deliver efficient, joined up, high quality services which meet the specific needs of each neighbourhood, and

Corporate Priority 3 – optimising performance of existing assets to meet future demand and contribute towards organisational sustainability by ensuring leaner, more efficient day to day operations.

The South Tyne and Wear Waste Management Partnership (STWWMP) has been awarded £73.5 million Private Finance Initiative (PFI) Credits towards a contract for the treatment and disposal of residual municipal waste arising from the administrative areas of Gateshead, South Tyneside and Sunderland. Gateshead Council is the Lead Authority in this partnership.

Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management (2011).

PPS10 acknowledges the need to protect the defined Green Belt but also strongly recognises the particular locational needs of some types of waste management facility. PPS 10 further requires Local Planning Authorities to consider the locational needs of waste management facilities when defining detailed Green Belt boundaries. In determining planning applications PPS 10 requires that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.

Green Belt

Policy CN2: Purpose of the Green Belt in Sunderland.

The policy states that:

A green belt will be maintained which will:

- i. Check the unrestricted sprawl of the built up area of Sunderland;
- ii. Assist in safeguarding the City's countryside from further encroachment;
- iii. Assist in the regeneration of the urban area of the City;
- iv. Preserve the setting and special character of Springwell Village;
- v. Prevent the merging of Sunderland with Tyneside, Washington, Houghton-le-Spring and Seaham, and the merging of Shiney Row with Washington, Chester-le-Street and Bournmoor.

The proposed development is contained within an existing site for the purposes of waste transfer, within the designated Green Belt.

It must be considered that this application does not seek permission for "new" development in the traditional sense, in that the waste transfer HWRC operation already exists on the application site. What is sought is permission to replace infrastructure with modern, fit for purpose facilities and incorporate weather protection measures for users of the facility in the form of a roof. In the event of a refusal of this planning application the on site operations would not cease, rather they would simply continue in their present outdated form. On this basis it is considered that the proposed development will:

- Not result in development sprawling into Green Belt land;
- Not result in any further encroachment into the City's countryside;

- Will assist in the regeneration of the City by improving the visual impact of the proposed development;

The proposed development is therefore considered to comply with the requirements of Policy CN2 of the adopted UDP.

Policy CN3: Control of development within the Green Belt.

This states that:

“The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes *Inter alia*:

- iv Limited infilling in, or redevelopment of existing major developed sites identified elsewhere in the plan;...”

The proposed development site is considered to be an existing waste site within the Green Belt. The refurbishment of the obsolete facilities on the HWRC site with modern fit for purpose facilities is considered to be appropriate in this Green Belt location on this basis.

Policy CN5: Safeguarding the visual amenity of the Green Belt.

The policy states that:

“Care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the Green Belt.”

The visual impact of the re-grading of land and erection of weather protection roof on the site is considered to be minimal in terms of views of the site from the wider Green Belt.

It is considered that these proposals constitute an improvement to the existing on site facilities and that the impact upon visual amenity, both in terms of direct views of the site, and also views of the site within the context of the surrounding landscape, is minimal and cannot be considered to be “conspicuous”. The proposed development is therefore considered to comply with the requirements of Policy CN5 of the adopted UDP.

Policy CN7: Measures to protect/ enhance the urban fringe, states that:

“The City Council will undertake and encourage measures to enhance and protect the landscape and agricultural land on the urban fringe. Measures will include:

- i. The development of buffer uses between rural and residential areas;
- ii. The reclamation of derelict land for recreation, agriculture, habitat creation or other appropriate development;
- iii. Landscape improvement works including tree planting.”

The redevelopment of the site will result in the removal of the existing trees on the site, which were planted when the adjacent waste transfer station was built and later when the HWRC was added. They are small-medium sized deciduous trees, which partially screen and provide a setting for the site. Most of the trees are non-native Norway Maple and Sycamore, with some native

Silver Birch, Ash, Willow and Alder. The tree survey and accompanying information submitted indicates that most trees on the site have grown strongly since their planting but the Willow and Alder have not thrived and the Ash are overcrowded.

The substantial Sycamore trees located outside of the site to the west are unaffected by the works, and will contribute to the screening and setting of the new scheme.

Blocks of tree and shrub planting will be used along the western side of the site to provide substantial screening when seen from the public right of way in that location. When seen from the south and south east, this planting will provide a backdrop for the site. The planting will be of native species such as Birch, Rowan, Oak and Hawthorn, with a relatively high proportion of evergreens and shrubs such as yew and holly, because the best effect will be from dense growth 2-5m high rather than a predominance of tall clear stemmed trees. Feathered trees will be located in small groups to provide some initially larger plants.

Along the southern edge of the site a new hedge will be planted including hedgerow trees, with a narrow belt of tree and shrub planting to the north. The hedge will be predominantly densely planted hawthorn to maximise the screening effect throughout the year. The feathered hedgerow trees will include Sycamore for rapid screening because it already grows vigorously on site, and has a dense canopy that comes into leaf early in the year. The tree and shrub planting will be a native species mix without spiky species near the path.

The verges and sloping ground will be seeded with wildflower & grass species to provide an attractive rural setting for the site, and increase biodiversity. The seeding will be continuous through the planted areas.

The proposed landscaping and tree works proposed at the site are considered to be acceptable. The development is therefore considered to comply with the requirements of policy CN7 of the adopted UDP.

Other considerations:

The other key issues to consider in the determination of the application are:-

- Impact upon visual amenity/design
- Cultural Heritage
- Ecology
- Impact upon Residential Amenity
- Highway Access and Transportation (including sustainable transport)
- Noise and Vibration
- Air Quality Impacts, Dust & Litter
- Flood risk and Site Drainage
- Lighting

Impact upon visual amenity/design and residential amenity

The proposed redevelopment of the HWRC involves the demolition of the existing buildings on the site and the construction of a ramped elevated roadway (approx 1.7 above existing ground level) leading to off loading bays. 15 bulky waste containers for general waste, green waste, rubble, timber, cardboard etc. will be located on site. A building to provide welfare facilities for

workers at the site and also to accommodate Waste Electrical and Electronic Equipment (WEEE) is proposed in the northern portion of the site.

The proposed WEEE building will be constructed from blockwork, brickwork and profile metal cladding and will have an appearance in keeping with the industrial nature of the site. Should Members be minded to approve the application a condition will be added to any approval granted requiring the submission of a schedule of materials (and samples where appropriate) to be used in the construction of all buildings on site.

The proposed WEEE building is of a flat roof design to minimise the height of the structure required. The proposed WEEE building has a maximum height of 6785mm but will be partially concealed behind the elevated roadway.

A roof is proposed over the roadway and bulky waste containers to provide weather protection for those using the site. The proposed roof, which is of a very shallow pitch, is to be constructed from profile metal cladding and supported on steel columns, and will be positioned along the western boundary of the site. The roof will stand at a height of five metres at its highest point, giving it a low profile when viewed from a distance. Again the colour and final materials to be used in the construction of the proposed roof will be the subject of a condition if Members are minded to approve this application.

A small gatehouse building is also proposed at the entrance to the site to provide weather protection and office facilities for site operatives controlling access to the site and supervising the public on site.

Due to the location of the HWRC there are no residential properties immediately neighbouring the site. The nearest dwelling to the proposed development site is located approximately 117metres away to the north west of the site at Chopwell Gardens. It is not considered that the structures proposed will have any detrimental impact upon the residential amenity of residential occupiers through overlooking, overshadowing or poor outlook. Potential impacts upon residential amenity as a result of noise, vibration and odour will be assessed later in this report.

It is considered that the proposed redevelopment of the HWRC is acceptable in terms of visual amenity and it is further considered that the proposed design of the facility is acceptable and unlikely to have any detrimental impact upon views of the site from the Green Belt or dwellings located therein.

Fencing

The perimeter fencing will be of a high security welded mesh design. The fence will be 2.45m high, and coloured dark green.

It is considered that this type of fencing is appropriate to the site's Green Belt location and when viewed from a distance blends with the landscape and allows vegetation growth to penetrate and soften its appearance.

Along part of the eastern boundary of the site with the adjacent Waste Transfer Station close boarded timber fencing will be erected to visually separate the traffic on both sites where they are in close proximity and opposing flow.

Within the site lower weld mesh fencing will be used to separate the public and service areas of the site where necessary, with gates to allow staff access.

Cultural Heritage.

The Wrekendike Roman Road exists in close proximity to this site.

The County Archaeologist has been consulted regarding the proposed development and has confirmed that no further archaeological work is required regarding this site and has confirmed that the proposed development is acceptable in terms of its impact upon the cultural heritage of the surrounding area.

Ecology

An ecological report accompanied this planning application which has been considered by the Council's ecologist. The report submitted which was dated 2009 has been found to contain some discrepancies and omissions. However, the Ecologist consulted has considered the content of the 2009 report alongside a later report prepared in 2010 to support planning application 11/02076/FUL which updates and corrects many of the omissions and discrepancies.

It is be noted that a number of wetlands (primarily ponds) exist within 400 to 1000 metres of the development site, some which have records of great crested newt and/or water vole; including Springwell Ponds SNCI. There is also the possibility that gardens in the residential areas immediately to the north and west have ponds with amphibian interest.

In light of the findings in the ecological reports, should Members be minded to approve the development it is recommended that ecological mitigation measures proposed are conditioned in full and that certain elements are detailed and agreed before works commence on site, these details will include:

- a. Updated ecological survey of the site to identify any ecological features requiring enhancement and/or mitigation.
- b. Ecological method statement for contractors to ensure compliance with wildlife legislation and best practice.
- c. A long-term management plan and maintenance schedule for ecological enhancement features.

Based upon the above and providing that conditions reflecting the above requirements are attached to any approval granted, it is considered that the proposed development is acceptable in terms of its likely impacts upon ecology,

Members should note that an objection to the proposed development was received on behalf of the occupiers of Low Mount Farm on the basis that neither the farm nor the Spring Well was not mentioned in the ecological report submitted and that no permission to access the farmland associated with the ecological report for the purposes of surveying was sought by the ecologist preparing the report. The objection also states that "Amenity Grassland" and "Poor Amenity Grassland" shown in the report submitted is in fact farmland.

It is considered that the additional ecological survey work, mitigation statements and long term management plans will provide the applicant with the opportunity to address the shortcomings of the ecological report submitted and include specific reference to both Low Mount Farm and the Spring Well, or else provide a reasoned justification of why this has not been done.

However, if Members consider that the inclusion of any specific conditions relating to the impact of the proposed development upon the ecological concerns associated with Low Mount Farm and/or the Spring Well are required then such conditions can be added to any approval granted.

Impact upon Residential Amenity.

Policy B2 of the adopted Unitary Development Plan is concerned with the relationship of new development with existing nearby buildings.

Policy B2 states that:

The scale, massing, layout and setting of new development and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality, and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

In terms of noise and disturbance originating from the proposed site and the impact of this on the residential amenity of occupiers of near neighbouring dwellings the operational hours of the site are not altering from the current arrangements. The site is open 364 days of the year, and closed on Christmas Day.

From April - September the site is open to the public from 08:00-20:00 Monday to Sunday.

From October - March the site is open to the public from 08:00-17:00 Monday to Friday and 08:00-18:00 Saturday and Sunday.

In addition to the opening hours below, the site staff begin work at 7:30am each morning. They prepare the site for public usage, undertake a safety and security inspection, and may move waste containers into position as necessary.

Site staff finish work each evening at the stated public closing time.

Currently the entrance gate is closed to the public 5 minutes before the closing time, and the staff control supervise members of the public leaving the site to ensure that the site can be closed on time. The applicant has confirmed that it is intended that the new site will be operated in the same way.

When repairs and maintenance works have to be done, these works will be carried out within normal working hours, whenever possible. However, where this is unsafe or impractical, work would have to be undertaken outside of normal working hours. The type of work required may include white-lining.

Full consideration of noise issues are contained later in this report.

Highway Access and Transportation.

Policy T14 of the adopted Unitary Development Plan is concerned with traffic and new development:

Policy T14 states that:

Proposals for new development should:

- i. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- ii. Not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- iii. Make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- iv. Make provision for the loading and unloading of commercial vehicles;
- v. Indicate how parking requirements will be accommodated.

The proposed redevelopment of the HWRC involves the renewal and reconfiguration of an existing facility and, as such, is not expected to generate additional traffic. The works are required to provide an efficient and safe facility, replacing the existing arrangements where the public and service vehicles use the same yard at different times. The proposed scheme separates the public vehicles and service vehicles, allowing each of them uninterrupted access at all times.

Existing Operational Arrangements

The Campground HWRC is currently used by residents of both Sunderland and Gateshead. Approximately 30% of users of the site originate from the Sunderland area, the remaining 70% (approx.) originating from Gateshead. This split is due to the geographic location of the Campground site immediately adjacent to Sunderland's administrative boundary with Gateshead meaning that the site is nearer to many Gateshead residents and is therefore their preferred HWRC site.

A HWRC is also available at Beech Street in Sunderland.

In Gateshead an additional HWRC is available at Cowan Road in the west of the borough.

The Campground HWRC is open to the public 364 days a year (April – September 08 00 – 20 00 hours Monday to Saturday, and October to March 08 00 – 17 00 hours Monday to Friday, and 08 00 – 18 00 hours Saturday and Sunday). Vehicles servicing the site operate from 07 30 – 19 30 hours. When the service vehicles are delivering or removing waste containers, the public cannot access the site for reasons of health and safety and so are required to wait outside of the gates to the site. This arrangement leads to queuing traffic on the access road to the site.

A traffic survey of existing users of the site was conducted in March 2011. The results of this survey shows that there are approximately 150 000 visits by members of the public to the site per annum. The site is slightly busier in the summer with 56% of the visits, than in winter with 44%. Within the annual total, 59% of the visits are made on weekdays, with the rest evenly divided between Saturday and Sundays. The typical range of weekday users is between 195 – 932 per day, and at weekends 325 – 1420 visitors per day. Usage is not evenly spread throughout the day.

The site is serviced by Large Goods Vehicles (LGV's) and smaller vehicles. The general waste containers are taken to the adjacent Waste Transfer Station to be emptied, and returned to the HWRC, without using the wider road network. This amounts to 4 two way journeys per day. This waste is taken onwards by the operators of the WTS (SITA UK). Other recyclable and specialist wastes e.g. green waste, wood, cardboard, large electrical items and oil are taken directly from the HWRC for specialist processing elsewhere in the region. This amounts to 4 two way journeys per day of LGV's and less than 1 two way journey per week by other goods vehicles.

Proposed Scheme

A new roundabout junction is proposed at the entrance to the HWRC and the adjacent waste transfer station. A filter lane will separate the public users of the HWRC from the service vehicles at the HWRC and all vehicles using the WTS. It is anticipated that this arrangement will reduce queuing and assist vehicle movement and clarity of the junction arrangement.

Within the HWRC the public vehicular circulation will be by one way loop around the boundary of the site, with the service yard in the centre, thus segregating service vehicles from public vehicles. A total of 17 parking spaces are proposed to serve those depositing waste at the site. These 17 spaces are arranged in 3 lay bys adjacent to different waste streams.

Pedestrians are not encouraged to the site, which priorities bulk waste because other waste disposal facilities are provided throughout Gateshead and Sunderland and at the doorstep for recycling less bulky household waste. Waste is currently collected by staff at the gate from people who arrive on foot or by bicycle and this arrangement is proposed to continue after the proposed redevelopment of the site takes place.

There is no predicted change in the usage or resultant traffic numbers associated with the redevelopment of the HWRC site, because the customer base, opening hours and operational arrangements will remain unchanged.

The proposed HWRC and the associated new layout for vehicular traffic has been assessed by the Executive Director of City Services who has confirmed that there are no objections to the proposed redevelopment on highways grounds. As such the proposed redevelopment of the HWRC is considered to be acceptable in terms of highway access and arrangements and car parking and is considered to comply with policy T14 of the adopted Unitary Development Plan.

Sustainable Transport: The specific nature of the site, with minimal on-site employment and an overwhelming percentage of access by private car, make

the inclusion of measures to promote access by non-car modes inappropriate in this particular case.

Noise and Vibration

Policy EN5 of the adopted Unitary Development Plan is concerned with noise and vibration and states that:

Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

Limited information has been submitted with this planning application regarding the likely noise impact upon the occupants of nearby residential properties.

It is not considered that the existing HWRC can be regarded as causing noise nuisance for occupiers of near neighbouring properties. This consideration is based upon an analysis of complaints received by both Gateshead and Sunderland Councils over the twelve month period 1 June 2010 to 31 July 2011, during which only one complaint was relating to noise was recorded by Gateshead Council (in March 2011).

However, it is acknowledged that the proposed development will result in changes to the layout of the site and the removal of a building that may currently offer some screening to the nearest residential property.

On this basis and to ensure that noise nuisance does not result from the proposed redevelopment of the HWRC, should Members be minded to approve this application a condition will be added to any approval granted requiring the applicant to undertake a noise assessment in line with British Standard 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas." BS 4142 is intended to apply to noise from industrial developments in mixed residential and industrial areas, before any development commences on the proposed development site.

The noise assessment will be required to be undertaken by a suitably qualified and experienced noise control consultant who can undertake a noise assessment in line with British Standard 4142:1997 "Rating industrial noise affecting mixed residential and industrial areas."

BS 4142 is intended to apply to noise from industrial developments in mixed residential and industrial areas, this is considered appropriate in this instance.

The rating method is based on the introduction of an industrial noise source into a residential area that may or may not already be subject to noise from other industrial developments in the area.

The proposed condition (if approval is granted) will require the noise source to be measured and a background noise survey to be performed during the proposed operating hours.

Following analysis and corrections to the data in accordance with BS4142, the difference between the source existing noise level and the background level should be determined.

The comparison between the predicted noise level (L_{Aeq}) or, if corrected where necessary for undesirable characteristics, the "rating level" from a development and the existing background noise level (L_{A90}) gives an indication as to the likely acceptability of the development.

A difference of +10dB is a positive indication that complaints are likely. A difference of +5dB is said to be of marginal significance.

The inclusion of such a condition will allow the Local Planning Authority to be satisfied that the noise created by the operation of the site at the proposed hours, will not exceed the background noise (L_{A90}) by 5dB(A) as an absolute maximum, and therefore will not result in a noise nuisance, likely to result in complaints from the occupiers of near neighbouring properties.

It should be noted that a difference of -10dB is a positive indication that complaints are unlikely. It is assumed that the operation of site has been designed to preclude complaints of nuisance or disturbance.

Should the required noise assessment determine that there is a likelihood of complaints from the nearest residential property, the applicant will be required to submit details of mitigation measures for approval by the Local Planning Authority detailing how the above noise requirements will be achieved and maintained on this development.

In addition, whilst it is acknowledged that the redevelopment of the SITA Waste Transfer Station (WTS) adjacent to this application site is a separate development (see planning application reference: 11/02076/FUL) a noise barrier is proposed to be provided as part of the redevelopment of that site, and this may offer some further mitigation of any noise originating from the HWRC.

Air Quality Impacts/Odour, Dust and Litter

The site will continue to receive the waste that it currently receives and it is understood that odours or dust from the site are not the cause of complaint from local residents due to the nature of the materials accepted.

It is not envisaged that the changes to layout of the site will generate odour, dust or litter problems at nearby residential properties that can not be controlled under the conditions of the Environmental Permit regulated by the Environment Agency.

An objection has been received on behalf of the occupiers of Low Mount Farm on grounds that litter is allowed to escape from the site and land in nearby farmland and hedgerows. The control of litter from such sites is no acceptable and is a matter that is controlled by the Environment Agency as a part of the Environmental Permitting System. It is considered that the erection of the proposed roof over the waste collection area and the location of these waste containers in a sheltered position below the elevated access road will assist in the prevention of wind blown litter. In addition to this the applicant has confirmed that on site operatives are required to maintain the site and its surroundings in a clean and tidy condition, including the collection of litter from surrounding locations when necessary.

Ground Contamination

Policy EN14 of the adopted Unitary Development Plan is concerned with ground conditions and states that:

Where development is proposed on land which there is reason to believe is either:

- i. Unstable or potentially unstable;
- ii. Contaminated or potentially at risk from migrating contaminants;
- iii. Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations to determine, the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A Desk Top Study and Site Investigation Report have been submitted as part of the planning application for the site.

The proposed land use is considered relatively insensitive to risk from direct exposure to soil since there are no high risk receptors or activities anticipated at the site which will largely consist of hardcover or buildings.

Gas monitoring has been undertaken but is still continuing as the site investigation has highlighted that monitoring was not undertaken over a wide range of atmospheric conditions. Whilst the report states that the site currently represents a low risk from gas it is considered essential that the site investigation and risk assessment be updated when the monitoring is complete. If Members are minded to approve this application a condition requiring updated site investigation reports and risk assessments to be submitted for the written approval of the Local Planning Authority prior to development commencing on site will be attached to any approval granted.

An outline ground preparation and remediation strategy has been provided to support this planning application in which it is stated that a Validation report will be undertaken upon completion of the works.

If Members are minded to approve this application it is recommend that a condition be included requiring the submission of the following:

- an updated ground investigation report;
- site conceptual model;
- risk assessment of the site and remediation strategy.

Upon completion of the works a Verification Report must be submitted to the Local Planning Authority to confirm that remediation works were carried out in accordance with the recommendations of the site investigation remediation strategy.

For the reasons set out above, it is considered that the site is suitable for the proposed development in terms of ground conditions providing that the

suggested pre commencement conditions are attached to any approval that may be granted. On this basis the proposed development is considered to comply with the requirements of Policy EN14 of the adopted Unitary Development Plan.

Flood Risk and Site Drainage

Policies EN11 and EN12 of the adopted Unitary Development Plan are concerned with flooding and water quality.

Policy EN11 states that:

In areas subject to flooding, new development or the intensification of existing development will not normally be permitted. Where redevelopment is permitted in areas at risk, the Council will require appropriate flood protection measures to be incorporated in accordance with the advice provided by the Environment Agency.

Policy EN12 states that:

In assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

- i. Not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding; and
- ii. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other waster based wildlife habitats.

Flood Risk

The proposed HWRC development site lies within Flood Zone 1 which according to Environment Agency advice is the zone with the lowest risk of flooding at 1 in 100 years.

A flood risk assessment has been prepared to support this planning application and following consultation with the Environment Agency is considered to be appropriate and acceptable.

The risk of the proposed development site flooding is considered to be very low and as such the location of development there is considered to be acceptable and in accordance with Unitary Development Plan Policies EN11 and EN12.

Drainage

Whilst it is acknowledged that this proposed development is a separate venture to that proposed by SITA on the adjacent site and that the two planning applications stand alone it is considered critical that the drainage associated with the two sites are considered together. This because:

- The proposed drainage arrangements for the HWRC depend upon use of the foul sewer located within the adjacent SITA site.
- An objection to the proposed development has been received on grounds that the "Campground Site" in general causes flooding at Low

Mount Farm which is located to the east of both the SITA and GMBC sites (See appendix 1 of details of the objection received).

It is clear from both applications that the plans for drainage from the sites are not final. It is not unusual for developers to continue designing detailed drainage layouts during the lifetime of a planning application and post planning decision but pre commencement. Both applicants accept the need for planning conditions (in the event that a planning approval is forthcoming) to effectively control the method and systems of drainage from the site. Such conditions are not unusual and it is not considered to be unreasonable to impose such conditions in this instance if approval is granted.

The Environment Agency has been consulted regarding both planning application 11/01980/FUL and 11/02076/FUL and has not objected to either planning application.

Further the Environment Agency has confirmed that meetings between the Environment Agency and SITA and Gateshead Council representatives to discuss the proposed changes to the site and the associated drainage regimes have taken place. The Environment Agency has further confirmed that advice and guidance on the proposed drainage was given to the applicants, and that the Environment Agency were informed during these meetings, and through formal consultation from Sunderland City Council acting in its capacity as Local Planning Authority, that it is intended to discharge parts of the combined Campground site surface water to soakaway (HWRC) and parts to the foul system. The Environment Agency has advised that both activities do not require a permit from the Environment Agency and are thus to be registered by the Environment Agency as an exempt activity.

Considering the drainage proposed for each site:

SITA Waste Transfer Station:

The applicant has confirmed that the final drainage arrangements from this site remain at the design stage and are being progressed. The drainage for the site is being designed to capture, harvest and utilise surface water run-off, and retain on site for use within the proposed office and visitors centre.

The proposed development will consist of a number of different surface areas which will either be permeable or impermeable.

Permeable areas will form those parts of the facility which are non-operational e.g. the landscaped areas of the proposed site. These areas will consist of a permeable material where surface water will drain naturally to the ground.

Impermeable areas will consist of those parts of the site where commercial vehicles will access the facility and where there is loading/unloading of materials required for pollution control purposes or where external plant maintenance may be required.

Surface water run-off from impermeable areas will drain via a series of drains and gullies to a below ground attenuation tank via an interceptor before discharge to a new, adopted surface water sewer.

Although the existing surface water drainage on the site enters a soakaway, a new soakaway is not considered to be a viable surface water drainage option for the proposed SITA site due to the depth of made ground across the site.

Rainwater falling on the roof of the visitors centre will be collected, harvested and used for “grey water uses” in the offices and visitors centre. Water collected from the roof of the building will be stored in underground tanks and any surplus water will be attenuated and then drain to the main attenuation tank on site.

The foul water drainage will discharge via an interceptor to the public foul sewer.

For gully waste, a decanting system will be installed. The liquid element of the gully waste will pass through a silt trap to remove suspended material and silt and then through an interceptor to remove petrol and oils before being discharged to the foul sewer.

The applicant has considered the impact of the proposed development both at the construction phase and the operational phase upon potential receptors including controlled waters, surrounding land (including Spring Well located 470 metres north east of the site within Low Mount Farm) and Human Health. As set out above the Environment Agency has been consulted regarding the proposed developments and has offered no objection to the proposed development on grounds of impact upon potential receptors or any other grounds.

Regarding the Spring Well, located within Low Mount Farm in particular, the applicant acknowledges that this is the most significant near by surface water feature and also acknowledges that the Spring Well is a tributary of the River Don. Based upon the name of the feature “Spring Well” and as there are no apparent surface features, it is considered that the Spring Well is a pond fed by groundwater. As the Spring Well is fed by groundwater it is considered that there may be some scope for contamination of the pond via ground water. However, the applicant has supplied detailed proposed mitigation measures to ensure that such contamination does not occur. If Members are minded to approve the proposed development a condition requiring the mitigation measures set out in the documents accompanying the application can be added to any approval granted.

HWRC

It is anticipated that the redeveloped site will include a new soakaway to take the surface water discharge, but site investigation, analysis and design are ongoing at this stage.

The existing HWRC site, plus the junction outside which forms part of the redevelopment, contains approximately 4,130m² of hard surfacing. It is estimated that this produces a discharge volume of 57 litres/second based on a storm intensity of 50mm of rainfall per hour. This surface water is currently drained into the soakaway in the northern part of the HWRC site.

Following implementation of the scheme, it is proposed that the HWRC and junction area will contain more hard surfacing than at present. However, not all

of this will be drained to a surface water discharge because the water that drains from the service yard to go to the piped foul sewer system. (Estimated to be 1,438m², generating 20 litres/second, based on a storm intensity of 50mm rainfall per hour).

The area that will drain as surface water will be 3,630m², producing a discharge volume of around 50 litres per second, based on a storm intensity of 50mm of rainfall per hour.

If it is subsequently discovered that a new soakaway is not an acceptable solution to drainage from this site details of an alternative method of drainage will be required to be submitted prior to development commencing for the written approval of the Local Planning Authority.

The likely drainage solution for the water which is to be directed to the foul sewer is for the flow to be attenuated in an underground tank on site, then pumped to the existing foul sewer on the Waste Transfer Station site.

In addition to the above considerations Northumbrian Water have been consulted regarding this application and have not objected to either scheme.

Drainage Consideration

It is clear that the drainage proposals for both sites are not final. However it is also clear that the type of drainage systems discussed in the planning applications submitted are likely to reduce the amount of surface water run off through use of SUDS etc. It is clear that the application made by SITA for the waste transfer station has considered detailed mitigation to ensure that drainage from the site does not create issues of pollution for near neighbouring areas or controlled waters. Further, both the Environment Agency and Northumbrian Water have been consulted by the Local Planning Authority regarding these applications and neither organisation has offered any objection to the proposed schemes.

If Members are minded to approve these applications, conditions have been recommended for inclusion on any approval issued to ensure that an adequate and satisfactory drainage system serves both the HWRC and the WTS. Northumbrian Water and the Environment Agency would be consulted and involved in the discharge of any such conditions to ensure a satisfactory form of development.

Members should note that an objection to the proposed development has been received on behalf of Low Mount Farm on the following grounds:

- No information on drainage from the proposed ramped access road.
- No information on drainage from the access road to the site and lack of information regarding proposed soakaways.
- The objector considers storage ponds to be unacceptable due to their location on land at a higher level than Low Mount Farm.
- Land contamination due to leachates from the site.

It is considered that the concerns outlined will be addressed through the additional detailed drainage design work that will be required by condition in the event that planning approval is forthcoming. An additional condition requiring a method statement to show how any leachate from the site will be controlled to

ensure that surrounding land will not be contaminated can be attached to any permission granted for the development if Members consider that such a condition is required.

As such, it is considered that although drainage proposals are not finalised at this stage, a satisfactory form of drainage from both sites will be achievable through design processes. Therefore, it is considered that drainage conditions from the two sites will improve as a result of the proposed development and as such the proposal is considered to comply with the requirements of policies EN11 and EN12 of the adopted Unitary Development Plan.

Lighting

The Applicant shall ensure that any lighting associated with the proposed development is designed and installed to ensure that light as a result of the operation of the waste transfer station does not cause a statutory light nuisance to nearby residential premises

Summary

The proposed development is considered to be acceptable as set out above. The representations received in connection with this application and those received in connection with planning application 11/02076/FUL have been fully considered and are addressed in appendix 2 to this report.

It is acknowledged that waste transfer and recycling facilities are considered to be unpopular with some of those living in close proximity to them. However this is an existing waste facility which benefits from an historic planning permission. Furthermore, the applicant has demonstrated that the proposed development will improve the visual appearance of the site and has submitted information to support the application in terms of minimising any impact upon the residential amenity of occupiers of neighbouring properties. It is considered that a refusal of planning permission in this instance is highly unlikely to be sustained at appeal and that such a refusal would not remove the Household Waste Recycling Centre use from the site, rather it would continue in its current form in to the future.

Therefore for the reasons contained in this report to Members, namely that the proposal accords with national planning policy and the adopted Development Plan, and the Appendices attached, it is recommended that this application be approved subject to the conditions set out below and any other conditions deemed necessary.

RECOMMENDATION: Approve subject to the conditions relating to the following issues set out below

Conditions:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
2. Unless otherwise first agreed in writing with the Local Planning Authority,

the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Plan Nos, dates received and drawing title

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development
4. Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 and EN1 of the Unitary Development Plan.
5. No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and EN1 of the adopted Unitary Development Plan.
6. Before any development commences on site details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
7. Within three months of the date of waste transfer/recycling operations commencing at the development hereby approved a noise assessment shall be undertaken to ensure that the predicted noise levels associated with the operation of the site does not exceed the existing background noise level by more than 5dB(A). The noise levels shall be determined at the nearest noise sensitive premises, the location of which shall be agreed in writing with the Local Planning Authority prior to any noise assessment taking place. The noise assessment shall be undertaken in accordance with BS4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. The background noise

levels will be measured at a time to be first agreed in writing with the Local Planning Authority and will be at a time when the background noise level is considered to be at its lowest. A report containing the results of the assessment shall be submitted to the Local Planning Authority within three months of the assessment being completed. Where noise levels are found to exceed the existing background noise by more than 5dB(A) precise written details of noise attenuation measures to be implemented at the development shall be included in the report for the written approval of the Local Planning Authority. The approved noise attenuation scheme shall then be fully implemented to a timetable to be first agreed in writing with the Local Planning Authority and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interest of achieving a satisfactory form of development on site and in the interest of residential amenity and to comply with the requirements of Policies EN5 and EN6 of the adopted Unitary Development Plan.

8. No development other than site preparation works shall be commenced until an updated Ground Investigation Report including remediation objectives that have been determined through risk assessment has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the updated report shall include
- updated site conceptual model
 - risk assessment of the site
 - remediation strategy, to include the following

 - Monitoring information and risk assessment of ground gas

In order to achieve a satisfactory form of development on site and to comply with the requirements of Policy EN14 of the adopted Unitary Development Plan.

9. No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the Local Planning Authority, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.
10. Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the adopted Unitary Development Plan.
11. No development shall commence on site until an updated ecological survey of the site is undertaken to identify ecological concerns (and inform the preparation of the Ecological Method Statement required by condition 12) and a report in connection with the ecological survey is submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the updated survey shall include details of ecological mitigation measures where these are required and a timetable for their implementation. Once approved, the ecological mitigation

measures contained in the report shall be fully implemented to an agreed timetable unless otherwise first agreed in writing with the Local Planning Authority. In order to protect the ecology of the site and to comply with the requirements of Policies CN18 and CN22 of the adopted Unitary Development Plan.

12. Before any development commences on site precise written details of an Ecological Method Statement for use by site contractors shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Method Statement shall then be adhered to at all times by contractors working on the site unless any variation to the statement is first agreed in writing by the Local Planning Authority. In order to protect the ecology of the site and to comply with the requirements of Policies CN18 and CN22 of the adopted Unitary Development Plan.
13. The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the adopted Unitary Development Plan.
14. The development hereby approved shall not be operated for the purposes of waste transfer, including the delivery to or export of waste from the site, outside of the following hours:

07:30 - 20:30 Monday to Saturday inclusive

07:30 – 20:30 Sunday

The development shall not operate at any time on 25 December of any year.

For the avoidance of doubt a security presence may operate at any time on any day at the site.

Unless otherwise first agreed in writing with the Local Planning Authority and in the interest of residential amenity and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.

15. The demolition and construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise first agreed in writing with the Local Planning Authority in order to protect the amenities of the area and to comply with policy B2 of the UDP.
16. Mobile electricity generators shall not be used on site at any time (following the construction phase of development) unless otherwise first agreed in writing with the Local Planning Authority. In the interest of noise mitigation and to ensure a satisfactory form of development on site and to comply with the requirements of Policy EN5 of the adopted Unitary Development Plan.

Appendix 1

Representations Received in Connection with planning applications 11/02076/FUL and 11/01980/FUL.

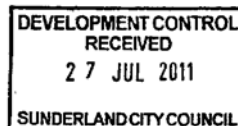
ACK 27/07/2011

Representation: Objection.

Ack
VR1

26th July 2011.

Mrs. V. Rising, Senior Planner.
Sunderland City Council.
CMC Centre,
Burdon Road,
SUNDERLAND.
SR2 7DN.



Your Ref: 11/01980/FUL.

Dear Mrs. Rising,

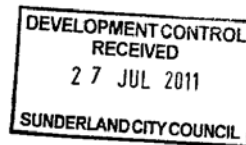
**Application for proposed redevelopment of Campground Site, Wrekenton,
Gateshead, 9. from Gateshead Council and Sita UK.**

I acknowledge receipt of your letter of the 20th July, referring to the application from Gateshead Council. I have not as yet received any correspondence in respect of Sita UK's application although I do know they were submitted together on the 24th June, and our concerns, as detailed below, are in respect of both applications.

I wish to register with Sunderland City Council, the concerns of my neighbours and I with regard to certain aspects of the proposed redevelopment of the Waste Transfer Station at Campground, Wrekenton.

It is the view of residents who live in close proximity to the site, that neither Gateshead Council nor Sita UK, have given any consideration to the adverse effects the redevelopment of the site may have on our lives. This view has been reinforced at a number of meetings we have had with the applicants. It was made clear to the residents at these meetings that anything we may say, or any proposals we may offer, would not be taken into consideration, and the plans would go through in their current form, but for one minor consideration.

Before going into the detail of our concerns, may I respectfully remind the planning committee of the many problems we have had with Sita over the last few years. But rather than me going into every detail of these complaints in this letter, I have attached a copy of my complaint to the Local Government Ombudsman dated 20th October 2008(appendix 1), which goes into all aspects of our concerns. I do so because I believe it is imperative that the complaints outlined therein, will not need to be repeated on this occasion if the planning committee is made aware of all the facts.



Sita's Application.

The proposed new Waste Reception Building, while being more visibly attractive, leaves a lot to be desired with regard to its construction. There's not a great deal of difference between it and the present Rubb Shelter. As I've no doubt you are aware, the Rubb Shelter is a steel-framed structure with a rubberised covering.

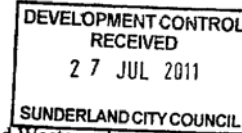
The proposed new build is a steel framed structure with a single tin-sheet skin – not the best of materials for absorbing sound and vibration, and therefore no better than the Rubb Shelter which it will be replacing and which has been the main cause of complaint from residents since 2007.

We have made a number of suggestions to Sita which we believe would improve the sound suppression qualities of the building, but unfortunately these have been rejected by Sita and Gateshead Council, and we believe for no other reason than cost.

Sita claim in their presentation that the new building will contain dust and odours – we believe that the building should also be constructed to contain noise and vibration.

We have suggested that:-

1. The building should at least have a double skin with a cavity in-fill and there are many products on the market to choose from.
2. The building will contain concrete push walls. We have received expert advice that if the push walls were extended to roof level they would provide good sound baffels. We are advised that a solid concrete wall is a better sound barrier than a brick or block built wall and most certainly better than a single sheet construction.
3. We have suggested that the proposed new build be re-sited and turned 90 degrees, (see attached drawing, Appendix 2). There are good reasons for this and they are in line with recommendations that were drawn up by Marion Dixon, Environmental Health Manager with Sunderland City Council, for presentation to the planning committee in 2008, but were never put before the planning committee. Marion Dixon put forward a number of suggestions for reducing or protecting residents from noise, and one of those suggestions was that, wherever possible, noise should be contained behind walls or buildings. Apart from the noise generated within the waste reception building, there is a great deal of traffic noise. This will be on the increase if the planning applications are accepted. (I will refer to this in detail when



dealing with the proposal from Gateshead Council for the Household Waste and Recycling Centre.)

Turning the building 90 degrees would mean that all traffic movements would be on the south side of the building, and therefore act as a sound baffel for residents north and north west of the site, which would be in keeping, not only with Marion Dixon's recommendations but also the current planning consent,

5.6.1 'All vehicle manoeuvring would be undertaken in an area to the front of the temporary transfer building.'

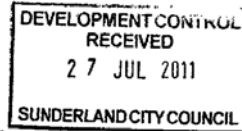
and this would act as an additional sound baffel for residents north and north west of the site.

The entrance to the proposed WRB will be at the north west corner of the site, which will also be in conflict with current planning approval.

It is proposed that the area outside of the entrance will also become an overnight parking area for Sita's 44 tonne waggons. These waggons create a great deal of noise and vibration, and I believe the noise of these waggons starting up in the early morning, will be totally unacceptable. In addition to this it is proposed that this area will also become an ad hoc storage area, which means more activity and traffic movement in an area, which only two and a half years ago Sita UK and Gateshead Council, gave an undertaking, in their joint application, that there would be no traffic movement in this area. An undertaking that Sunderland City Council, planning authority made it a condition of their approval that all aspects as set out in the joint applicants' planning supporting statement must be adhered to. If I might add, 'a condition' that Sita quite flagrantly abused and which is referred to in the attached documents.

The proposed WRB is approximately four times the size of the current Rubb Shelter and Gateshead Council and Sita have given us an assurance that they will handle no more waste then their current licence allows. Therefore simple mathematics says there should be a lot of free space! We have therefore suggested:-

4. That waggons should be garaged overnight within the confines of the WRB. This would not only help to minimise noise, but would also deter marauding vandals. Likewise, we believe that the bays for ad hoc waste be incorporated within the WRB alongside those already proposed. The current siting of the ad hoc bays are in a



much more secure south east corner of the site, protected by high walls and buildings.

To move these bays to the more isolated north west corner of the site will most certainly encourage thieves and vandals. This, together with the increased traffic movement etc., will all in all make life very unpleasant for the adjacent residents.

The reason the ad hoc waste bays and vehicular parking is being moved from the secure south east corner of the site is to provide space to build a Visitors' Centre.

While accepting the need to educate people in the need to control waste, the building itself does nothing to improve the actual day to day operation of the site, and it would be none the worse for it not being there. Therefore the cost to build it would be better used to properly soundproof the principle and most important building, which would be the Waste Reception Building.

However we believe it should not be beyond the wit of Architects to make suitable adjustments to its siting, to ensure that the ad hoc storage bays remain in the south east corner of the site, and not re-sited to the north west corner, which would be to the detriment of residents. We believe that this can be achieved if, like the proposed WRB, the Visitors' Centre is also turned 90 degrees, and the land outside of the main perimeter be included in the design.

Gateshead Council's Civic Amenities Application.

The current operation of the drop-off household waste and recycling facility is a perfect example, as recommended by Sunderland City Council's Health Inspector, Marion Dixon, of how buildings or walls can be used as sound baffels to protect residents from noise.

The current facility is outside of the main perimeter and situated at the south west corner of the site. This operation is shielded from adjacent residents by the former salt store. Although this civic amenities facility is used extensively by residents, 7days per week, with tens of thousands of vehicular movements over the year, it poses no problems for adjacent residents. All noise and vibration that is generated by the filling and movement of skips, plus the overall vehicular movement, is contained within its own area because of the low elevation of the site and protection by the aforementioned buildings.

This will change dramatically if the proposed development is accepted in its current form. The low elevation of the site will be altered because of the introduction of a ramped

roadway and the former salt building will be demolished in order to allow the roadway to be extended into the main site, and therefore much closer to adjacent properties. This means that an off-site facility, from which residents are protected from its noise and vibration, would now become an on-site operation closer to residential properties, and without the noise and vibration protection we now enjoy. This would also mean that the whole of the western boundary, when viewing both applications, would become an area of extensive activity that currently takes place either outside of the site perimeters, with the sound protection I have described, and at the south east corner of the site which is farthest away from adjacent properties.

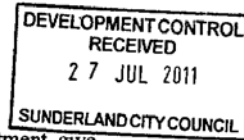
We therefore believe that it is not unreasonable for residents to expect, that if the noise and vibration barriers which I've described above, are to be removed, then the applicants should restore this protection in another form. Either by enclosing all of the civic amenities that extend into the main site, or that solid wall sound barriers be erected north and east of the civic amenities site.

With regard to the civic amenity, Gateshead Council concede that their proposal would not improve production in any way, but it would make things a little easier for residents dropping off waste.

I understand that Sunderland planning department has insisted that the ramped roadway be covered in order to protect residents dropping off waste from the rain. May I point out that residents will only visit the site once or twice a year, and on occasions it may be raining. On average it takes only 2 or 3 minutes to drop off their waste so there is no great hardship for residents who do visit the site. On the contrary, we the residents would have to live with the proposed changes 12 hours a day, 7 days a week.

We oppose Gateshead Council's proposal in its current form. We believe that we should at least be afforded the same degree of protection from the noise and vibration as we currently enjoy, and if the applicants cannot guarantee this, then their application should be rejected.

Likewise we oppose Sita's planning application in its current form, and unless they can give an undertaking that the proposed WRB will be properly made soundproof, then their application should also be rejected.



We would also respectfully request that Sunderland planning department, give consideration to the proposals we have submitted, in particular the feasibility of turning the proposed waste reception building 90 degrees, this would help to ease our concerns in other areas of the dual application, and would be in keeping with Marion Dixon's recommendation and the currently approved operating consent.

Traffic.

The residents oppose any increase whatsoever to the 75,000 tonnes per annum the site is currently licensed to handle, for the following reasons:-

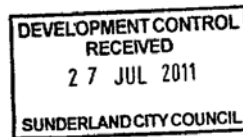
1. It is obvious that any increase would automatically increase on-site noise and disturbance.
2. The Campground site is situated between the two villages of Wrekenton and Springwell. Both villages have acute traffic problems which both Gateshead Council and Sunderland City Council, are aware of. Although Sunderland City Council, as the planning authority for determining the outcome of planning applications for the Campground, also enjoys the use of the facilities, they themselves, in the protection of their constituents, will not allow Sita's waggons to travel through Springwell Village. Likewise they will not allow the waggons that service the reclamation centre which operates within the former Springwell Quarry, to pass through Springwell Village. As a consequence these vehicles are re-routed through Wrekenton, which adds to the ever increasing and already acute traffic problems, from which the residents of Wrekenton and surrounding area are forced to endure.

For Sunderland City Council to consent to any increase above the 75,000 tonnes per annum the site is currently allowed to handle, would smack of hypocrisy if they are not prepared to share the burden.

In conclusion, before any redevelopment of the Campground site can take place, there is the matter of the demolition of the existing redundant buildings. This is of great concern to residents and in particular with regard to the protection of the children who attend Fell Dyke Infants' School, that shares a boundary with the Campground Site.

29th July 2009.

Local Government Ombudsman.
P.O. Box. 4771.
COVENTRY.
CV4 0EH



A2

NOTICE OF COMPLAINT

**In relation to demolition work undertaken at Campground Waste Reception Depot,
Wrekenton, Gateshead, Tyne & Wear. NE9 7XW.**

Dear Sir,

I wish to register with the Ombudsman, a formal complaint against Gateshead Council (the client) in relation to the above contract, which commenced 3.11.08 and was completed 4.3.09

Complaint – Gateshead Council was:-

1. In breach of the 1974 Health & Safety at Work Act, in that they failed to provide a safe system of work.
2. Operated in contravention of the CDM Regulations 2007.
3. Failed in its statutory duty to take appropriate action to safeguard the health and safety of its constituents adjacent to the site.

Note:- Similar complaints will also be lodged against the Health & Safety Executive and the contractor, Squibb Demolition Ltd. I understand these are not matters for the Local Government Ombudsman.

The Project.

Work involved the demolition of the Tipping Bays which were attached to the former Waste Reception Building, within which substantial demolition of the internal structure took place, together with asbestos removal. A full description of the operation is contained in the contractor/client's work specification documents, which are attached.

The following is a brief description of the activities that took place on site, which were of concern to my neighbours and I, all of whom share a boundary with the Campground. Our concerns also extended to the children of the adjacent infant school.

Since June 2007, we have had ongoing complaints against the joint operators of the site, Gateshead Council and Sita UK. Complaints which are currently a matter of investigation by the Local Government Ombudsman and the Parliamentary & Health Service Ombudsman. This is a separate complaint and concerns only the activities that took place between the **forementioned dates.**

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On the 3rd of November 2008, Squibb Demolition Ltd., the contractor, moved onto the north section of the site, this is the boundary that separates our land. We had not been given any advance warning of any work that was to be undertaken in this area. On the contrary, I had received notification only a few days earlier from the Environment Agency, that in their discussions with Sita, the site operator – activities at the north boundary would be curtailed (see Appendix 2).

My immediate concern was in respect of the quite horrendous noise that was being generated. All types of plant and machinery descended on the site in one fell swoop – Compressors, Generators, JCB, Bobcat machine, Telescopic steel-cutting machinery, Pneumatic Drills and Hammers, Skips and Skip Transporter etc. all in all, creating a great cacophony of noise and vibration. Workmen were engaged in excavation work, widening the roadway, with a combination of JCB and Pneumatic Hammers. Trenching was also taking place, as was drilling, steel-cutting with the shearing machine and oxyacetylene burning. As I've said, my immediate concern was the noise and vibration that was being generated.

Whereas it was most annoying for my neighbours and I, it was most distressing for my wife, who was convalescing after her return from hospital, where she had undergone extensive radiotherapy and surgery, for the treatment of cancer. As my last point of contact had been the Environment Agency, I wrote to Mr. David Edwardson, Environment Management Team Leader, requesting information as to what was taking place (A 2).

As portable offices and other amenities were positioned on site, it was obvious that the contractor would be there for some considerable time. Also, not only was the work ongoing, 7 a.m. to 7 p.m. but the generators that provided lighting were left running all night. This was an intolerable situation for my wife, and I had no alternative but to make arrangements for her to be moved. This was not easy as my wife was virtually bedridden and required 24 hour attention. However, in discussions with the family, it was decided that my wife would be moved to my eldest daughter's home. Of course, this was not easy for my daughter or her husband, who had their business to run. But with a combination of rosters, involving all the family, it was manageable.

I received a response to my letter to Mr. Edwardson (A 2) and true to form, the Environment Agency proved, once again, to be unhelpful. Mr. Edwardson informed me he had no information as to what was taking place, and it did not come under the jurisdiction of the Environment Agency anyway. I have since learned that this was in fact a matter for investigation by the EA.

While waiting for Mr. Edwardson's response, I had naturally been monitoring the work in progress. And whereas initially my concern was the effect the noise was having on my wife, my concern shifted to the unsafe and potentially dangerous way in which this operation was being conducted, and hence the reason for my complaint. This work was being undertaken in such a way that I can only describe it as a 'cowboy' operation.

DEVELOPMENT CONTROL
RECEIVED
27 JUL 2011
SUNDERLAND CITY COUNCIL

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May I just add at this point that although not an expert in these matters, I do have some knowledge of the demolition and construction industry. Also for many years I was a safety representative, a shop steward, a full time union official and a member of the Industrial Tribunals for twenty years. Furthermore, I have a good knowledge of the Campground Site, having witnessed the full construction of all the on-site buildings from foundations to completion.

I know that the buildings, in particular the former Waste Reception Building, (to which in the main my complaint refers), where most of the activities were taking place, contained large volumes of asbestos. I also know that all of the steel work is lead-based coated. Apart from the potential hazards associated with the above buildings, (a depository for many thousands of tons of waste, of all descriptions, over the years) meant that the building would be heavily contaminated. The building was also rat-infested, with no controls within its confines for a number of years, as the building was declared 'unsafe' to enter. Pigeons in their thousands have roosted within the building for almost 40 years - all of these aforementioned items being potential health and safety hazards.

All of the above is confirmed in the Client and Contractor's documentation, which was to come into my possession some months later.

The above problems were compounded by the fact that the building has been subjected to a number of fires over the years, and vandals, in their search for scrap metals, had damaged asbestos coverings.

This was a building that no workmen should have been allowed to enter, unless they had full body protection. Coveralls etc. should have been worn, and properly disposed of in the appropriate way, at the end of each working day.

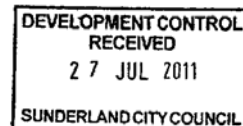
With the exception of only 2 men, wearing white coveralls, all other workmen were attired in ordinary work-clothes. Invariably men would have gone home in these clothes to their wives and children, the consequences of which may not come to light until many years hence.

All work was being carried out simultaneously, and to my mind, without due and proper care or consideration for the health and safety of the workforce, or indeed the adjacent residential properties and infant school.

With a combination of steel shearing and oxyacetylene burning, steel was being allowed to crash to the ground from a considerable height, resulting in clouds of dust rising and becoming airborne. The building had not been sealed off and there was no water or water vapour machinery in operation to suppress the dust.

Knowing the cocktail of contaminates this building housed, particularly asbestos, it was of great concern to me that the dust, spores and other contaminates, would easily be carried to the adjacent properties.

It is Gateshead Council's own assessment:-



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'That the greater percentage of dust created on the Campground Site will fall within a 200 metres radius of the boundary.'



The infant school and a large number of residential properties fall within this radius.

I wrote again to the Environment Agency, but again they were unhelpful. However, I did receive a letter dated 13.11.08 from Mr. Tom Dixon, Principal Building Officer for Gateshead Council (A3). Mr. Dixon's letter was very vague and unhelpful – his letter states,

'I am writing to inform you of works the council is carrying out at the redundant waste transfer station buildings at Campground, Wrekenton.'

Mr. Dixon gives no details of this work whatsoever, referring only to 'works' or 'the above works'. I wrote immediately to Mr. Dixon (A2) but as I did not receive a response, I wrote to the Health & Safety Executive on the 20.12.08 (A2) expressing my concerns and asking – as I was so concerned about the way in which the demolition work etc. was being carried out – did the contractor actually have the appropriate licence for dealing with asbestos?

The HSE's response was to inform me that Mr. Martin Smith, an HSE officer, had actually visited the Campground site on the 25th of November 2008, and enclosing details of his inspection (A10 & 11)

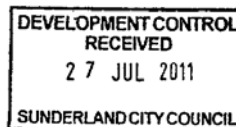
Given my own observations of the work in progress, and the fact that I was unable to obtain any proper information regarding the details of the contract, I actually found Mr. Smith's report quite alarming – so much so that I felt I had no alternative but to write with a complaint to Mr. R. Hirst, Principal Inspector with the HSE.

The details of my complaint are set out in a 9 page document, which I attach to this letter as Appendix 1 of the bundle, which I respectfully invite the Ombudsman to read in conjunction with this letter.

On the 30th December 2008, I received a response from Mr. Tom Dixon, dated 23.12.08 (A3) which was in response to my letter of 19.11.08. Once again I found Mr. Dixon extremely vague and unhelpful, but he did confirm that asbestos was being removed from the former waste reception building.

I wrote off immediately again to Mr. Dixon expressing my concerns at his lack of information etc. (A2). I did receive a brief acknowledgement to my letter from him, which was also copied to the LGO, stating he would respond to my letter in detail (A3), but to date, some 7 months later, no response has been received.

Following my complaint to the HSE (A1) there was an exchange of correspondence between us that can be found at A2 and A11 of the bundle. The outcome of which resulted in a meeting between Mr. R. Hirst, Principal Inspector and I on the 26th March 2009. This meeting was after the work was finished and the site cleared.



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This meeting lasted for approximately five hours. Mr. Hirst was accompanied at that meeting by one of his colleagues Mr. McGill who took, if not verbatim minutes, certainly copious notes.

Mr. Hirst firstly explained that since writing to him, he had written to both Gateshead Council (the client) and Squibb Demolition Ltd (the contractor), requesting all documentation in relation to the demolition work at the Campground Site.

This he had received, indicating two large bundles of documents on his desk. He had also met with both Gateshead Council and Squibb Demolition Ltd., and there had been an exchange of correspondence.

Towards the end of the meeting, I did make a request to be sent copies of all documentation. Mr. Hirst explained that this would have to be done through the appropriate channels, and he would require more time in any case to study the documents. Mr. Hirst, from then on, proceeded to go through my letter of complaint which took up the major part of the proceedings.

As my complaint against the HSE is a matter for the Parliamentary and Health Service Ombudsman, it is not my intention to go into any great detail regarding the meeting, other than to say that I quickly formed the opinion that Mr. Hirst's primary objective was the protection of his officer, Mr. Martin Smith, whose actions I believe are indefensible, and I believe my opinion is endorsed by the documentation of Gateshead Council and Squibb Demolition, which I was to receive some months later. All of which forms part of the attached bundle of documents, and which I will be making reference to throughout.

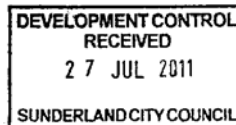
At the end of the meeting I requested a copy of Mr. McGill's notes. Mr. McGill showed me his notes, indicating I might have some difficulty deciphering them. I said I would be grateful if his notes could be typed for me. Mr. McGill said he would do this, but it would take about two weeks, as he was required in court the following week.

As I did not receive the notes, I sent Mr. Hirst a reminder (A2). Mr. Hirst responded by saying that the typed notes had not been promised within two weeks, but they would be sent when it was convenient. He did however send me a copy of the hand-written notes, which I am unable to decipher in full, so I will refrain from quoting from them. To date, I'm still not in receipt of the typed version.

Although the LGO will not be considering my complaints against the HSE or the contractor, I trust the Ombudsman will appreciate that I need to make reference to all participants in this matter, as I feel the failings of all three parties are closely interlinked, and any one of them, acting in the appropriate manner and governed by current legislation, could have rendered any complaint from me totally unnecessary.

You will note in my letter of complaint to Mr. Hirst, which can be compared with Mr. Martin's notes of his inspection visit to the site on 25.11.08 (A10) makes a number of observations regarding the activities which are taking place, which are in clear contravention of Health & Safety legislation, the CDM regulations and the codes of practice for dealing with dangerous substances. All of these matters should have been dealt with prior to the work commencing, in compliance with the CDM regulations and

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the 1974 Health & Safety at Work Act. Neither the contractor nor the client provided a safe system of work, which continued for the duration of the contract.

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Prior to the HSE visit, a great deal of demolition work had already been undertaken. This work had been in progress for 22 days. It was a 7 day week operation with men working in excess of 12 hours per day. The following is a quote from the client's pre-tender documentation, showing the hours that should have actually been worked.

170A WORKING HOURS

Shall be normal working hours as defined below:

Where the works are to be executed adjacent to an occupied residential building work must not commence any earlier or later than as stated below.

Monday to Friday 8:00am to 6:00pm

Saturdays 8:00am to 1:00pm

Work will NOT be permitted on the following:-

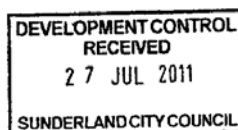
Sundays and Bank Holidays

Note: Christmas holiday period falls within the programme of this contract. Contractor to confirm to CA last day of working before break & date for restart of work after this period. Contractor to advise CA of actions to be provided for security of compound, cabins, skips, plant, machines, etc. & work areas for this "close-down" period.

In addition to the hazards associated with the burning of lead-coated steel and working in confined spaces, the work generated a great deal of dust – with steel being allowed to fall uncontrolled. The dust, in all probability, contained a cocktail of hazardous substances from all of the known and unknown contaminants within the building. If no dust sampling of any description had taken place, which appears to be the case, then it was incumbent upon both the client and the contractor, in accordance with the appropriate codes of practice to, *presume* that the dust contained dangerous asbestos and spores. Men working in close proximity to these operations did not wear protective clothing for dealing with these hazards, and the men who were actually engaged in the burning, had been supplied with the wrong type of respirator.

There is no evidence that the work-force ever received a proper induction before the work commenced. On the contrary, it is a fact that the men were given false information. It is the contractor's own evidence, supported by the client, that they believed the paintwork was lead-free, and would have conveyed this false information to the workforce, when in fact, according to the contract analyst,

'Samples contained significant levels of lead.'



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I believe both the client and the contractor were aware of this before the samples were taken, before the work commenced, as the attached documents will show. Furthermore, the analyst paid regular visits to the site as a consultant, and the workplace risk assessment sheets No. SD021 states,

Hazards Identified.

Exposure to Lead.

Page 2 states,

'Ensure a survey has been carried out prior to any works commencing so as to ensure no operatives are exposed to asbestos based products or lead.'

The sheets are dated 03.11.08 (A5)

In addition to the above. Work-place risk assessment sheets No. SD007 state on page 1, under the heading:-

Hazards Identified,

'Exposure to lead-based paint'

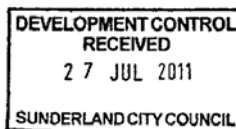
Page 2,

*'An assessment of the steel to be cut is to be made before any cutting work commences. This will allow the correct selection of RPE to be made (i.e. air-fed masks etc.)'
'Ensure ongoing health surveillance is carried out on all operatives from this task.'*

These sheets are also dated 03.11.08 which of course the client would have had in their possession before the work started. But both client and contractor ignored their own evidence.

I also draw the Ombudsman's attention to Squibb's, Health & Safety Action Plan, which is dated 26.11.08, which means that this certificate was made out, the day before paint samples were sent for analysis, and two days before the analyst actually sent off the result of the sample paint tests. How could Squibb do that if they didn't know if the paint contained lead?

Whereas the contractor claims they were not aware that the steel paintwork was lead-based, Squibb Demolition, according to their own literature, have over 40 years experience in the demolition industry, and therefore, with all the expertise at their disposal, would be aware of their lawful responsibilities under the various acts covering their industry. They would be conversant with all codes of practice covering hazardous substances. They would know that unless a substance is declared safe, they should *presume* it to be unsafe and act accordingly.



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There is no excuse for this company, they would know full well that what they were doing was wrong, and they knowingly allowed their employees to continue working in dangerous and hazardous conditions without protective clothing.

The contractor also knew, as did the client, that they had a statutory duty under the Health & Safety at Work Act, to make sure that people not in their employment, who may be affected by their activities, are provided with information and not exposed to risks to their health and safety.

Squibb Demolition, state in pages 9 & 10 of their 'Squibb Safety Plan Construction Phase:-

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Works will inevitably impact on the adjacent properties, though this will be effectively minimized or obviated by means of the following:-

- *Dust Control.*
- *Noise Limitation.*
- *Traffic Management to adjacent roadways*
- **LLAISING WITH NEIGHBOURING PROPERTIES BY MANAGEMENT.**

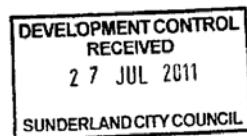
The process of notification shall be via site visits from Squibb Demolition Site managers, letter drops, as required, advising of the planned work activities.

No contact of any description was made to the adjacent residents, either by the contractor or the client, even though every attempt was made by the residents to obtain information. There was no dust control. There was no noise control.

At my meeting with Mr. Hirst of the HSE, he informed me that Mr. Martin Smith had stopped the hot-burn work because of what he had witnessed. I put it to Mr. Hirst that this had not been my observation and Mr. Smith made no reference to this in his report. Mr. Hirst said it was not necessary for him to do that. Mr. A.P. Bowen, head of property services for Gateshead Council in his letter to Mr. Hirst dated 6.3.09 makes the same claim and he states,

'When the error was pointed out by Mr. Smith as part of his inspection of the works; work ceased immediately.'

As I've said above, this did not concur with my observations, but more importantly for the Ombudsman is the recorded evidence of the contractors themselves. I refer the Ombudsman to A9 of the bundle, which are copies of the hot-burn certificate to work sheets which show quite clearly that on the 25th of November 2008; the day of Mr. Smith's inspection, work commenced at 7.am. and was not signed off until 6.30 pm. The following three days, the 26th, 27th and 28th of November followed the same pattern – there was no cessation of hot-burn work. The result of the paint sample tests was not sent off by the analyst until the 28th of November, after receiving samples on the 27th.



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Mr. Bowen makes other statements in his letter which are not supported by the recorded facts, he states:-

'The structural stability of the former incinerator building has never been in question.'

The Environment Agency in a letter to me states,

'The building is unsafe to enter.' (A2)



Squibb Demolition Ltd., state in their SAFETY PLAN CONSTRUCTION PHASE:-

'The majority of buildings on site are deemed to be unsafe to access due to the ingress of weather and the degrading of the structural elements.' (A8)

Squibb's workplace risk assessment sheet SD07 states – under the heading of,

HAZARD IDENTIFIED

'Unsafe building structure.'

Mr. Bowen's letter goes on:-

'The Council's Environmental Health (Pest Control) Officer has had no reports of rat infestation from any of the adjoining properties.'

I wrote to Gateshead Environmental Health, informing them, that in addition to other matters, rat activities were on the increase.(A2)

Gateshead EH was to inform me that the matter of rats and odours did not come under their control, and they referred the matter to the Environment Agency.

The EA responded by saying that whereas rodent control did take place in and around the temporary RubbShelter, no control took place within the former waste reception building as *'THE BUILDING WAS UNSAFE TO ENTER.'*

Squibb Demolition's Risk Assessment Sheet No. SD005 states under:-

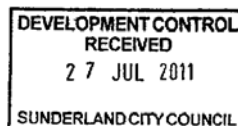
HAZARDS IDENTIFIED

LEPTOSPIROSIS – working in areas that are frequented by rats.

I also draw the Ombudsman's attention to the documentation attached to Mr. Bowen's letter (A3) which states, under the heading,

Sita Waste Transfer Station Type 3

Site walk through 30.5.08



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Main Site Risks –

Pigeon Droppings / Disease.

Rat Droppings /Disease.

Etc. etc. The document goes on: a lot of pigeon faeces and dead birds “there is also a possible rat population.”

You will also note in the documentation attached to Mr. Bowen’s letter there is an email which also makes reference to a complaint about rats, by an individual whose name has been blanked out. It is also clear from this email that the site operators leave a lot to be desired regarding their records of rodent control – the same applies to their general recording of on-site activities.

You will also note, apart from their other failings, that Squibb claim,

‘Pre-construction information received was inadequate regarding lead paint.’

‘Client potentially in breach of CDM Regulations 10 para. 2a.’ (A5)

You will further note that Mr. Smith sent an undated letter to Squibb (A11), which they said they received on the 1st of December 2008, but did not respond until the 22nd of December, in a letter dated the 12th December. Clearly another demonstration that Squibb do not think that the health, safety and welfare of its employees should be treated with any great urgency.

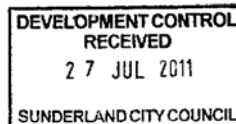
You will also notice in the bundle of documents (A3) a letter dated 19.2.09 from Mr. Bowen, apologizing for not responding to Mr. Smith’s letter of 28.11.08. It would appear that Mr. Bowen does not attach any great urgency to the matter of health and safety either.

It is also apparent that Mr. Martin Smith would not have received any response at all, if it had not been for my intervention, and letter of complaint, which prompted Mr. Hirst to make contact and meet with both the client and the contractor on the 18th of February.

What is also apparent from Squibb’s letter, received by Smith on the 22nd December and Gateshead Council’s letter of 19.2.09, is that Mr. Smith, who has sent off letters that one would expect required immediate responses, seems unperturbed by the fact that it’s almost a month before he gets a response from Squibb Demolition, and he does nothing at all when Gateshead Council do not even bother to send him an acknowledgement to his letter.

Mr. Bowen, in his letter of 19.2.09 states,

‘I refer to your letter dated 28 November 2008.’



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I apologise for the failure to respond to that letter as whilst the items you raised regarding site operations were dealt with immediately the letter had been filed without the necessary response having been made.'

How would Mr. Smith know that "matters were dealt with immediately"? Mr. Smith never visited the site again, this was confirmed by Mr. Hirst at my meeting with him. Mr. Smith didn't even bother to send Mr. Bowen a reminder. Mr. Bowen's letter of 19.2.09 is sent when work is almost completed. He writes again the 6th of March, after the work is completely finished, which I believe was always the intention.

I have already dealt with this letter previously, and I believe I have demonstrated, using a combination of the client's and contractor's own documentation, that virtually everything Mr. Bowen says in his letter is wrong, and not supported by client/contractor documentation.

When reading Mr. Smith's report of his site visit (A10), I don't think it was unreasonable of me to assume that he had actually witnessed work in progress. It appears that this is not the case. Following my meeting with Mr. Hirst and our exchange of correspondence, I received a statement from Mr. Smith. The sort of statement one would prepare for a court hearing (A11). What is evident from this statement is that Mr. Smith never witnessed any of the men working. He arrived on site during a tea-break and he spoke to the men in the canteen. As he never saw any men working, he must have left the site before the men's break finished.

Mr. Smith, as he freely admits, had no previous knowledge of the contractors, and he didn't know if this was a good or a bad company.

Mr. Smith says he did make a couple of 'phone calls, advising the recipients of his findings and making certain recommendations. Although there is no written record, it is claimed he prohibited the hot-burn work from continuing. If he did, then according to the site records, his instructions were ignored by the contractor and also by the client, who had an on-site clerk of the works.

Mr. Smith never saw the haphazard and unsafe way the contractor had been carrying out the demolition work on the previous 22 days before he visited the site – he never witnessed the operation in progress on the day of his visit. He never re-visited the site to ensure that the contractor was conforming to his instructions – or to the various health and safety regulations – or codes of practice governing the campground operation.

Even when both the contractor and the client failed to respond to his letters, it did not prompt Mr. Smith to consider a return visit.

According to Mr. Hirst, Mr. Smith's actions are perfectly acceptable and in keeping with the principles of a HSE Officer. If this is so, then I believe it warrants a thorough investigation into the HSE in general.

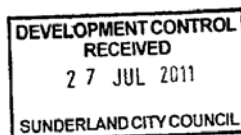
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Summary.

- 1) I believe my concerns and complaint, as set out in my letter to the Principal Inspector of the HSE, is both a fair and accurate account of the happenings at the Campground Site.
- 2) The building was dangerously contaminated throughout with all surfaces covered by a combination of:-
 - a) Pigeon faeces and dead birds.
 - b) Rat faeces and urine.
 - c) Asbestos in identified and unidentified areas.
 - d) Waste contaminates of all descriptions, some unidentified as a result of the building being used as a waste depository for many years.
 - e) All of the above combined into a dust cocktail, spread inches deep throughout the building, as a result of time, vandalism and weather ingress.
 - f) All water in pipes and pits contaminated.
 - g) The building was unsafe to enter because of all of the above, and according to the contractor, structurally unsafe.
- 3) All workmen entering the former Waste Reception Building, should have been supplied with full body-protection, disposable coveralls, including masks or respirators, gloves should have also been worn at all times.
- 4) Welfare facilities were inadequate. Men were changing and washing where they were eating. Rats identified at canteen area.
- 5) Lighting was inadequate in a building that was dark and dangerous, with walkways slippery with contaminated debris.
- 6) Project drawings were inadequate and not in keeping with current legislation.
- 7) There was no dousing safety shower unit to enable men to flush all contaminates from their coveralls and protective equipment before they stripped.
- 8) There were no dust preventative measures in operation. Because of steel-burning and traffic movement in and out of the building, dust was allowed to rise in clouds and be carried on the wind, thereby putting not only the site operatives at risk, but also the adjacent residents and school children.
- 9) There was no noise protection for adjacent residents – workmen did wear ear protectors.
- 10) Steel was allowed to fall in a dangerous manner. Apart from the dust that was raised, steel would miss the skips and ricochet in all directions which was a threat to those on the ground, and also those in the Cherry-picker, as a tyre could have been burst by the steel, causing the Cherry-picker to tip.



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- 11) As the documents show, the contractor did not conform to working hours, as stipulated by the client. The contractor worked 7 days per week, sometimes in excess of 12 hours per day, including Saturdays and Sundays.
- 12) Neither the contractor nor the client liaised with the adjacent residents as stipulated in their documentation.
- 13) The client refused to supply the residents with any information at all with regard to the details of the job or the working hours.
- 14) The Environment Agency refused to give any information or check the complaints of the residents, which was their statutory responsibility as this was an environment problem.
- 15) The contractor and the client, after being informed that the hot-burn operatives were working in an unsafe manner, without the appropriate respirators, allowed the work to continue after the HSE Officer left the site.
- 16) The contractor took almost a month to respond to the HSE Officer's letter, and only offered to send their safety officer sometime in the future for a site visit.
- 17) Gateshead Council did not respond to the letter they were sent at all. There was eventually a response dated the 6th of March, this was after all the work was finished and only because of my complaint, which had brought about a meeting with the Principal Officer of the HSE and Gateshead Council on the 18.2.09
- 18) Although the contractor now blames the client for potentially being in breach of the CDM Regulations, I believe both parties are equally at fault with regard to the CDM Regulations, also equally at fault and in contravention of the 1974 Health and Safety at Work Act, in that they failed to provide a safe system of work and they both compounded their failings by allowing the men to continue to work, even after they have been informed of the potential hazards. Furthermore I believe, and the contractor's own documentation shows, that they had already identified the hazards of lead before work commenced, and they had provided the client with this information in documents dated 3.11.08.
- 19) If the employees were inducted, then it was done so under false pretences. The men would have been informed by the contractor that the steel work was not lead-based.

In conclusion, I believe both the client and the contractor – with every expertise at their command to guide them – have acted with total disregard for the health and safety of the workforce/adjacent residents and the infant school children.
I believe the Health & Safety Officer, Mr. Martin Smith, may have touched on the reason for this, when he states that Gateshead Council have a number of duties as the client:-

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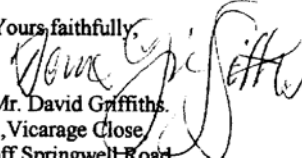
'A) To provide information necessary to allow contractors to tender realistically for the contract. The presence of lead may have a significant impact on the costing and timing of the work, the precautions necessary and the selection of operatives if flame-cutting is required.'

My observations were that this was a job that was being carried out with undue haste, with little or no consideration for health and safety regulations. Were the contractor and the client operating in such a manner just to avoid costs, or were they hell-bent on clearing the site as quickly as possible – because once the site is cleared, it is difficult to substantiate any complaints?

I also believe that the HSE officer, Mr. Martin Smith, failed to properly investigate and monitor the site. There were far more problems on this site than those proposed by lead or asbestos. However, these are matters for the appropriate authorities to investigate, but if I may just say in closing, if Mr. Smith had taken the time to examine the on-site risk assessment documents, he would have seen that both the client and contractor were aware that the steelwork was covered with lead-based paint.

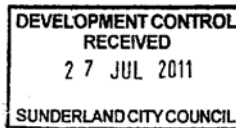
In the interest of public concern in these matters, I trust the Ombudsman will consider this a complaint for investigation.

Yours, faithfully,


Mr. David Griffiths
1, Vicarage Close
off Springwell Road,
Wrekenton,
Gateshead,
NE9 7AA.

Tel. 0191 4821920.

Enc.



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A 1

20th October 2008.

The Local Government Ombudsman.
P.O. Box. 4771.
COVENTRY, CV4 0EH.

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Dear Sirs,

Re. Waste Transfer Station, Campground, Wrekenton, Gateshead, 9.

I wish to register a formal complaint against the operators and associate authorities, in relation to the above waste transfer facility.

You will note from the attached bundle of documents that I list various complaints against the following:-

Sita UK. - Gateshead Council. - Gateshead Environmental Health Department. - Sunderland City Council. - The Environment Agency.

(1) Site Location. The site is located at the far north-west boundary of Sunderland City Council, and adjoins the south boundary of Gateshead Council. The north boundary of the site is actually situated on the aforesaid boundary, and also forms the boundary between my land and the waste transfer station (see site plan and Google ariel-view, pages 70 & 71 of bundle)) The plant is situated on green-field land, and is some ten miles from Sunderland and Durham.

(2) History. In 1968 Gateshead Council (a smokeless zone authority), applied for, and was granted, permission from Durham County Council to build an incinerator on the above site to deal with the disposal of refuse. The land in question, through constituency border changes, later came under the jurisdiction of Sunderland City Council. Gateshead's application to build the incinerator created an anomaly whereby, as the owners, applicants, builders and users of the site, they were not obliged, under normal planning regulations, to inform their constituents of their intention to build the incinerator, as the plant was situated within the Sunderland Boundary, they claimed then, as they do now, and I quote from the Leader of the Council's letter dated 19.8.08,

'The site is not in Gateshead Council's administrative boundary therefore Gateshead, as a local planning authority, has no jurisdiction in respect of the waste transfer station. Sunderland City Council is the planning authority responsible in this case, and they are therefore the appropriate enforcing body for any planning related matters involving the site.'

All very convenient for Gateshead Council! They have been able to operate the incinerator and the site for over 35 years, without it seems, any controls or responsibilities placed upon them; even though the incinerator poured out thousands of tons of noxious fumes onto Gateshead's constituents, over an area which they, the council, had declared a smokeless zone.

Sunderland City Council have adopted a similar policy as far as the residents of Wrekenton are concerned. And they too, like Gateshead Council, take advantage of the above anomaly, stating in the letter from Sunderland's head of planning and environment, coincidentally, also dated the 19.8.08,



'Your concerns about the effect upon your quality of life due to noise, vermin and odours are appreciated. However, although the site is within Sunderland, you, as the receptor of these effects, are a resident of Gateshead.'

From the beginning of its operation in 1973, the residents of Wrekenton and the surrounding area were concerned about the emissions from the Incinerator, and the effect they believed the emissions were having on their health and that of their children. This is a well documented episode in the life of the plant, and not the nature of my current complaint. Suffice to say the Incinerator ceased to operate in 1988; Gateshead council claiming it had reached the end of its operational life, the truth being it was shut down because of the unacceptable emissions.

The residents of Wrekenton hoped this was the end of the site altogether, but this was not to be. Without the submission of a planning application for change of use, Sunderland Council, in collaboration with Gateshead Council, agreed to operate a baling and waste transfer station.

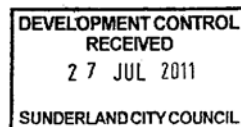
In March 2004, one of many fires over the years, destroyed the baling plant.

In December 2004 Gateshead Council and Sita UK, made a joint application for a temporary licence to operate a Rubb Shelter. This was granted in February 2005; the actual operation commencing sometime later.

The Complaint.

Early in 2007 it was noticeable that firstly, there was a gradual increase in both activity and noise coming from the site, particularly in close proximity to the north boundary of the site which is adjacent to our land; then after a while an increase in unpleasant odours. In the past we have experienced unpleasant smells from the plant, particularly if the wind was blowing in our direction. Now however, the stench was more or less permanent, regardless of which way the wind was blowing, and more so as the weather became warmer.

There was also a noticeable increase in rat activity, and daily sightings became the norm. Our observations, over a period of time, confirmed that household waste was being deposited on the roadway at the north boundary of the site; in front of the former waste reception building. This seemed to take place mainly at weekends. A clean-up operation would take place during the following week, and could take up to 2 or 3 days to clear, depending on the volume of rubbish that had been deposited. During one period in particular, the waste was allowed to build up over a 2/3 weeks period, which amounted to many tons, covering virtually all of the roadway to the north of the former waste reception building, which now stands derelict. At this point in time I was not conversant with the terms and conditions of the operator's licence or site working plan; but what was



happening now with regards to excessive noise etc. was far worse than anything else we had experienced in the past.



After two months or so of these activities – it was obvious that what was taking place on site was not just a short-term operation, brought about by some emergency, but this new practice had become part of the daily operation. The noise being generated was by much larger vehicles, which had not been used on site before, driving up to the north boundary which is the boundary between the site and residential properties; to deposit their load. To reach the north boundary, the wagons have to climb an incline which results in more noise and vibration being generated.

The clean-up operation involves the use of a driver-operated mechanical shovel; which creates a deafening racket when performing the clean-up. The operator will drop the bucket of the machine some 20 feet or more from the pile of debris with the most deafening thud which actually shakes our houses. The bucket is then scraped along the ground into the rubbish. The driver then lifts the bucket and reverses his machine, making a u-turn in order to line up with the skip. The nature of this operation during the clean-up process, means that the machine spends as much time in reverse as it does in forward gear. This brings the reverse warning signal into play, which was so loud it could be heard some 200 metres away, and is virtually constant throughout the whole operation. When depositing the rubbish into the skip, the driver will crash the bucket onto the rim of the skip a number of times, in order to clear the bucket. This is steel crashing onto steel, making the most horrendous noise. The driver will then reverse his machine and repeat the process again until the rubbish is cleared, but soon to be replaced by more rubbish.

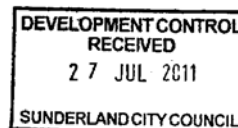
I might add that all of this activity takes place in front of the former, and now derelict, waste reception building which is of steel construction with tin sheet covering. This building acts as a sounding board which both magnifies and reflects the sound in the direction of residential properties.

If the above activities were to take place at the south side of the building (which I've suggested to site management), the building would act as a sound baffle and protect residents from excessive noise and vibration; which has the most profound effect on our quality of life and well-being, and indeed our health.

As I've said earlier, I was not aware at the time of the conditions of the licence or site operation plan, but I assumed at the time that the purpose-built Rubb Shelter was unable to contend with the volume of waste that was coming on site, hence the dumping of waste everywhere and anywhere on site.

With regard to the Rubb Shelter itself, whereas within its confines it is accepted that dust and odours could be effectively controlled, the same cannot be said of noise. The shelter is of canvas construction and affords no sound insulation; therefore noise generated within the shelter is not contained, as would be the case if the shelter had been constructed in line with Sunderland City Council's own guidelines, and constructed with brick or cement breeze blocks, with cavity walls and insulation.

What I and my neighbours did not know then, but have subsequently learned since raising our complaint, is that the shelter is designed to store some 400 tons of waste



which is constantly turned over, and then re-loaded onto larger vehicles for transport to land-fill sites. The mechanical shovel used for this operation is much larger than the one described above. As I've described in correspondence to the various participants, when this machine drops its bucket, it's like a bomb going off, that shakes the house, this is accompanied by the usual scraping and banging. During its operation, the machine also gives off a low rumbling sound which is rather like distant thunder.



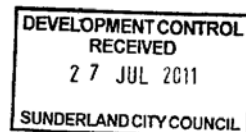
This can be very disturbing, and I have learned from others, more educated than I in these matters, that this is referred to as 'Infrasound Vibrations' that can come from a number of sources, including the machine which I've described. All in all the noise and disturbance that now emanates from the site is far greater than anything we have experienced before. When the site operated as an Incinerator, any noise generated by the overhead crane feeding the furnace was contained within the waste reception building. Likewise, when the Incinerator was closed down and the baling station commenced its operation, we were not disturbed by any excessive noise. The baling plant was situated at the south east corner of the former waste reception building, therefore if any noise was generated by the baling plant, then the operation was out of both sight and sound; the residents being shielded by the waste reception building.

I wrote to Gateshead Environmental Health Department on the 14th June 2007, outlining my complaint against excessive noise, odours and rat infestation coming from the campground site. Although I have lived in Wrekenton virtually all of my life, and have owned the land on which I now live before the Incinerator was built; my letter of the 14th June 2007, was the first complaint I have made against the plant. I believe this fact goes some way to demonstrate that there must have been a dramatic change in the plant's activities to warrant me having to register a formal complaint.

An officer from Gateshead Environmental Health visited me on receipt of my letter, informing me first of all that she didn't even know that the plant existed. However, she informed me that she had visited the site that morning and, although rats and odour complaints did not come under her jurisdiction, she had raised the matter with management, and it was admitted that waste had been dumped at the north boundary; and she would refer the matter to the Environment Agency. She also said she had raised the question of noise, which did form part of her responsibilities, and management had agreed to substitute the reverse warning bleeper with a White Noise Box, which is less intrusive.

I then received a letter dated 3rd July 2007 (page (1) of bundle), from Ms. Alys Evans, Environment Agency Officer, advising me that my letter of the 14th June to Environmental Health had been referred to them. She explained the role of the Environment Agency, and what should be taking place on site with regard to dust and odour controls etc. However she advised me that,

'With regard to the noise problems you have described, this issue falls under the remit of the local council, i.e. Gateshead Council Environmental Health.'



As I was not happy with the contents of Ms. Evans' letter, I wrote back to her on the 12th July 2007, outlining my disagreements and also requesting a copy of the operator's licence (see page (3) of bundle).

I received a response to this letter from Ms. Evans dated 19.7.07, together with copies of the licence/working plan, site plans, existing and proposed (pages (76/77) of bundle) which in the main, tend to contradict, and are in conflict with the statements Ms. Evans makes in her letter. By way of example she states,

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'The site is allowed to store road sweepings at the top bay, and have just begun to do so again after re-opening.'

The licence states,

'4.13.6 Gully emptying and road sweepings waste will be de-watered, by discharge into the sewer connection, prior to the solids being deposited directly into the waste transfer station main storage area.'

There are a number of Ms. Evans' statements which I challenge, and these are set out in my response to her in my letter dated 6.8.07 (page (7) of bundle).

I also wrote simultaneously to Ms. Louise Bilcliffe of Gateshead Environmental Health, on the 6.8.07 (page (8) of bundle), enclosing copy correspondence to date, and informing her that nothing had been done with regard to my complaint.

Ms. Bilcliffe responded on the 9th of August by enclosing a pamphlet entitled, **'Neighbour Noise Problems'**, this was the last time I heard from Gateshead Environmental Health Department.

I responded to Ms. Bilcliffe's letter of the 9th August, once again going over the problems (page (11) of bundle). There was no response.

I wrote to Ms. Bilcliffe again on the 5th October (page (12) of bundle) expressing our concerns that nothing had changed, and requesting to learn if she had had any further discussions on the matter. Once again, there was no response.

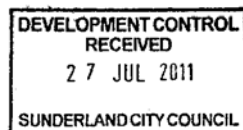
I received a letter dated the 20th August from Mr. Graham Siddle, Team Leader of Environment Agency Management (pages (13/15) of bundle), which was in response to my letter of the 6.8.07, addressed to Ms. Evans. Mr. Siddle responds to the points I raised in that letter, stating,

'I can confirm you are correct in your statement that the working plan states that road sweepings must be deposited within the transfer building.'

This of course contradicts the statement of Ms. Evans that,

'Road sweepings can be stored at the north boundary.'

Mr. Siddle goes on,



'The noise control at this site can be regulated by the agency or council (or both) depending on the circumstances surrounding the noise source.'

This also conflicts with the statement of Ms. Evans when she claims that noise is the remit of Gateshead Environmental Health.

Mr. Siddle's statement concurs with that of the operator's licence which states,

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'63 Control of Noise.'

'63.1 Although the transfer station is located close to properties, to date, concerns about noise have not been raised as being an environmental nuisance issue. In the event that this situation should change in the future, then appropriate control measure will be agreed with the Environment Agency and the local Environmental Health Department, and will be implemented and maintained throughout the operational life of the site.'

In the first place with regard to the above, which is a quote from the April 2008 licence approved by the Environment Agency, it is simply not true to say there were no noise complaints from residents. Our complaints were registered on the 14th June 2007, and are still ongoing some 16 months later. When 63.1 was drafted, all parties, as the enclosed correspondence will endorse, were aware of our complaints – SitaUK, Sunderland City Council, The Environment Agency, Gateshead Council and Gateshead Environmental Health Department.

In addition to the above, the Environment Agency withheld this information from Sunderland Planning department when they submitted their comments on the 19th January 2008, with reference to the planning application for the extension of licence by Gateshead Council and Sita.

Secondly, with regard to 63.1 of the licence, both the Environment Agency and Gateshead Environmental Health, would be fully aware that they had an obligation to jointly deal with the complaints immediately. This they have failed to do, either as a result of gross negligence or, as subsequent events have led me to believe, a deliberately contrived act on behalf of all parties, in order to thwart the complainants in their attempts to obtain a satisfactory resolution to their problems.

I responded to Mr. Siddles's letter on the 28th of August, signed p.p. accepting his invitation to meet with him on site (page (16) of bundle). I wrote again to Mr. Siddle in October, clarifying a point he raised in his letter of the 20th August, and once again informing him I was agreeable to a site meeting (page (17) of bundle).

There was no response to my October letter. No date was offered for the proposed site meeting, in fact I never heard from Mr. Siddle again. I did write to him on the 9th of May 2008, but as the enclosed documentation will show, my letter of the 9th May was answered by Ms. Alys Evans.

Following my letter in October 2007, and in particular the weeks in the run-up to Christmas, there was a marked decrease in the activities at the north boundary of the site. Certainly during the Christmas period, running into January and February, activities had ceased altogether, and the noise from the Rubb Shelter was much reduced. I believed at the time that at long last the Environment Agency was having some effect on the

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operators, and they had persuaded them to operate within the confines of their licence conditions. However, as subsequent events and the bundle of documents will prove, this was not the case, and what was subsequently to take place gave us even greater cause for concern.

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Notice was received from Sunderland Planning department, dated 29.1.08 that a joint application had been made to them by Gateshead Council/SitaUK, for an extension of the current operators licence at Campground, Wrekenton (Page (19) of bundle).

In my absence, a response objecting to the proposed extension was sent by my son, on my behalf and signed by my immediate neighbours (page (20) of bundle). There was no response to this letter.

On the 21st February, I wrote again to Miss Danielle Scott, Senior Planner at the Sunderland Planning department (Development & Regeneration Services) giving further and better particulars regarding our objections, as promised in my letter of the 11.2.08 (page (21) of bundle). This received a standard response.

I wrote to Miss Scott again on the 9th of May 2008, (page (22) of bundle), putting forward a number of suggestions that would minimize the problems we were having with the plant, should Sita be successful with their application. I concluded by saying,

'I would appreciate your acknowledgement to this letter.'

There was no response.

I wrote to Miss Scott again on the 23rd May (page (27) of bundle) stating,

'Further to my letter of the 9th of May which unfortunately has not been acknowledged, I enclose for your perusal copy correspondence and photographs which I have sent to the Environment Agency which I trust you find self explanatory.'

Once again there was no response.

In my letter to Mr. Siddle, also dated the 9th of May (page (23) of bundle), I describe that Sita have re-commenced their noisy activities – giving both times and dates, also enclosing photographs of these activities. I state in my letter,

'I have no doubt that once a new licence has been granted (if it hasn't already) Sita will very soon revert back to its original bad practices, etc. etc.'

I close by asking Mr. Siddle again, to arrange the site meeting.

I was not aware at this time that Sita were granted the extension to the licence in March, and did not learn of this until I met with Sita management on the 12th June 2008. I was also not aware, and did not learn until I received a letter dated 3.7.08 from Sue

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Longstone, North East Area Manager of the Environment Agency, that although I had complained about the unlicensed activities for over a year, the Environment Agency's solution was not to find ways and means of minimizing the problem, as the licence they approved stipulates, but to licence the unlicensed activity, then claim that the operators were operating within the terms and conditions of their licence and working plan. This is a ploy that the Environment Agency, as subsequent events and correspondence will show, employed on at least 3 occasions. A bit like the government declaring that burglary and drug smuggling are no longer criminal offences, then taking credit for reducing the crime rate, but the victims still have to suffer the consequences.



My letter to Mr. Siddle of the 9th of May, was not answered by him, but by Ms. Alys Evans in a letter dated 15.5.08 (page (24) of bundle).
Ms. Evans opens her letter by stating,

'I hope the council have responded to your concerns of noise on the above site.'

This statement immediately tells me that contrary to 63.1 of the licence, and Mr. Siddles's letter of 29.8.07 – later to be confirmed by Mr. Haswell, Site Manager for Sita, on the 12th June 2008, that the Environment Agency had done absolutely nothing about our complaints.
Ms. Evans goes on,

'Since our last letter we have been inspecting the site periodically and have not noted any licence contraventions.'

This is partly true, because, as I've mentioned previously, there was a lull in the activities at the north boundary, when indeed activities stopped altogether leading up to, and after Christmas. This, as I've also said earlier, I mistakenly believed was because of the intervention of the E.A. But as Ms. Evans' letter shows, and Mr. Haswell confirmed at the meeting of the 12th of June, the improvement was nothing to do with the E.A. Mr. Haswell had an ulterior motive, he had ceased the activities to ensure he would obtain the extension to the licence.

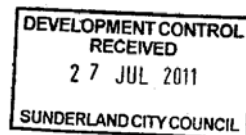
Ms. Evans' letter goes on,

'I understand that some rubble was temporarily stored in skips along the north boundary which I have asked them not to do.'

When Ms. Evans states,

'I understand some rubble etc.'

This confirms to me that she had not visited the site to check out my complaints, but had relied on what the operators told her – which was totally false.
Ms. Evans' letter goes on that she asked the operators not to store rubble at the north boundary, which I believed was in keeping with the operator's licence, but unfortunately,



as the attached correspondence will show, there was a complete reversal of this statement at the site meeting which took place on the 12th June 2008.

On the morning of this meeting, from 7 a.m. up until the commencement of the meeting at 10 a.m. the mechanical shovel had been busy clearing up the debris at the north boundary.

At the meeting, I raised this point immediately with the assembled personnel, and I was quite taken aback when the yard foreman, who was in attendance with Mr. Haswell, Sita's site manager, denied that any such activity had been taking place. I put it to the assembly, and in particular the yard foreman, that I had been observing their activity for over two hours prior to the meeting. But he vehemently continued with his denial, so much so that I'm sorry to say that I had no alternative but to call the man a liar. Mr. Haswell interjected, instructing his yard foreman to remain silent.

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Ms. Alys Evans, for the Environment Agency, who was accompanied by a male colleague, informed the meeting that Ms. Louise Bilciffe, Gateshead Environmental Health Officer, would not be putting in an appearance. She, Ms. Evans, would therefore not be discussing the question of my noise complaints. This was the main reason I was present, I had waited for some twelve months for this meeting and I'm informed it is not on the agenda. I put it to Ms. Evans that the E.A. had an obligation under the operating licence to investigate noise and this had been confirmed in Mr. Siddle's letter of the 20th August, 2007. Ms. Evans however, would not be moved from her position. Following this the discussion centred on the application for the extension of the operator's licence. Mr. Haswell informed me that Sita now had the licence, which he then produced for my inspection. I was really taken aback by this - I had been writing to both the E.A. and Sunderland planning department, as it had now turned out, after the extension to the licence was granted in March 2008. It was clear from my letters that I was not aware that the licence extension had been granted (see pages (22-28) of bundle).

Not only was I not informed that the extension to the licence had already been granted, but neither the E.A. nor Sunderland City Council, had even bothered to respond to my letters. I informed the meeting that I was not aware that the licence extension had been granted, and Mr. Steve France, principal planning officer for Sunderland City Council, replied by saying that I was sent a letter in April informing me that the licence extension had been granted in March. I refuted this, and I believe my unanswered letters, as mentioned above, support my claim that no letter was sent to me. I believe my claim was further substantiated when I received a letter from Sunderland's head of planning and environment, (with reference to the letter that was allegedly claimed by Mr. France, to have been sent to me in April) which states,

'However since that time the department's postal records have been examined and it is not certain that the letter was definitely sent out.'

I wrote to Mr. France after the meeting (page (31) of bundle), giving my reasons why I believed the letter he had referred to was never sent out to me. Mr. France did not reply to my letter. I wrote again on the 19th June 2008, there was no reply,

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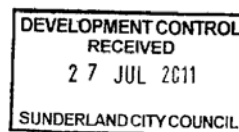
When Mr. Haswell showed me the new licence, he said that as he now had the licence, he would be resuming his activities at the north boundary – tipping anything and everything. Ms. Evans said Sita always had the right to tip at the north boundary, including road sweepings. This statement not only conflicts with her letter of 15/5/08 (page (24) of bundle) but also contradicts the statement of her team leader in his letter to me dated 20/8/07 (page (13) of bundle).

I asked Ms. Evans, if what she was saying was true, why had she asked Sita to stop tipping activities at the north boundary in her letter of the 15th, and why had the noisy activities, of which I'd complained, ceased for approximately three months? Mr. Haswell said this had nothing to do with the E.A. He had curtailed the activities, of which I'd complained, during the preparation and presentation of Sita's/Gateshead Council's extension application, in order to ensure the licence would be granted. This statement was made with total frankness, and one which I expected the E.A. and the planning officer to respond to, but none of them said a word. What Mr. Haswell had said, meant that any officer from planning or from the E.A. or indeed a noise assessment expert, would be given a totally false impression of activities or noise pollution that normally took place on site. Now that Sita had their licence, normal service had been resumed. Mr. Haswell had made his statement without fear of any repercussions, and none was forthcoming, certainly not from those officers sitting around the table. It appears from the reaction, or more correctly, lack of reaction, from these officers, that it's quite acceptable for Sita to cheat. On reflection, I'm at a loss to understand why Mr. Haswell bothered to curtail his activities at all – because on the evidence of my own eyes and ears, these people would have raised no objections at all to whatever Sita did on site, and the conditions of the licence/working plan appear to be totally meaningless to them.

While in discussion, I noticed that Ms. Evans had in her file photographs and rough sketches I'd sent to both the E.A. and Gateshead Environmental Health Authority. I asked if they were some of the photos. I had sent and was told they were. I took them and showed them to Mr. Haswell. From his expression, it was clear that he had not seen the photos before – so I asked him if he had seen any of the photos. I'd sent to the E.A., or my letters, and he said 'No'.

I asked Ms. Evans why the evidence I had been sending to the E.A. had not been put before Sita. She said it was to preserve my anonymity. I've said in my formal complaint against Ms. Evans, that I believe this was a pathetic excuse, in view of the fact that I was at a meeting with the company against whom I've been complaining for over a year. What I believe her statement did convey to me, taking on board her statements, both verbal and written:-

- 1.) Asking me in her letter of the 15th May, 'Has Gateshead EHA done anything about your noise complaint?'
- 2.) Informing me at the meeting, that noise did not come under her jurisdiction.
- 3.) Mr. Haswell's statement that the reduction in noisy activities was nothing to do with the E.A., but something he had introduced in order to assist him in obtaining the licence.



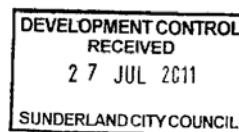
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- 3.) Mr. Haswell's statement that the reduction in noisy activities was nothing to do with the E.A., but something he had introduced in order to assist him in obtaining the licence.



4.) Concealing from Sita the photographs etc. I had provided as evidence.

was that the E.A. and Gateshead EHA, had done nothing whatsoever regarding my complaints. My beliefs were reinforced when we left the meeting for a tour of the site.

Our first stop on the site tour was outside the former baling plant. It was explained that the baling plant was non-operational as it had been destroyed by fire. Tyres of various sizes were now being stored in this vicinity. On checking the site plan on my return home, the various depositories were clearly identified. The tyre depository was shown as the south east corner of the site, hidden from view by buildings to the south, and a 20ft. high wall to the east. Where the tyres were now being stored was in full view of potential vandals, and a potential fire hazard. The operators express in their licence at 4.12.1,

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'Fires should not occur at the site unless deliberately started by trespassers.'

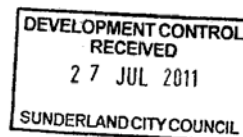
The site has a history of fires over the years. The former waste reception building is a burnt-out hulk, and condemned on health and safety grounds, as a result of those fires. The baling plant, which was incorporated as part of this building, is now non-operational because it was destroyed by fire. The site has always been an attraction for scavengers and vandals, as the debris that is discarded on the former mineral line and the surrounding area, after their excursion over the fence, will testify. It has always been my understanding that the best way to deal with fires, is to prevent them starting in the first place. Here you have the bonfire already prepared, and in full view of vandals – who are known on occasions to have set fire to stolen cars on the adjacent east field, and whom I'm sure will not require much encouragement to put a match to the tyres. Apart from the fact that the storing of tyres in this area is a flagrant breach of the licence, it appears to go unnoticed by the E.A.

Although I know as fact that this practice has been ongoing for at least 18 months, prior to the site visit on the 12th June 2008, Ms. Evans states in her letter of the 15th May 2008,

'Since our last letter we have been inspecting the site periodically and have not noted any licence contraventions.'

I did mention the above licence violation in my formal complaint against Ms. Evans, which resulted some months later, in the E.A., not as one would expect, instructing Sita to comply with its licence conditions and ensuring that the tyres are stored in the secure depository, as shown on the site plan – but granting permission for Sita to continue storing the tyres in an area, which I believe most reasonable people would regard as unsafe.

Our continued tour of the site took us to the north boundary and the remnants of the clear-up operation which had taken place that morning, and which the yard foreman had denied, were still in place. The pile of rubbish of approximately one ton, contained



bricks and mortar, sanitary ware and the remnants of plastic bags. None of which was ever seen by the E.A. 'Inspections'.

We then moved on to the Rubb Shelter, where the larger of the two mechanical shovels was in operation. As the shelter affords no sound protection, the noise was deafening, normal conversation was not possible because of the noise and vibration generated by the machine. I did lean towards the E.A. officer and asked her, in a raised voice,

'How would you like this outside your bedroom window every morning?'

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Ms. Evans made no response.

On the site plan shown to the Sunderland planning committee, it shows the entrance and exit to the Rubb Shelter, using just the one road which is on the western side of the site (pages 68/69 of bundle), this is false. Entrance to the Shelter is actually gained by using the roadway on the eastern side of the site, then swinging west across unmade ground to enter the Shelter – the vehicles then exit via the western roadway. To use the unmade ground, as both a roadway and tipping area, is a further violation of the operator's licence/working plan, which states,

'2.1 Site surface and drainage systems.'

'To reduce the risk of any pollution of surface water, the working areas of the facility will be surfaced with concrete or tarmacadam. The operational areas will be separated from the adjoining landscaped area by kerbs, as a means of directing rainwater towards the surface water drainage system. The surfaced area will have suitable gradients to promote run-off towards the drainage gullies.'

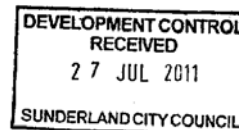
None of the above applies to the unmade ground. The applications that went before the Sunderland planning committees in 2005 and 2008, never gave any indication that the unmade ground would be incorporated into the working system. The applications were therefore false, as the applicants had deliberately concealed their intentions.

Apart from the wagons trundling over this ground and tearing it up, which results in the mechanical shovel having to level the land on a regular basis, tipping also takes place in this area. The operators state in their licence application,

'4.3.2 It is not reasonably practical for a visual inspection of each load to be carried out by the weighbridge attendant, and the main inspection will take place at the time of deposit.'

It therefore follows, that should any load be deposited onto the unmade ground, that should happen to contain contaminants, then these contaminants will not be dealt with as described under the **Site Surface and Drainage System**, but will leach into the ground. The same can be said of any leakages from the wagons, as they pass over the ground.

I assume that the surface and drainage system is written into the licence and working plan, for good reason. If the licence applicants intended to utilize the unmade ground



into their operational system, then I believe it was incumbent upon them to declare their intentions. I believe it was also incumbent upon both Sunderland City Council and the Environment Agency, to ensure that before the licence be granted, that the applicants are directed to make good the unmade ground so that it conforms to 2 - 2.1.5 of the Site Engineering for Pollution Prevention, and the operation to cease until the above had been complied with.

As it happens, the above has not been complied with for a number of years, therefore any contaminates will have been leaching into the ground all this time.

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What is not mentioned in any of the documentation dealing with planning applications for the Campground Site, is that this site is part of the catchment area for the River Don, (page (72) of bundle), which rises in close proximity to the Campground Site. It therefore follows that any contaminates that leach into the ground at the above site, will in all probability, percolate their way to the Don. The River Don is a tributary of the River Tyne, and is graded as grossly polluted. The Don joins other tributaries to the Tyne and it's not unreasonable to assume that it contaminates these also on its journey to the Tyne. The above activity as described, is a further contravention of the licence which has been ongoing since 2005, but unfortunately quite unnoticed by the Environment Agency.

I put it to Mr. Haswell that as they were now incorporating this land into their working practice, why did they (Sita) not properly prepare it? I put it to him that the two small dilapidated buildings, identified on the site plan as former gas bottle store and boiler house, be demolished - as they were unused and in a poor state of repair. This would provide additional space to store skips etc. which would dispense with the need to store them at the north boundary, and also dispense with the need to have rubbish deposited there, which is then loaded onto the skips with all the accompanying noise. My suggestion, if considered, would also have been in keeping with the recommendations of Ms. Marion Dixon, of Sunderland Council's Environmental Health, which states at pages (34/35) of bundle,

'Siting of machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises.'

This suggestion, and others, were sent by Ms. Dixon to Sunderland Planning Department on request, but never put before the planning committee.
Mr. Haswell's response to my suggestion was to ask,

'Do you have £20,000?'

I put it to Mr. Haswell that it was not for me to finance Sita's work, that should have been done prior to them using the unmade ground.
I then asked Mr. Haswell about the reversing bleeper on the mechanical shovel, surely it would have been a simple matter to exchange this for something more acceptable.
Mr. Haswell said he would look into it. Although I did not ask him the question directly, it was obvious from his expression that he had not had this put to him before.

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I subsequently received a letter informing me that the bleeper would be replaced at the machine's next service, which it was, four weeks later.

I believe the above demonstrates that the Environment Agency and Gateshead Council's Environmental Health Department, in a twelve months period, had done absolutely nothing regarding my complaints. My asking about the bleeper concluded the site tour. Although it was obvious to me that contraventions of the licence were visible and ongoing, not one word was said by the Environment officers, or the officer from Sunderland Planning Department, as we toured the site. When leaving, I informed Ms. Evans that it was my intention to formally complain about her conduct.

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This I did, setting out my complaints to her in a letter dated 18th June 2008, giving her the opportunity to respond to my criticisms. A copy of the letter and a covering letter were sent to Mr. Graham Siddle, Team Leader of the Environment Agency (page (30) of bundle), copies were also sent to Mr. Haswell and Mr. France. Neither Ms. Evans nor Mr. Siddle responded to my letter, but I did receive a reply from Ms. Sue Longstone, North East Area Manager for the E.A. (page (39) of bundle.

I responded to Ms. Longstone's letter on the 11/7/08 (page (40) of bundle). You will note from my letter that I found her excuses for not responding to my letters to be simply that, excuses; and not very good ones at that. Her letter is also contradictory with that of Ms. Evans, and which she appears not to have read. Ms. Evans gives entirely different reasons why she did not reply to me. Also Ms. Evans says that she asked Sita to stop storing rubble at the north boundary. Ms. Longstone says,

'However we should have also explained that the latest working plan that was approved in December 2007 does allow for rubble or aggregates to be stored at this location.'

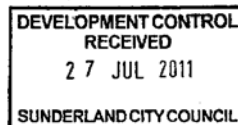
Not only is this a contradiction of Ms. Evans letter of the 15th May, but it also brings to light a further deception perpetrated by the Environment Agency.

It would seem that although I was complaining against the activities at the north boundary, and that complaint was ongoing, the E.A. had given permission for Sita to continue tipping without informing the residents. If, as Ms. Longstone states, the E.A. were giving permission to deposit in December 2007, this would confirm that the activities of which I had complained since June 2007, were in contravention of the licence. Of course Ms. Longstone's statement contradicts that of Ms. Evans in her letter of the 15th May, when she states,

'I understand that some rubble was temporarily stored in skips along the boundary which I have asked them not to do.'

Her letter goes on,

'I will remind Sita that it is not acceptable to store waste in this area.'



As I've said earlier in my statement, this changed again at the meeting of the 12th June, when Ms. Evans stated that,

'Sita always had permission to store rubbish at the north boundary, including road sweepings.'

As I've said above, we were never informed of the alleged licence change by Ms. Longstone, nor does it appear in the licence dated 29th April, 2008. Nor was it mentioned by the E.A. Officers at the meeting of the 12th of June. It seems to me that there is no continuity between the various E.A. Officers, and they appear to make up rules or licence changes 'on the hoof' and I believe subsequent correspondence from the E.A. confirms this.



I did not receive a response from Ms. Longstone, to my letter to her dated 11th July 2008 but instead received a letter from a Mr. Toby Willison, Regional Director of the Environment Agency, who informed me that my letter of the 11th had been lodged as a formal complaint and a Mr. John Hogger, Environment Manager, was looking into my complaint and stating,

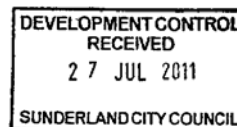
'Once our investigations are completed we will write to you further. You can expect a response by 31st July 2008.'

I did receive a response from Mr. Willison, on the 2nd of August, informing me that the matter would take longer than expected and a Mr. Mike McNulty, Project Manager, would now be handling the investigation, instead of Mr. Hogger, and I could expect 'a substantive response' by August 8th.

I did receive a letter dated 8th August from Mr. McNulty, far from substantive, but explaining,

'We will provide you with our findings and position on these matters by 5th Sept. 2008.'

As Mr. McNulty's findings were incomplete, I did not respond, but awaited his letter of the 5th of September. However, I would just like to comment at this point, on the difficulty in dealing with the Environment Agency. It is difficult to pin down just one individual officer. When I write to one officer, I get a response from another. By way of example, when I write to Alys Evans, I get a response from Graham Siddle, I reply to Graham Siddle and I get a response from Alys Evans – sometimes no response at all. I write to both Evans and Siddle simultaneously – and get a response from Sue Longstone. I write to Sue Longstone and I get a response from Toby Willison, informing me that a Mr. John Hogger will be looking into my complaint. I get another letter from Toby Willison, informing me that Mike McNulty is now handling the matter, and I will receive a substantive report by the 8th of August. Mr. McNulty writes to inform me that he needs more time. Added to all of this is the fact that my complaint is also referred to two more offices, out of the area completely, namely Leeds and Stockton on Tees.



The Environment Agency are not alone, both Gateshead and Sunderland Councils have adopted a similar strategy. I did receive Mr. McNulty's second letter on the 7th of September which appears at page (46) of bundle, with my response at page (47).

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Following the Campground site meeting on the 12th of June, I wrote to both Gateshead and Sunderland Council's Leaders, and there has been an exchange of correspondence between us for some four months, and these letters appear in the bundle for your perusal (pages (36-38 & 48-55 & 80-81).

The general theme of all concerned is to claim absolution, which they have all maintained since I first registered our complaints in June 2007.

Gateshead Council claiming, that although they are recorded as users, landlord, joint applicants and joint operators of the site, they are not responsible for the site operation, as it is outside of its jurisdiction, and therefore a matter for Sunderland City Council and the Environment Agency

Sunderland Council claiming, that I have no say in the matter as I do not reside in the Sunderland Borough, and my complaints are a matter for Gateshead Environment Health Department and the Environment Agency.

The Environment Agency claiming, that neither noise nor planning complaints are matters for them, but for Gateshead Environmental Health and Sunderland Council.

Gateshead Environmental Health Department absolved themselves from all responsibility from June 2007, and have been incommunicado ever since.

Since first registering my complaints of noise etc. in June 2007, against what have proven to be unlicensed and unacceptable activities, it has been shown that Sita operates with total impunity, without any fear of reprisals from either Gateshead or Sunderland Councils, and they are afforded every protection from Gateshead Environmental Health, and in particular from the Environment Agency.

The Ombudsman will glean from the bundle of documents, that the E.A. have claimed for over sixteen months now, that they never notice any licence contraventions on their periodic visits. This is simply a lie. I use the word lie without any apology, as I've said so in my correspondence, and the E.A. are not the only ones who have been prepared to stoop to such tactics.

When Sita started dumping large quantities of waste at the north boundary in or around April 2007, this, as subsequent correspondence was to prove, was in contravention of the licence. Sita never denied the unlicensed dumping, and confirmed it was taking place to an officer of Gateshead Environmental Health. The E.A. repeatedly informed me that they had officers on call 24/7, and to keep them informed. This I did, keeping them informed of dates and times, sending them photographs and rough sketches. But contrary to their claims of 24/7 cover, it appears that no visit took place at all, and they would rely on what they were told by the operators - and if they did put in an appearance,

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it was always after the rubbish had been cleared. As the Ombudsman will note from correspondence, a visit from the E.A. could be many days after a complaint was lodged.

As I've already described, on the day of the site visit, tyres were being stored, not in one of the three secure depositories, as shown on the site plan, but outside of the baling plant, in view of vandals – and an obvious fire hazard. This had been going on since before the new licence was issued in March 2008, and quite clearly in contravention of Sita's licence. The E.A. reported no licence contravention.

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The wagons, contrary to the planning application, and in contravention of 2.1.1 of the licence, gained access to the Rubb Shelter over unmade ground. This also had been taking place prior to the March licence, and in all probability, since the inception of the Rubb Shelter, but the Environment Agency have not noted any licence contravention.

The E.A.'s response when I report the unlicensed tipping of waste, the unlicensed storing of tyres, and violation of 2.1.1 of the licence, was to retrospectively grant licence to the unlicensed activities – Ms. Longstone's letter of 3rd July, 2008 (Page (39) of bundle). Mr. McNulty's letter of the 5th September 2008 (Page (46) of bundle).

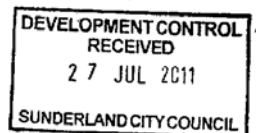
The licence, in reality, is not worth the paper it is written on.

What has been demonstrated by the E.A. over the last 16 months, and the facts are indisputable, is that E.A. officers turn a blind eye to any violations of Sita's licence and working plan, and are prepared to falsely claim that no contraventions of the licence have been noted. If these contraventions are reported by a third party, then the ploy is to grant licence to Sita's unlicensed activities – in order to nullify the genuine complaints of a resident – and also to provide some sort of cover for the gross negligence and false reporting of their officers.

My experience over the past 16 months is that the operators pay very little, if indeed any, observance to the conditions of the licence – and those entrusted with the authority of policing the activities of the site operators, are either grossly incompetent, or for reasons best known to themselves, deliberately prepared to cover Sita's licence contraventions, and are themselves guilty of licence contraventions as documentary evidence confirms. The Environment Agency is either unwilling or incapable of conducting a proper investigation into the complaints against its officers, and I refer to the regional Director's statement in his letter of the 31st July 2008,

'Again, I am sorry for this further delay but trust you will understand that we would prefer to make a thorough response rather than leave issues unresolved.'

If Mr. McNulty's letters of the 8th of August and the 5th of September constitute a **thorough response**, then quite clearly it is not the result of a **thorough investigation**. More like 'Inspector Clouseau' than 'Sherlock Holmes', and it does no credit to either Mr. McNulty or the Environment Agency, and quite clearly, as this letter demonstrates,



'issues are far from resolved.' Mr. McNulty's letters are pages (45/46) of bundle, with my response at page (47).

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As I've informed the Ombudsman, following my site meeting on the 12th June, I wrote to all those involved in the meeting, in addition I wrote directly to both leaders of Gateshead Council and Sunderland City Council. All letters form part of the attached bundle. Throughout these exchanges, Gateshead Council has always maintained that, contrary to their joint planning application particulars, they are not joint operators of the plant, it is outside their jurisdiction and my concerns are not a matter for Gateshead Council, but should be referred to Sunderland City Council and the Environment Agency. However, what has been confirmed, is the fact that they are land owners and landlords of the Campground Site. This being so, I did request in my letter to Councillor Mick Henry, Leader, permission to view the Lease Agreement. Councillor Henry confirmed by letter 19.8.08 that my request was covered by the freedom of information regulations and stated,

'The process may take a short while but we will respond to your request in a separate reply by the relevant officer to update you on progress.'

I did receive a letter from Tanya Rossington of Gateshead Council, informing me,

'We are extending the time limit in which to respond to 40 working days. We have been unable to consider whether or not the information requested can be released. We will respond by 16th of October at the latest.'

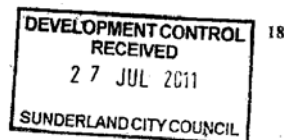
At the time of writing, 55 working days have lapsed, 75 days in total have gone by since my request.

Turning to my letters to Mr. Paul Watson, the leader of Sunderland City Council, these can be found at pages (36,80 & 81) of the bundle for your perusal.

You will note in my correspondence that I call for the planning committee to rescind the extension of the licence that was granted in March 2008, as I believe it was obtained under false pretences.

I deal with my objections to the licence in some detail in my response (page (63) of bundle) dated the 11th of September, to a letter from Mr. M. Mattock head of Planning and Environment for Sunderland C.C. (Page (62))

Over the years I have had some dealings with planning authorities, and it is my experience that planning departments are extremely thorough when assessing an application. My experience is that planning departments will meticulously scrutinize application documents, ensuring that planning regulations are adhered to. If plans contain any inaccuracies, these inaccuracies are questioned and if necessary, plans and documents are returned to the applicants for corrections, and they will not accept an application for presentation to the planning committee until such time as they are satisfied that all the details in the application are correct.



At least that is the position as far as ordinary citizens are concerned, but not, it seems, if the applicant is the council, or the council are beneficiaries of a successful application. Added to this of course, is the fact that the planning department personnel are employed by the council.



The joint application of Sita/Gateshead Council, that went before Sunderland planning committee on the 26th February 2008, is riddled with inaccuracies, untruths and deliberate omissions of facts, any one of which, in normal circumstances, would have compelled the planning department to propose rejection. I draw the Ombudsman's attention to the following:-

1.

The proposal states in the first paragraph that the building is situated at the south-west corner of the site. This is not true, the Rubb Shelter is situated in the north-west corner of the site, which of course is nearer to residential properties.

2.

The Rubb Shelter is referred to as 'a building', this is misleading. The shelter comprises of a frame with fabric covering.

3.

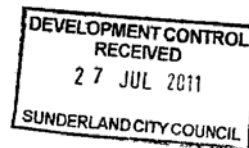
Sunderland City Council stipulates that planning applications will only be considered within the guidelines of its Unitary Development Plan. This was a stipulation with reference to Sita/Gateshead Council's, January 2008 application for an extension of licence. The Rubb Shelter does not conform to the Building Regulations requirement for sound insulation, chapter 9.4.

4.

The site plan of the January 2008 proposal, shows the shaded access and egress to the Rubb Shelter. This is false, the shaded area is only the exit from the shelter. Access to the shelter is via the road to the right of the site plan, with a left-hand turn across unmade ground. This land, which I've etched in blue (page (69) of bundle), is on the south side of the former waste reception area. This ground, over which wagons now travel, is also used for storage of waste materials. As it is unmade ground, it does not conform to the requirements of section 2 of the licence which states, 'to reduce the risk of any pollution to surface water, the working areas of the facility will be surfaced with concrete or tarmacadam.' and is therefore in contravention of the licence. The applicants should have declared their intentions to incorporate this area into their working plan. Failure to do so is in further contravention of 1.8 of the licence, 'Notification of site development works 1.8.1 the Environment Agency will be informed in writing, prior to any development or preparatory works being undertaken.' Failure of the applicants to declare their intentions to Sunderland planning committee, constitutes a fraud.

5.

The joint applicants for the licence, Sita/Gateshead council, are also recorded on the application as joint operators of the site. According to written statements by the leader of Gateshead council, this is not true. Mr. Henry states, 'The operation of the waste transfer facility is entirely a matter for Sita under the waste management licence and working plan.' It would appear, that to record Gateshead council as a joint operator of



the site is also false. Naming Gateshead council as operators would give a great deal of credence to a planning application, particularly with regard to section 1.7 of the licence. *'Maintenance of Financial Provision'*, as Gateshead council have declared themselves not to be operators of the site, has this fact been formally declared to the Environment Agency and Sunderland City Council? If not, there is a possible contravention of 1.5 of the licence, *'Changes in Technical Competent Persons'*, 1.5.1 *Any change to the situation regarding Technical Competent Management of the site, will be notified to the Environment Agency within a period of 7 days of the change being implemented.'* Apart from the obvious financial backing Gateshead council would be able to provide, as operators they would also be able to provide technical competent management. As Gateshead council have declared themselves not to be operators, which is contrary to their recorded status held by Sunderland City Council, it appears that neither of the above are applicable.

6.

I draw the Ombudsman's attention to the Environment Agency's comments regarding the extension of licence application No. TW187SL. You will note, that although the E.A. were fully aware that a residents' complaint had been lodged with them regarding excessive noise, and the noise complaint is a result of the unlicensed tipping of refuse at the north boundary – they make no mention of this in their comments. This is not an omission by accident but a deliberate act of deception which is continued into the actual licence of the 29th April 2008, when the Environment Agency states at 6.3.1, *'Although the transfer station is located close to properties, to date concerns about noise have not been raised as being an environmental nuisance issue.'*

The above statement is simply a lie.

7.

Item Nos. 34/35 of the bundle contains the comments of Marion Dixon, Environmental Health Manager for Sunderland City Council. Although requested by Sunderland planning department, Marion Dixon's comments and recommendations were never put before the planning committee. Because of everything that has transpired over this affair, I believe it not unreasonable for me, or indeed anyone else, to come to the conclusion that this was a further and deliberate act of deception.

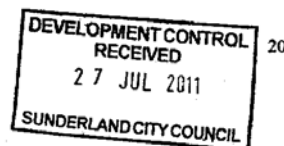
8.

The proposal and application that went before the committee, is further misleading with the claim, *'The number of heavy goods vehicles has been reduced.'* The facts are that much larger vehicles now use the site. Furthermore, every ton of waste that now comes onto the site has to be transported off again; which in fact, in comparison to the Incinerator which naturally disposed of the waste, means that twice the tonnage is manoeuvred around the site.

9.

The planning department proposal concludes, *'The few issues that have been raised by residents appear to have been resolved either by the site operators, the environment agency or planning authority.'* I believe the bundle of documents before the Ombudsman is testament to the fact that the above statement is a complete and total fallacy. Far from being helpful, all of the aforementioned have thrown every obstacle in the way of reaching a solution to the problems that were raised through the proper and appropriate channels. I have put proposals forward for discussion, but none has been

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acknowledged. I believe that all of the aforementioned, because of their experience, were aware that the introduction of the Rubb Shelter, and the new method of waste reclamation would create a problem. Whereas we as residents had no idea of what a Rubb Shelter was, all of those involved in its introduction would be fully au fait with the system. They would be aware of the noise generated by the teleporters, and they knew that the shelter itself had no sound-proofing qualities.

I draw the Ombudsman's attention to 6.3.1 of the operators licence, prior to the introduction of the Rubb Shelter, which states,

'From the 25th February 2002 measures shall be implemented and maintained throughout the operational life of the site, in accordance with this condition and section 6.3 and 4.14 of the working plan, to control and minimize the levels of noise of operations on the site beyond the site boundary.'

The Ombudsman will note there is a subtle change to 6.3.1 of the licence when the Rubb Shelter was introduced in 2005,

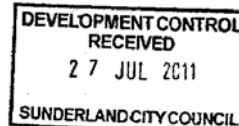
'6.3.1 Although the transfer station building is located close to properties, to date, concerns about noise have not been received as being an environmental nuisance issue. In the event that this situation should change in the future, then appropriate control measures will be agreed with the Environment Agency and the local Environmental Health Department and will be implemented and maintained throughout the operational life of the site.'

I believe all those connected with the site, knew that 6.3.1 of the pre-2005 licence could not be maintained with the introduction of the new method of operation. They knew in advance, from their own experience, that noise would be a problem beyond the site boundary, hence the subtle change to 6.3.1 in 2005.

I believe this whole affair could have been avoided, if the Rubb Shelter had been erected, as originally intended, at the south-east corner of the former waste reception building, or indeed if the officer from Gateshead Environmental Health, had had the courage to carry out her duties and responsibilities.

When I first registered my complaint with G.E.H. of noise, vermin and stench, as the facts have been proven, it was the result of the unlicensed tipping of waste at the north boundary. The noise of which I complained, was brought about by the tipping and then the subsequent clean-up operations. The officer had the authority to act on noise violations of the licence, and she had the authority to impose a ban on the unlicensed activity, as a result, the stench and vermin problems would have been automatically eradicated also. Instead G.E.H. officer ran away from the problem, as did Ms. Alys Evans of the Environment Agency.

It is now my firm belief that the two officers were not totally and completely incompetent, as my accusations might suggest, but I believe both these officers were acting with the full approval and direction of their superiors.



In conclusion, I believe there is a resolution to this problem, which would be in keeping with the recommendations of Ms. Marion Dixon's (pages (34/35) of bundle), and also with those I put forward to site management.

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The unmade ground to be properly made-up, as stipulated in the licence. And the two small derelict buildings be dismantled, which would provide sufficient space for the storage of skips, thus dispensing with the need to continue with the activities at the north boundary. Using the land at the south side of the former waste reception building, would not only provide additional space, but would move the activity further away from residential properties by some 80 metres, and the building would act as a sound buffer.

A sound and vibration buffer to be erected at the north side of the Rubb Shelter, in order to contain the noise from the Rubb Shelter within the site boundary. The two teleports to be substituted by electrical machines.

I trust the Ombudsman will be able to give us some assistance in this matter, and hopefully bring to an end the anger, frustration and pressure we have been subjected to over the last sixteen months.

All of which has been brought about by the unlicensed activities of Sita, aided and abetted by Gateshead Environmental Health Department, Gateshead Council, Sunderland City Council and the Environment Agency.

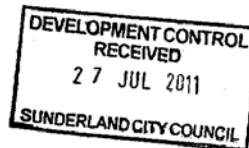
Yours faithfully,

Mr. David Griffiths.
1, Vicarage Close,
off Springwell Road,
Wrekenton,
GATESHEAD,
NE9 7AA.
Tyne & Wear.

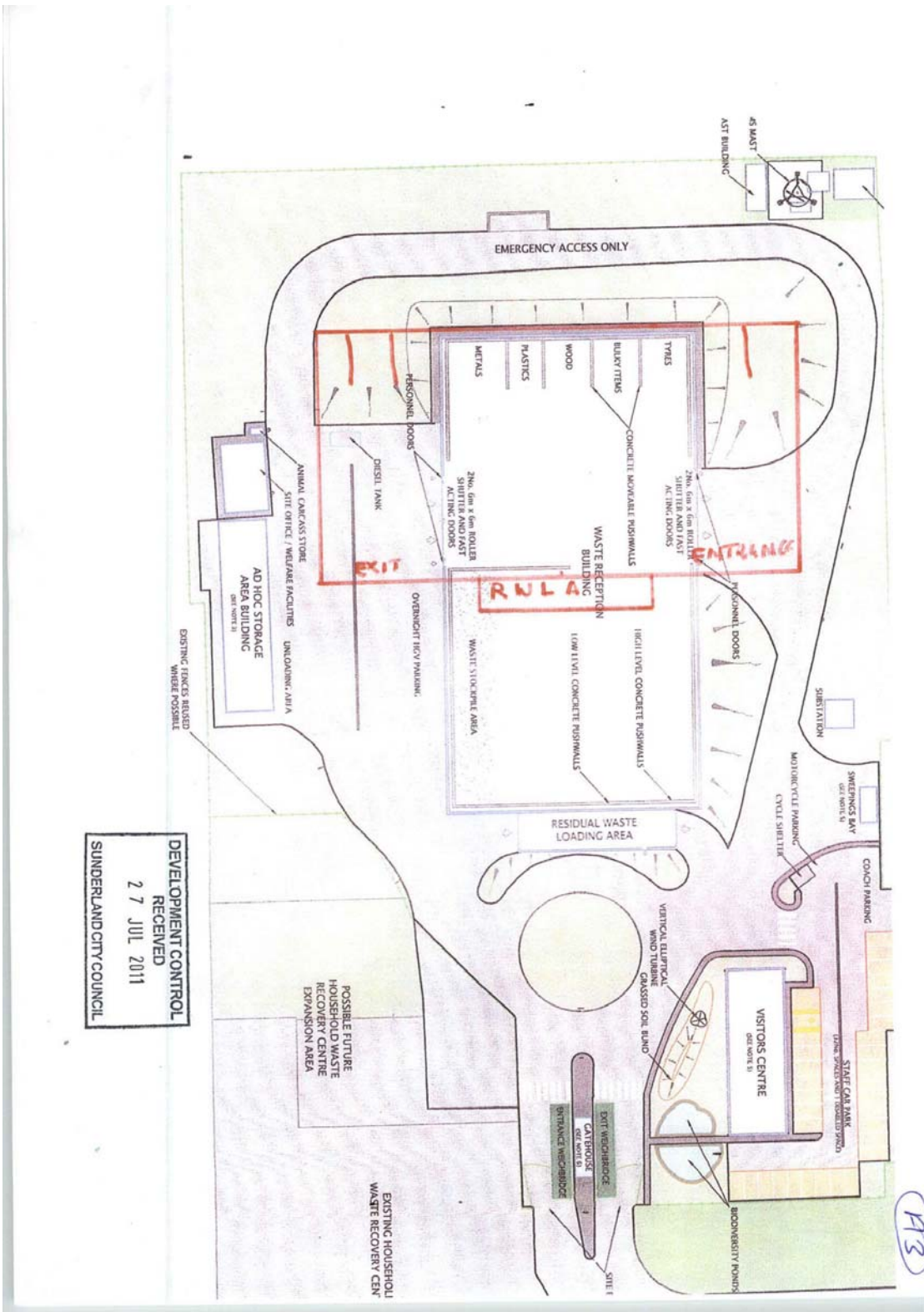
Enc.

P.S. I regret having mislaid the copy letter of the original complaint to Gateshead Environmental Health Department dated 14.6.07, but the existence of it is referred to in the first letter on page one of the bundle from the Environment Agency

c.c to Sita Uk. - Gateshead Council - Sunderland City Council. - Environment Agency.



22

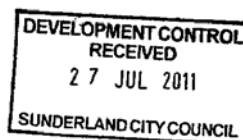


DEVELOPMENT CONTROL
 RECEIVED
 27 JUL 2011
 SUNDERLAND CITY COUNCIL

A4

14th July 2011.

Ms. Corrina Scott-Roy,
Planning Manager.
Sita UK.
North Tyneside Transfer Station.
Wallsend Road, North Shields.
Tyne & Wear. NE29 7SH.



COPY

Dear Ms. Scott-Roy,

Proposed Re-development of Campground Site, Wrekenton, Gateshead, 9.

I write in response to your letter dated 27th June 2011, which I received Monday 4th July, and which I have read with some incredulity. I simply cannot understand how you can come to the conclusion that you have gone some way in alleviating our concerns, when on the contrary, after each time we have met with you we have left the meetings even more concerned than when we entered the room.

I have discussed your letter with others who have met with you and who like I, have formed the opinion that the whole exercise has been nothing more than a charade. An absurd pretence that you were engaging in meaningful and constructive discussions with residents, when in fact you have demonstrated from the offset that anything we may say would have no bearing whatsoever on the application going forward in its current form.

What you have repeated every time we have met is,

'I've spent a lot of time and put a lot of work into this.'

as though this in itself was sufficient for residents to go along with what you were proposing, and they should accept the application because you know best.

You now compound this arrogance by attempting to give the impression in your letter that you have alleviated our concerns in respect of the proposed redevelopment of the Campground site. Not only do we, the residents, refute this statement, which we believe was clearly demonstrated at our last meeting, but Mr. Jeff Moffitt, Waste, Recycling & Contract Manager for Gateshead Council, does not concur with your statement either. Mr. Moffitt states in his letter to me dated 28th June 2011,

'It is regrettable that at a meeting on 21st June 2011 we did not share the same views in relation to the redevelopment of the Campground site, and its perceived impacts.'

Mr. Moffitt goes on,

'Therefore I suggest that you put all of your concerns regarding this planning application to Sunderland City Council, as the Local Planning Authority (LPA), to be considered in the formal consultation process as part of the planning application determination.'

The above is a true assessment of not only our meeting on the 21st June, but also the previous meetings we have had.

We may have had some respect for you, and saved a great deal of time, if you had informed us from the very beginning that you have already had discussions with the planning authority, and more or less been given the green light by them. And the plans you were displaying were the plans that would be going to Sunderland City Council for approval, regardless of what we may say, which has turned out to be the case.

It was obvious within a few minutes of our meeting on the 21st June, of what your prepared strategy for that meeting would be and that was in the form of a statement that was repeated time and time again,

'We have listened to your comments but we will just have to agree to disagree, now let's move on.'

But I believe the statement that really summed up both your arrogance and that of Sita, which has been demonstrated towards residents over the last four years, was when Mr. Brass, expressing his concerns not only about the proposed development but his experiences ever since Sita came onto the Campground site, was informed by you,

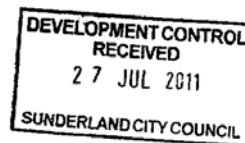
'You should move house.'

When you said this there was an audible intake of breath followed by what I can only describe as a moment of stunned silence from all those sitting at the table. I believe your colleagues were just as shocked at this remark as was the delegation of residents. This was the true face of Sita, the mask had slipped. Gone was the pretence of 'the friendly neighbour' Sita tries to portray in their literature. More was said about Sita in those four words, 'You should move house' than in all the artist's impressions of the proposed development or the 250 page supporting statement. This was Sita as we know it and have experienced over the years. This was Sita, that not only has no regard for its residential neighbours, but also no regard for the planning authority or the conditions of its operating licence, which it breached with total impunity over the years, causing a great deal of distress to adjacent residents. Of course when you were telling Mr. Brass that he should move house, your statement wasn't made for him in isolation, it was meant for all of us, and anyone who may have complaints or concerns regarding Sita's activities.

Turning to your letter of 4th July, which I received on the 9th July.

Communication with Stakeholders.

I note your comments in this regard, but I can only reiterate the information relayed to me after the event as I was out of the country at the time.



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It was put to you by residents at the drop-in that they had not received any notification regarding the exhibition, and it was only by good fortune that they had spotted a small item in the Chronicle on the 24th May.

This was put to you again by the delegation of residents at our meeting at your Sleekburn site, and you responded by saying you would investigate the matter – they heard nothing more.

You also refer in your letter to residents being ushered into another room. This was also raised again by the delegation at the Sleekburn meeting, and I believe the delegation made it quite clear that you were reluctant to have an open, honest and transparent debate on Sita's proposed application, and your strategy was to only have one-to-one discussions on the project.

With regard to our visit to your Sleekburn site, I believe we have made it quite clear that no comparisons can be made between the Sleekburn and Campground sites, for the many reasons I outline in my letter to you on the 17th June, and nothing you have said since has gone any way to alleviate our concerns.

Site design.

I note your comments regarding the above and I believe I have also dealt with these in my letter of the 17th June and subsequent meeting.

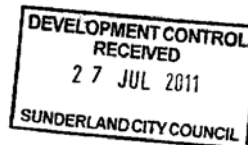
However, I note that whereas there was a great deal of confusion regarding the annual tonnage, between Sita and Gateshead Council, and this is referred to in previous correspondence, you are now claiming, quite assuredly, that the existing facility is for 90,000 tonnes per annum.

As this differs from my understanding, I would be most grateful if you would furnish me, by return, with a copy of your licence showing your authority to handle 90,000 tonnes.

I note your comments that *'the building is designed to provide operational space etc.'* This raises a number of points,

1. As the floor area of the proposed new build is almost 4 times the area of the Rubb Shelter, and your proposed tonnage increase is a maximum of a further 15,000 tonnes per annum, simple mathematics would indicate that there would be a lot of spare space. The question therefore remains, why do you want a building four times the size of the current Waste Reception Building if you only wish, as you put it, *'To increase the intake of waste by a small amount.'*?
2. It is quite evident that to turn the proposed building 90 degrees would actually create a great deal of more space, without any need to move the building northwards. This would not only afford additional noise protection from all of the traffic south of the building, but would alleviate as you put it, *'The heavily constrained southern boundary.'* This is not only mine but a competent Architect's opinion, which is supported by recommendations from Sunderland's Environmental Health Authority, that residents can be protected from excessive noise by using buildings as a shield.

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3

My reason for proposing that vehicles are garaged overnight within the confines of the Waste Recycling Building, would be to protect them from vandals, which have been a scourge of the site over the years. Also, these vehicles starting up in the morning from your proposed parking area will create a great deal of noise and vibration, this could be partially eliminated if they are properly garaged.

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Noise.

I find your comments and recommendations regarding noise reduction quite pathetic. The main source of noise and vibration will be generated inside the Waste Recycling Building as happens now with the Rubb Shelter. The proposed building (apart from the Rubb Shelter, which is now accepted as not fit for purpose) in acoustic design, is not much better and any half competent Architect will confirm this. If the building is designed to contain dust and odours, then it should also be constructed to contain noise which is a very simple matter for right-thinking people, but not, it appears, for Sita. I'm therefore not assured, either by you or your consultants, that what you are proposing would go any great way in minimising the adverse affects from which we have suffered ever since Sita took occupation of the Campground site.

Yours sincerely,

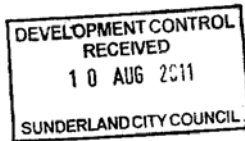
Mr. David Griffiths.
1, Vicarage Close,
off Springwell Road,
Gateshead,
NE9 7AA.



c.c. to Mr. Jeff Moffitt.

nr1 Objection Ack 11/8/11
cw
11/01980/Fu
11/02076/Fu

Debra Coxon
1 Long Bank
Wrekenton
Gateshead
Tyne and Wear
NE9 7HE
10.08.2011
To Vicky Rising
Senior planner Development control



I write to you on behalf of the residents of Wrekenton and the surrounding area.

Application numbers 11/01980/Ful and 11/02076/Ful

You will be aware of the recent applications from SITA UK to re develop the former Incinerator located at the Campground Site in Wrekenton.

At this juncture it is impossible to provide you with the detailed, authenticated, legal documentation we have in our possession to substantiate the following claims however, this information is at your disposal to read at length including a 47 page objection already listed on the Sunderland.gov website.

The collective documentation to which I refer comes from Gateshead Council, Sunderland Council, SITA UK, The Local Ombudsman, The Parliamentary Ombudsman and The Health and Safety executive and is a matter of record

I would take this opportunity to outline the salient points.

To date a four year debacle has continued with residents from Wrekenton regarding this site, originally the work of one man raising concerns arising from the site that impacted upon his own home, however over the course of time, one resident has discovered many more problems that impact upon hundreds

of residents and children within the area, all of whom are being continually denied a voice by both Gateshead Council, Sunderland Council and SITA UK.

One of the biggest problems that continually blight's the residents attempts at rectifying matters is that the planning applications to which I refer must go via Sunderland CC when in fact the people suffering from the detrimental impact of same are the people living in the Wrekenton area hence they are constituents of Gateshead and not Sunderland.

That said we are unable to gain any response to afford us full and frank consultation with Sunderland as we are repeatedly told that, as Gateshead constituents, Sunderland Council has no duty or responsibility to us.

On the other hand Gateshead Council informs us that as the planning application is through Sunderland CC Gateshead also have no responsibility to assist us with our plight.

Quite clearly each council has abrogated any responsibility to these residents who are many in number. We the resident's believe that as none of Sunderland's residents will suffer any impact from the site, Sunderland Council are deliberately turning a blind to this potentially very dangerous situation. The site already provides residents with contaminated land, noise and excessive traffic in a small village.

The village does not have the infrastructure to cope with the current traffic situation let alone the proposed increased volume of 40 percent more traffic according to SITA UKs application. We notice that Sunderland have been very careful in ensuring that none of these large vehicles are allowed through Springwell Village and rightly so, but why does Sunderland Council see fit to sacrifice the quality of life of Wrekenton residents in favor of Springwell Village residents and more importantly why do Gateshead council allow us to suffer in this way.

Gateshead council should be bound to take care of its own constituents however the anomaly that currently exists between Gateshead and Sunderland preventing us from being heard is, we believe, a deliberate attempt from all involved to stymie our efforts to protect our village, all in the name of profit for SITA and protection for Sunderland residents.

We have had some opportunity to discuss matters with Gateshead Council and Gateshead Environmental Services however both bodies would have us believe that each small delegation they

have met with concerning these issues have been" the only complainers". We do accept that given the lengths that SITA UK Have gone to, to hide the truth from us, has ensured it has taken quite some time for the true facts to filter through to residents and therefore it did appear during SITAs consultation period that there were few objectors, this is not now the case.

Last night at a public meeting held in Wrekenton 08.08.2011 it became clear that all concerned with the application have gone to considerable lengths to keep all objectors separated so as to portray a small minority of complainants, this is clearly a false representation of the strength of feeling in Wrekenton.

At last night's meeting it was also discovered and we are led to believe that Low Mount Farm which lies on the border of Gateshead and Sunderland Boroughs adjacent to the Campground site have also suffered substantial damage from the Campground site including flooding to their land from soak ways on the site that delivers contaminated water onto their farm land affecting the food chain, among other things.

Added to this SITA UK in their planning application describe that same farm land as civic amenity land not belonging to the farm, another clear and deliberate act of untruth to assist with their planning application.

Further the area surrounding the farm and adjacent to the Campground site houses Wrekenton NU Camp Football Ground where some 200 plus youngsters play football on a weekly basis this increases to 400 plus per week when football tournaments, are held, clearly this land holds possible dangers from contamination and yet those children and their parents had no idea that this was the case.

Residents from the Galloping Green area, also present at the meeting told of their continued complaints to the council arising from the campground, the eyesore that is the site, blighting this semi rural area, destroying beautiful country walks, the smells coming from the plant, the increase in allergy incidents from the dust and emissions coming from the plant including toxic gasses, yet SITA UK informed us the residents from Galloping Green are delighted with the proposed plans, according to the residents in attendance this is not true.

Wrekenton had high rates of cancer incidents after the installation of the incinerator, the effects of which are still embedded in the soil and land of the area and will be for years to come.

The incinerator may have gone and residents did have some relief from this but it was short lived, only to be replaced by a modern substitute in the form of a waste transfer station, with the same horrendous implications if not worse.

As stated, historically we have suffered for forty years with regard to the Campground Site and it beggars belief that somewhere "the powers that be" see fit to continue to use Wrekenton as a dumping ground in the literal sense, I put it to you on behalf of all residents that there is a moral obligation here, a duty of care and certainly there is the question of our human rights that must now be addressed by all concerned with regard to our right to quality of life.

It is not acceptable for any council to hide behind loop holes when people's lives and their quality of life are at stake. I implore you to speak to your cabinet and liaise with Gates head Council to move matters forward and allow us a voice, I am sure you will agree that in the circumstances the obligatory 3 minutes allocated to individuals so as to voice their objections against the planning application, is not acceptable in the current circumstances as we have not yet been given an opportunity to be heard in full.

As a Community we are of course staggered that despite all we have suffered these past forty years our village is once again earmarked as the prime site for continued suffering of this type and that we should be subjected to further, enforced poor quality of life.

After the public meeting on the 08.08.2011 we are all now agreed that we shall pursue this current situation as far as need be including seeking government and legal intervention.

Having made Herculean efforts to date establish joint dialogue between both councils to no avail, on behalf of the residents I make the following formal requests as part of the planning application policies and procedures, I would point out that my formal request is "In Time" having been submitted on 09.08.2011.

1. A delegation of Sunderland Council Officers and Councilors to visit the proposed site and witness first hand the negative impact that already exists as the result of current operations at the Campground site and the increase of same should this application be allowed to proceed in its current form.

2.. Gateshead Council, Sunderland Council agree to a joint meeting with a delegation of residents from the Wrekenton area, to discuss this application prior to Sunderland Council making its final decision and for Sunderland CC to halt SITAs application until such times as we have had an opportunity for discussions with Sunderland CC.

Of all of those in authority that were invited to attend our meetings: Gateshead and Sunderland Councilors, SITA UK, Only one councilor put in an appearance, so much for representation.

I would take this opportunity to thank you for your assistance with my request on behalf of the residents of Wrekenton and do look forward to your response

Yours sincerely

Debra Coxon

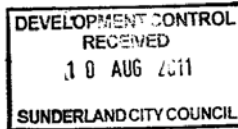
A handwritten signature in black ink, appearing to read 'Debra Coxon', written in a cursive style.

VRI Objection Ack 11/8/11
11/01980/FUL
11/2076/FUL

REF: 11/01980/FUL
Redevelopment of existing household waste and recycling centre
At campground, Springwell Road NE9 7XW

REF: 11/02076/FUL
Redevelopment of campground waste transfer station
At Springwell road, NE9 7XW

To Vicky Rising
Sunderland Development control Section



10.8.2011

I wish to formally lodge my objection to the above named planning applications from SITA and Gateshead Council.

The designated site for the application has historically brought misery to the community of Wrekenton and surrounding areas. Formerly an incinerator the site is well known for the associated health problems and cancer clusters in the area as a result of years of spewing out toxins.

Once the incinerator had gone the community breathed a sigh of relief as we believed the site had come to the end of its life but to our horror and without our knowledge it was replaced by the SITA waste transfer station along with a huge telephone mast as well as the household waste centre. We have since had to endure vermin, odors, noise, vibration, regular infestation of flies along with the constant movement of wagons through Wrekenton which leave a trail of rubbish and stench behind.

The site is situated in Sunderland on the border of Sunderland and Gateshead and the planning officers in Sunderland seem to think that anything goes as long as their residents are not affected. To date they have shown no consideration whatsoever for the neighboring residents of Gateshead.

Not only has this community had the Campground site to put up with but also that of the old Springwell quarry which became a landfill site bringing with it its own problems. This is now the Thompsons reclamation site and again brings with it many problems for the residents including noise from wagons, extensive Traffic (which is not allowed through Springwell village who just happen to be residents of Sunderland) and dust.

There were other sites considered for the new waste transfer station one of them being felling in Gateshead. The residents of felling were informed that there may potentially be a new recycling centre coming their way. They were informed that they were just one of several options.

Wrekenton were never informed that they were one of these options.

Instead Wrekenton got a few days notice to attend a drop in session where they were TOLD that they were getting the new waste transfer station. The new plans all singing and dancing were on display. Sunderland planning had already given SITA the green light to go ahead with their planning application. When it was suggested to the planning manager from SITA to move the new SITA site elsewhere the reply was "That's not an option. That's not going to happen" So clearly once again it's would seem that it's a done deal and the local residents are expected to put up and shut up.

What makes it even worse is that SITA was under investigation from the ombudsman who criticized and reprimanded them for operating outside of their license agreement and yet they were the company awarded the new contract to manage the waste for all three authorities.

I feel very strongly as do many of the hundreds of residents who have signed the petition that Wrekenton has done their bit as far as waste management is concerned. Whilst it is a fact that waste has to be dealt with and recycling plays an important part a facility like this should be built away from a residential area.

In an attempt to lessen our concerns we were taken to visit the SITA site at Sleekburn. There turned out to be one massive difference at this site .That was that it is situated straight off the motorway, In the middle of an industrial estate without having to travel through residential properties. The closest residents are situated much further away than they are at Wrekenton. It was a perfect example of where a waste transfer station should be situated.

The site has to be built from scratch as a brand new development so now is the time to consider its relocation.

Gateshead put a compulsory purchase order on what was once farmland in order to give them the location they wanted to build the incinerator which is now the current SITA site. They have demonstrated they can build what they want where they want so it is not so farfetched to suggest they relocate the site.

SITA have put every effort into trying to convince residents that they are getting a nice new face lift to the current facility when in fact they are being duped into accepting a brand new waste transfer station which is to serve three authorities for the next twenty five years without Sunderland city council or South Tyneside having to suffer the consequences.

Residents have put their concerns to SITA and Gateshead council and have tried to work with them and suggested changes that would make the site more acceptable if it were to go ahead but everything to date has been ignored.

This proves that once again as soon as SITA have their planning permission the resident's quality of life is of no concern to them.

The visual aspect of the new development is the only improvement.

I have very strong objections to the new visitor centre as do many other residents. This is something that has never been part of the site before. Building the visitor centre means the location of the SITA building and Gateshead Council's household recycling centre become even more of a problem to residents not an improvement.

When concerns were expressed about the increase in traffic the visitors centre will bring, SITA tried to convince us there will only be one coach a week coming to the visitor centre. If that were true then that is a lot of money spent on a visitors centre for one visit a week which would be better spent making the site more acceptable to residents by way of sound proofing the building and changing the layout of the site.

Ironically the one visit a week is supposedly to educate school children. What a joke this is when neither Sunderland, Gateshead or SITA could care less about the children in Fell Dyke school who have been subjected to all of the previously mentioned problems as well as having pollutants on the surrounding playing fields and a telephone mast placed overlooking them from only 85 meters away when even Sunderland council say the mast should be more than 150 meters away

Wrekenton is a small village and is not in any way built to deal with the current traffic problems let alone the projected traffic problems we will be faced with should this planning application be allowed to proceed. At a recent meeting with Jeff Moffitt from Gateshead Council environmental services which included some of his colleagues I was staggered to learn that Gateshead Council have carried out a traffic study of the area in conjunction with SITA's planning application and concluded that the increased traffic does not pose a problem. To my horror I discovered that the people consulted over the issue were Gateshead council officers. Surely this consultation should have included local residents, shops businesses and all those affected by the traffic problems, not Gateshead council officers who sit and make these decisions from their desks, without any experience of living in the area therefore without any possible insight into the reality of the situation we are faced with day in and day out. If they were they would have no choice but to say no way can't this village take any more traffic or the whole place will just come to a standstill.

At our last residents meeting a local Gateshead councillor informed us that he had attended the joint SITA and Gateshead council drop in consultation and admitted that he left feeling very content that visually it would be a great improvement. This is exactly what SITA intended. By the end of the residents meeting and having seen evidence for himself he left with a completely different opinion.

As more and more residents have come together presenting and exchanging written evidence there is a clear picture emerging on just how badly this community has been treated.

There have not only been two complaints from residents which were dealt with immediately as Gateshead and SITA would have you believe there have been many over the years. As you can see from

the petition which was only on display for two days (due to the short notice the residents have been given) received more than three hundred signatures to date and will continue to grow. These too will be passed on to you.

The residents will continue to pursue their investigation into the history of this site and the appalling way that the residents of Gateshead particularly Wrekenton and the surrounding areas have persistently been kept out of the loop with regards to planning applications

until the whole truth is brought out into the open.

The current planners may not be responsible for what has gone on in the past but they are certainly responsible for what happens to this community in the future.

Before Sunderland planning officers make a decision I am formerly requesting a site visit in keeping with planning policy.

Yours Sincerely

Mr. S Brass

The Old Vicarage
Springwell Road
Wrekenton
NE9 7AA

1

Petition Ack 11/8/11
11/01980/FUL cw.
11/02076/FUL

Please find enclosed objections to date against planning application number

11/01980/FUL AND 11/02076/FUL

As we have until the 15th of August for objections there will be more signatures to follow.

VR1

DEVELOPMENT CONTROL
RECEIVED
10 AUG 2011
SUNDERLAND CITY COUNCIL

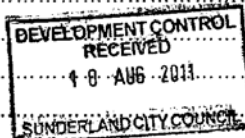
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<u>Name</u>	<u>Address</u>	<u>Signature</u>
SHAWN ARMSTRONG	12 BRINKBURN	[Signature]
MALCOLM LAWLEY	ALBERT AVENUE	[Signature]
Sarah Wilson	3 ERINA CRES	[Signature]
Kath Patten	155 BELL LANE	[Signature]
POUL MCNALLY	22 LINDEN	[Signature]
Kayleigh Scott	7 QUEENSSQUARE	[Signature]
Kerry MCCARTNEY	27 BRIARSIDE	[Signature]
P. Taylor	37 WALLACE	[Signature]
S WILDISH	93 FLENDARE	[Signature]
B BRAY	18 SARWELL	[Signature]
V. Bray	18 Springwell Terrace	[Signature]
E. Brown	48 SEABURN	[Signature]
DES-BLOWE	10 CR-CHOPWELL	[Signature]
J Mann	51 WALLACE CWS	[Signature]
Pan Smit	39 MAUREL SQ	NE9 7BS
L Moulding	14 STILEFORD	NE10 8US
A Bran	NE9 7AA	[Signature]
S BRASS	NE9 7AA	[Signature]



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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
PETER WATTS	48 STANWAY	P. Watts
John NICHOLSON	3 LECROWNE	E. N. S.
Mr. [REDACTED]	[REDACTED]	
Sandra Stevenson	Hawksfield	S. Stevenson
Lauren O'Brien	16 Laverick	L. O'Brien
FRANK SOUTHERN	16 Laverick	F. Southern
Wendy STEVENSON	55 RICKGARTH LEAN LANE	W. Stevenson
ROB STEVENSON	55 RICKGARTH LEAN LANE	R. Stevenson
JEAN THOMPSON	5 Springfield Leam Lane	J. Thompson
S. Hall	Springfield Leam Lane Est	S. Hall
Liam Hall	5 Springfield Leam Lane Est	L. Hall
SEAN STEVENSON	HAWKSFIELD LEAM LANE	S. Stevenson
STEVE [initials]		
EVE COGAN	48 STANWAY	E. Cogan

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
D. Culbert	30 Balmby	<i>[Signature]</i>
B. DENTON	38 FABINATION AVE NEA-Y.H	<i>[Signature]</i>
W. GRAHAM	24 BEAMISH Gdns	<i>[Signature]</i>
M. Gill	GATESHEAD	<i>[Signature]</i>
J. HARRISON	38 CHOPWELL Gdns	<i>[Signature]</i>
R. TOWNSEND	136 BLACKHILL CRGS	<i>[Signature]</i>
D. ROBINS	3 WESTWOOD Gdns	<i>[Signature]</i>
J. DODSON	9 FINCHALL Gdns	<i>[Signature]</i>
K. MOIRE	58 SEAHAM GDS	<i>[Signature]</i>
E. WOOD	18 BEAMISH G	<i>[Signature]</i>
J. MUSGRAVE	SPRINGWELL INN	<i>[Signature]</i>
M. TEMPEST	7 BOYSTONES COURT	<i>[Signature]</i>
Julie Robertson	62 Rugby Gardens	<i>[Signature]</i>
Norman Bann	7 SHERBURN TCE	<i>[Signature]</i>
S. DUNN	13 ROSEMARY GARDENS	<i>[Signature]</i>
D. WOODART	14 HAMSTLEYS	<i>[Signature]</i>
MALCOLM VAIL	23 BLUEBELL	<i>[Signature]</i>
D. RIDD	25 SJAERIDGE	<i>[Signature]</i>
MRS. K. GRIFFITHS	16 CASINGTON AVE	<i>[Signature]</i>
MR. P. GRIFFITHS	16 CASINGTON AVE	<i>[Signature]</i>

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
K. MOUNTFORD	WINGATE GONS	
D. MOUNTFORD	EASEDALE GONS	
P. MOUNTFORD	WINGATE GONS	
A. SOULSBY	WINGATE GONS	
P. SOULSBY	WINGATE GONS	
J. Blackburn	11 Wingate Gdns	
E. Turner	22 Trevelthick St	
Amy Turner	14 Trevelthick St	
MARC MOUNTFORD	EASEDALE GONS	
Tim BATEY	HAIG ST DUNSTON	
H. MOUNTFORD	HAIG ST DUNSTON	
P. GUTHRIE	HAIG ST DUNSTON	
IAN JESDALE	EASEDALE GONS	
DORIS KELLY	EASEDALE GONS	
ALFIE KELLY	EASEDALE GONS	
ANN CHAPMAN	EASEDALE GONS	
ALLAN CHAPMAN	EASEDALE GONS	
ALAN CHAPMAN JR	EASEDALE GONS	
S. BOYLIE	11 BRACCA RISE	
ANN WARD	LOWMANT FARM ^{SPRINGHEAD}	
LISA WILD	58 HEUGH HILL	
STEPHEN SWINGSSEN	58 HEUGH HILL	

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
DARREN COOKE	96 WHITEHOUSE CRESCENT	<i>[Signature]</i>
SOE. QUINN	39 LANCHESTER AVE	<i>[Signature]</i>
E. Atkins	114 Springwell Rd.	E. Atkins
P. Johnson	11 W. HITCHHOUSE GUEST	
B. Johnson	87 LANCHESTER AVE	
J. MISSGARD	148 = = =	J. Missgard
M. Gumbie	12 FIGHTON TOLL WREKENTON	M. Gumbie
J. DONNIBY	16 LANCHESTER AVE	<i>[Signature]</i>
P. SHOOTON	14 EIGHTON TERRACE	<i>[Signature]</i>
D. TURNER	14 WINGATE	<i>[Signature]</i>
A. REAY	50 LANCHESTER	A. Reay
N. Stone	32 LANCHESTER	N. Stone
S. HINLEY	126 Springwell Road.	
S. Hill	139 Springwell Road	
M. Gumbie	139 Greenwell Road	
Lisa Phillips	6 Seaborn Gardens	
[Signature]	9 Wingate	
Kaaron Arrell	18 Bandon Gardens, Wrekenton.	
A. Kane	8 Cleason Goss Wrekenton	A Kane
S. TAYLOR	18 SEABORN GARDENS	<i>[Signature]</i>
M. Stone	32 OAKWOOD AV. NE9 6PR	
A. Stone	58 St. Edmunds drive NE10 4AE	

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
MANJIT KAUR	SPRINGWELL STORE	<i>mk</i>
GURPREET SINGH	SPRINGWELL STORES	<i>GS</i>
BRANDAN Howarth	1 Coltham Gardens	<i>Br</i>
K. Williams	SPRINGWELL	<i>KW</i>
R SPRAGGON	112 SPRINGWELL RD	<i>RSP</i>
K EDELL	Springwell Est.	<i>KE</i>
A CLATTON	13 LANCHESTER AVE	<i>A Clatton</i>
E Dent	2 Springwell Ter.	<i>ED</i>
P Keenan	40 LANCHESTER AVE	<i>P Keenan</i>
B Keenan	45 LANCHESTER AVE	<i>B Keenan</i>
C Evans	4 BRANMAN	<i>CE</i>
J Brown	6. Eighton Tce	<i>J Brown</i>
MICHAEL NEWTON	123 SPRINGWELL RD.	<i>M Newton</i>
E BROWN	41A LANCHESTER AVE	<i>E BROWN</i>
A SWAN	1 ACORN CLOSE	<i>A Swan</i>
P. Chidley	Luddock	<i>P Chidley</i>
S BELL	115 Springwell Rd.	<i>S Bell</i>
F WHITE	125 SPRINGWELL ROAD	<i>F White</i>
K BARKER	6 CLADON CR.	<i>K Barker</i>
D BROWN	26 Brandan Gardens	<i>D BROWN</i>
Mae Avenor	26 SEVEN GWS	<i>Mae Avenor</i>
KRAUL	DUNKINSON	<i>Kraul</i>
J ALBERTS	89 LANCHESTER	<i>J Alberts</i>
D ALBERTS	71 BLACKHILL	<i>D Alberts</i>

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
DAVID HARMER	16 Falstone	[Signature]
Anthony Kichalyo	82 Bedale	[Signature]
Eddie Wier	97 Wier	[Signature]
Rachel O'Brien	88 Seaham	R. O'Brien
M Babbidge	The Wilton Road	M Babbidge
J. Anderson		[Signature]
X. [unclear]	21 RUGBY	[Signature]
K. Kuli	Wrexford	[Signature]
MRS M Hare	99 Springwell Road	MRS M Hare
Michael	81 Blackburn Rd	Michael
P. Culler		
DAMON BEATTIE	16 Falstone	[Signature]
SARAH COX	2. [unclear]	[Signature]
Pegg	Galloway Green Rd	
KATHleen wilkinson	23 Seaton	K. wilkinson
Kayleigh Wilson	Lanchester Avenue	K. W.
[unclear]	53 [unclear]	
J. Calvert	Malton Crn	J. Calvert
M. Beck	Tanfield Rd	M. Beck
C. Mead	1 NE9 6RS	[Signature]
Pan Thompson	Lanchester Avenue	[Signature]
Mr Gray	13 Larkspur	Mr. Gray
L. BOYLE	NE9 6RS	[Signature]

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
A. Hagan	65 LANCHESTER AVE	A Hagan
A. Gallon	4 Wolsingham Gdns	A Gallon
E. Brown	36 AYLIFFE CRESCENT WREKENTON	
E. Powell	15 Ryhope Gdns	Springwell
C. Powell	39 EBCHSTER AVE WREKENTON	
D. Gribbin	53 AYLIFFE CRESC. NE9 7DD	
M. O.	8 Wolsingham	NE9 7LS
D. Steele	11 WOLWISTON Gdns WREKENTON	NE9 7LW
C. Jones	11 BURNMORR WREKENTON	
B. Evans	3 Wolsley Gdns WREKENTON	NE9 7LW
C. East	45 BRAMHOPE GREEN HARLOW GREEN	
J. Evans	45 BRAMHOPE GREEN, HARLOW GREEN	
L. Armstrong	24 McMOCK Gdns	NE9 7HS
L. NICHOLSON	21 LINDEN BEACON LOUGH EAST	NE9 7DR
L. Hughes	5 CHAMBERLY CLOSE	SPRINGWELL VILLAGE
C. ALLAN	7 CYPRESS ROAD EIGHTON BANKS	C. Allan
D. WALKER	7 CYPRESS ROAD EIGHTON BANKS	D. Walker
C. Zam	EBBINGTON AVE WREKENTON	C. Zam
K. Nestott	7 EASINGTON AVE	GATESHEAD
M. Phillips	2A SPRINGWELL RD	NE9 7JN
D. Oulton	Darren's Gents Hairdresser's	
S. Hammett	44A LANCHESTER AVE	
D. Perkins	17 CHOPWELL Gdns	
G. Robinson	6 SULLSWORTH Gdns	
K. Robinson	11 HEATHWATER	SPRINGWELL VILL
M. Webber	10 ELLISON PR	GATESHEAD

leannemarshal 39 EDGEWARE ROAD I-marchem

[Faint, illegible handwritten notes, possibly bleed-through from the reverse side of the page. The text is scattered across the page and includes various words and phrases that are difficult to decipher.]

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
G. Gibbin	16 Whitehouse Crescent	G. Gibbin
M. J. Maty	83 Kingdon Rd	M. J. Maty
J. Connell	4 HAMSTERLEY	J. Connell
K. Kenton	25, HAREWOOD, GLEBE	K. Kenton
S. HARP	52 MYCLIFF	S. HARP
S. Barnes	48 FERRISS	S. Barnes
P. Barnes	"	P. Barnes
B. KAISER	27 HAMSTERLEY	B. Kaiser
M. Johns	9 Whitely	M. Johns
C. Dutton	15 Westview	C. Dutton
M. Turner	171A HIGH ST	M. Turner
D. Repp	30 hamsterley	D. Repp
D. Galley		D. Galley
H. C. Kirkdale	6, TANFIELD	H. C. Kirkdale
C. Bell	67 MYCLIFF	C. Bell
C. McKee		C. McKee
T. Brooks		T. Brooks
J. GAGG	24 shaburn	J. GAGG
D. Hutton	27 Binsley	D. Hutton
J. Veitch	51 BECON COURT GVE	J. Veitch
VEITCH		
W. H. L.	10 Wincake Coods	W. H. L.
DAVID BENTHE	17 Winkellown	DAVID BENTHE

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
R. FORSTER	187 AXELIFFE CRES	R. Forster
G. HOPE	11 GREENBOURNE NE09TD	G. Hope
B. RIPLEY	5 SPRINGWATER	B. Ripley
S. GRIBBIN	10 WHITEHOUSE CRES.	S. Gribbin
J. GRIBBIN	10 WHITEHOUSE CRES.	J. Gribbin
Jamie Gribbin	10 WHITEHOUSE CRES.	Jamie Gribbin
PATRICK HEPPLE	50 SEABURN RD	P. Hepple
I. Peal	1. WINGATE Gdns.	I. Peal
E. PEEL	1 WINGATE GARDENS	E. Peal
W. CRANNEY	50 SEABURN RD	W. Cranney
Emma Peal	28 WALLACE Gdns	Emma Peal
C. Ford	117 WALLACE Gdns	C. Ford
M. Ford	117	M. Ford
G. GALLAN	92 Whitehouse Cr	G. Gallan
G. Gribbin	16 Whitehouse Cres	G. Gribbin
S. Lyson	16 Whitehouse Cres	S. Lyson
L. Finley	74 Whitehouse Cres	L. Finley
J. Finley	74 Whitehouse Cr	J. Finley
D. Finley	111 Landster Ave	D. Finley
H. Finley	111 Landster Ave	H. Finley
A. Jackson	115 Lanchester Ave	A. Jackson
K. Gallan	113 Lanchester Ave	K. Gallan
M. Gallan	113 Lanchester Ave	M. Gallan

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
K. Taylor	18, NE9 7AU	K. Taylor
M. Smiles	18, NE9 7AU	M. Smiles
S. Finley	30 NE9 7DD	S. Finley
M. Finley	90 NE9 7DC	M. Finley
M. Smiles	10 NE9 7BD	M. Smiles
W. Smiles	22 NE9 7BD	W. Smiles
S. Finley	30 NE9 7DD	S. Finley
S. Birkbeck	31 NE9 7AJ	S. Birkbeck
A. Knox	15 NE9 7BT	A. Knox
C. Nicks	13 NE9 7BB	C. Nicks
R. Farnpole	86 NE9 7AN	R. Farnpole
J. Musgrave	148 NE9 7AN	J. Musgrave
M. Nicks	13 NE9 7BB	M. Nicks
C. Birkbeck	31 NE9 7AJ	C. Birkbeck
P. Hills	4 NE9 7LQ	P. Hills
L. Birkbeck	31 NE9 7AJ	L. Birkbeck
D. Birkbeck	31 NE9 7AJ	D. Birkbeck
S. Birkbeck	31 NE9 7AJ	S. Birkbeck
L. Hodgson	2 NE9 7AJ	L. Hodgson
S. Ratcliffe	103 NE9 7AA	S. Ratcliffe
C. Howarth	187 NE9 7DA	C. Howarth
D. Howarth	108 NE9 7DA	D. Howarth
I. Corbett	7, NE9 7BA	I. Corbett

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
S Gullin	115 Parkside	[Signature]
A Butkbeck	118 Springwell Rd	A. BUTKBEK.
J Butkbeck	118 Springwell Rd	J Butkbeck.
M Butkbeck	118 Springwell Rd	M Butkbeck
G Langley	3 Wingate Ct	[Signature]
I Hall	12 Seaburn Gdns	[Signature]
C Hall	12 Seaburn Gdns	[Signature]
S BROWN	85 STANLEY	[Signature]
A CHAMBERS	47 COLTSFOOT Gdns	[Signature]
L M/R	4 LANCHESTER AVE	[Signature]
C Fenwick	23 Larkspur beacon lough	[Signature]
B KEENAN	45 LANCHESTER AVE	B Keenan
J BROWN	6 ELKTON TCE	J Brown
Joe Brown	6 ELKTON TCE	J Brown
Chris Pearson	38 Aycliffe crescent	[Signature]
BARRY ROYALS	55 WILLACE GARDENS	[Signature]
ERNE HUTCHINSON	21 CHURCH VIEW.	R. Hutch -
S STEVENSON	29 AYCLIFFE AVE	S Stevenson
R. Forrest	29 AYCLIFFE AVE	R Forrest
A. Finley	115 LANCHESTER AVE	A Finley
A SHAUGHNESSY	14 AYCLIFFE CRES.	[Signature]
B Moulding	141 AYCLIFFE CRES	B Moulding
A Moulding	141 Aycliffe Cres	[Signature]

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<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
John Maddison	Makepeace	Makepeace
J. HANCOCK	FELL HOUSE CARE CENTRE	J Hancock
Ms Susan Kendall	48 VENTNOL CRT NE9 6DY	Susan Kendall
DAVID A KENDALL	48 VENTNOL CRT NE9 6DY	Susan Kendall
KERRY PROCTOR	1 CARLTON TER NE9 7SB	K Proctor
K Proctor	1 Carlton terrace NE9 7SB	K Proctor
MARGARET CROOK	17 RAGLAN OXCLOSE	M Crook
Graham Crook	17 Raglan Oxclose	G Crook
Lauren Huddleston	Bellmount Springwell	L Huddleston
Karen Huddleston	Bellmount Springwell	K Huddleston
Georgia Huddleston	Bellmount Springwell	G Huddleston
Danielle Huddleston	Bellmount Springwell	D Huddleston
Brian Proctor	Whinley Road	B Proctor
Anne Proctor	Whinley Road	A Proctor
Annie McLeod	Felling	A McLeod
MICHELLE BOSWORTH	SPRINGWELL VILL NE9 7QB	M Bosworth
ANDREW BOSWORTH	QUERTFIELD TERR. S. VILL. NE9 7QS	Andrew Bosworth
HAZEL BOSWORTH	SPRINGWELL VILL NE9 7QB	H Bosworth
Josephine M. Pacote	Fell House care home	J Pacote
ROSE PEEGE	Fell House care home	R Peege
Sam Taylor	Heugh Hill	S Taylor
Sean McCysens	Heugh Hill	S McCysens
Kenny Wright	Heugh Hill	K Wright

**PROPOSED REDEVELOPMENT OF REFUSE DISPOSAL WORKS
CAMPGROUND SITE, WREKENTON, GATESHEAD.
APPLICATION NOS. 11/01980/FUL AND 11/02076/FUL.
OBJECTIONS.**

We the undersigned, wish to register with Sunderland City Council Planning Authority, our most profound objections to certain aspects of the above applications, as submitted by Gateshead Council and Sita UK.

Our objections are those set out in detail in a letter dated 26th July, signed and sent by Mr. D. Griffiths on our behalf.

<u>Name.</u>	<u>Address.</u>	<u>Signature.</u>
Al Thompson	9, SEATON Gdns	A. Thompson
ALAN THOMPSON	9, SEATON Gdns	A. Thompson
JOSEPH RIDLEY	14, WALLACE Gdns	J. Ridley
Claire Thompson	16 Wrekenton Row	C. Thompson
ALAN THOMPSON		A. Thompson
J. Taylor	10 SATLEY Gdns	J. Taylor
A. Brown	"	A. Brown
C. Green	16, MANSKED	C. Green
P. Blair	30, GARDEN Gdns	P. Blair
E. Jones	11, BELMONT	E. Jones
H. Campbell	6, FINEHOLE	H. Campbell
B. Small	15, BEATONS	B. Small
D. Nicholas	6, WALDNIDGE	D. Nicholas
C. Nicholas	6, WALDNIDGE	C. Nicholas
S. Cribbin	10, WHITEHOUSE	S. Cribbin
J. Cribbin	10, WHITEHOUSE	J. Cribbin
J. Tyson	16, WHITEHOUSE	J. Tyson
A. CRYSER	11, LINDEN WAY	A. Cruser
K. CRYSER	11, LINDEN WAY	K. Cruser
J. Peats	15, GULLING GREEN Gdns	J. Peats
M. Buge	8, CYPRESS ROAD	M. Buge
K. Buge	8, CYPRESS Rd	K. Buge

Lisa Wild
c/o Low Mount Farm
Springwell Village
Gateshead
Tyne and Wear
NE9 7YX

25th August 2011

City of Sunderland Planning Department
Civic Centre
Sunderland
SR2 7DN

Application 11/01980/FUL

Notice of objection

I write on behalf of the Swinburn family who reside at the above address, they object to the above application mainly because of the lack of information over the drainage system on both the site and the entrance road, the amount of traffic already using the site and the rubbish which blows from both the site and vehicles using it.

Also at no point within the application is the farm as either a dwelling or a working farm mentioned.

There are also several areas within the application where the information provided is inaccurate or untrue.

I include sections below demonstrating these.

Incorrect Statements

Environmental Appraisal – no information on the agricultural status of the adjacent land, Low Mount Farm not mentioned at all.

The farm was present in 1862, but again not mentioned in this reference made to the first ordinance survey map.

Supporting Statement

1.02 – incorrect the site is not in Wrekenton, it is in Springwell Village.

1.07 – makes reference to a ramped area, no information of the drainage of this raised area

3.0 – Ecological Assessment – no mention of Low Mount Farm

4.2.3 – No mention of the drainage system on the entrance road, or the hard standing area. Also no mention of the fact the road does flood in times of heavy rain. Water to be “contained on site”. How and where? There is no Northumbria Water off site system, the surface water on the B1288 drains into the Springwell pond on Low Mount Farm. A new soak away is not acceptable due to the current flooding issues.

4.3.3 - Storage ponds are not acceptable as they would be ABOVE our land.

The current drainage system does not work and constantly drains onto Low Mount Farm. There is also no mention of the “mineral safeguarded area” next door to the site, how can surface water be expected to percolate through sandstone?

4.4 – an untrue statement, the water from the site and the entrance road drains onto Low Mount Farm, then into our pond, the pond drains into the River Don.

5 – Land contamination, water draining from the site carries contaminants which are finding their way onto the agricultural land at Low Mount Farm, the field next door to the Camp Ground is currently being prepared for wheat intended for human consumption. Therefore our crops risk being contaminated.

5.3.2 – Demolition – no mention of the survey required by Gas Networks when any demolition is carried out near one of their high pressure pipes, one is situation on the land next to the campground.

5.3.4 – the drainage sump area identified as “contaminated” this is NOT acceptable when the water from the site is draining through this facility.

8.2 - we were unable to attend the one evening viewing, but yet we were not offered an additional viewing.

Further references.

Drainage plan – no real information at all on this plan.

Ecological Survey

2.2 field survey which claims it carried out a visit which included land 50m outside of the site. No contact was made by Entec to gain permission to enter the land.

3.1 No mention at all of Low Mount Farm yet properties over a mile away are mentioned

3.3 Field survey, reference to “Amenity grassland” to the south, this is agricultural land and part of a working farm. A map coloured yellow demonstrates this “poor amenity grassland”.

There is no direct reference to the “Springwell” pond which is on our land, this is the “Springwell” from which the village takes it’s name, and it is also shown on current and historic maps.

At no time have we been approached by Entec so they could visit the farm and carry out a complete survey. Therefore as the survey provided excludes Low Mount Farm we feel it should be rewritten and submitted again.

We suffer constantly from the litter that escapes from both the site and the wagons entering the site. The paddocks adjacent to the B1288 road are littered with rubbish which is a danger to the animals grazing these areas. The hedge rows are also filled with litter and debris.

The B1288 road is not substantial enough for the amount of HGV wagons using it. One of our stable blocks actually supports the road and this building is now showing signs of stress due to the amount of lateral pressure placed upon it by

the weight of the wagons. Further along this section of road concrete reinforcements have already been put in place, sadly these too are now failing.

To date I am still awaiting a response from the Environment Agency regarding their involvement over the flooding problem from the site, they are continuing their investigation.

I wish all of the information we have provided to be taken into consideration before a decision is made over this application.

It is bad enough that we have quarry traffic, recycling traffic and the debris they produce six days a week from the Thompon's site, without now knowing the Camp Ground intend to continue operating into the foreseeable future. Is it acceptable that any member of the public be subjected to life in the middle of two waste sites, and expected to live with it?

Regards

Lisa Wild
On behalf of the Swinburn Family

APPENDIX 2

The report set out below addresses the objections received in connection with planning applications 11/01980/FUL and 11/02076/FUL. The report below should be read in conjunction with the main reports to Planning and Highways Committee.

4 representations in objection to planning applications 11/01980/FUL and 11/02076/FUL were received in response to consultation. The letters received related to both planning applications and in general did not distinguish between the two schemes. Consideration of the content of the representations received has therefore been carried out with respect to both planning application 11/01980/FUL and 11/02076/FUL. These considerations are set out below. To avoid repetition the content of all letters of objection received has been addressed together.

Members should also note that a petition containing 307 signatures has been received in objection to the proposed developments.

Previous Use of Site

Objection on the grounds that the application sites had historically (and allegedly) created health problems for those living in close proximity to them due to their use for waste treatment/handling purposes.

However, the effect of previous uses that may have occupied the application site(s) cannot be considered as a material planning consideration in the determination of the planning applications under consideration. There is nothing to suggest that the use of any site as a Household Waste Recycling Centre or as a Waste Transfer Station would have any negative impact upon the health of any individual or community providing that the site(s) are operated in accordance with permits issued and controlled by the Environment Agency, as required by law.

One objection stated that the facility should be built away from residential areas. However it must be considered that the sites under consideration are existing waste sites which will continue to operate in their current form if Members decide to refuse planning permission. In addition to this consideration, regard must be had for the “proximity principle” contained in PPS10 which states that waste should be dealt with as near to its source as possible. The proposed developments are designed to improve facilities that received waste from areas local to it.

Vermin

Objections to the proposed development have been received on grounds that the proposed developments will attract vermin to the area, including infestations of flies.

However, the SITA has confirmed that there will be a closed door policy on their site meaning that the fast acting roller shutter doors will only be open when vehicles are accessing or leaving the waste reception building. No waste is tipped while the doors are open meaning that any vermin present in the waste transferred to the site will find it difficult to leave the building. The tipping hall floor will be regularly washed down and disinfected and active pest control will be employed on the site to control levels of vermin. There is to be no external tipping of waste.

On the GMBC site it is considered that the type of waste that will be deposited at the facility i.e. mostly dry bulky household waste is unlikely to attract vermin. However, all waste at the site will be stored in waste containers which will be emptied regularly with waste being removed from the site. Furthermore, active pest control will be employed across both sites to ensure that vermin do not become a nuisance on the site or within the surrounding area.

Given the above measures it is not considered that the proposed development will result in increased levels of vermin to the detriment of the area.

Noise

Objections were received on grounds of general noise nuisance that may result from the developments proposed.

One objection also suggested the following in relation to the WTS building proposed on the SITA site:

1. The building should at least have a double skin with a cavity in-fill and there are many products on the market to choose from.

The Local Planning Authority has discussed this suggestion with the applicant. In response the applicant has stated that the proposed building is required to be constructed to achieve the requirements of the Integrated Pollution Prevention Control Regulation (IPPC). IPPC is a regulatory system that employs an integrated approach to control the environmental impacts of certain industrial activities.

More specifically IPPCH3 regulates noise and vibration. IPPCH3 can be achieved through the use of single profile metal cladding (like that proposed in this application). Details of the proposed development's conformity with IPPCH3 and other noise regulatory systems is contained within the noise assessment submitted with the planning application (11/02076/FUL) which is discussed in more detail below.

2. The building will contain concrete push walls. We have received expert advice that if the push walls were extended to roof level they would provide good sound baffles. We are advised that a solid concrete wall is better than a single sheet construction.

The Local Planning Authority has discussed this suggestion with the applicant. In response the applicant has indicated that concrete push walls are used to demarcate separate areas of operation, without the need for additional ground works/foundations, thus maintaining a degree of flexibility within the working space. As the noise assessment that accompanies planning application 11/02076/FUL is considered to indicate an acceptable level of noise from the proposed development it is not considered necessary that the applicant includes full height walls within the proposed WTS building.

3. We have suggested that the proposed new building be re-sited and turned 90 degrees.

The Local Planning Authority has discussed this suggestion with the applicant who has offered the following response:

The option of rotating the building 90 degrees was considered during the outline

design stage of the process. Concept designs were developed to utilise existing structures, services, geotechnical and environmental requirements wherever possible.

The resulting layout was considered to achieve optimum space for the projected volumes of waste, to deal with the anticipated number of vehicle movements and the required manoeuvring space in a safe and efficient manner; this includes a one way flow of traffic in a clockwise direction.

If the building were rotated through 90 degrees all of the above items would be compromised resulting in a less efficient and potentially hazardous operation with multiple vehicle path crossovers within the building. It is considered that the size of the building would need to be increased in order to provide sufficient operational space. Furthermore this reconfiguration would result in the loss of the ad-hoc storage area since insufficient manoeuvring space would remain outside the building to facilitate safe and efficient operation of this facility.

Planning Application 11/02076/FUL (SITA UK) is accompanied by a detailed noise assessment which has been reviewed by the City Council's Executive Director of City Services: Pollution Control who has confirmed that the predicted noise levels from the site are considered to be acceptable and are unlikely to result in any unacceptable noise levels for near neighbouring properties and that the predicted noise levels from the site are within a range that suggest that complaints as a result of noise are unlikely.

The applicant has confirmed that the acoustic model used in the noise assessment of the proposed development incorporated all of the design elements of the proposal e.g. construction material, orientation of the building, use of plant and machinery, acoustic boundary treatments etc.

Furthermore, if Members are minded to approve this application a condition would be added to any approval granted for 11/02076/FUL requiring a further noise assessment to be undertaken once the site was operational to ensure that noise levels generated were not above guideline levels. In the event that noise levels were found to be too high, the condition would require the site operator to submit noise attenuation measures for the written approval of the Local Planning Authority and these would be required to be installed as approved and retained on site for the lifetime of the development.

Regarding planning application 11/01980/FUL (GMBC) it is acknowledged that the proposed development will result in changes to the layout of the site and the removal of a building which may offer some noise attenuation at the present time. Therefore should Members be minded to approve planning application 11/01980/FUL a noise assessment and noise mitigation measures (if determined to be necessary) will be required by condition in order to ensure that noise originating from the site does not create a nuisance for those occupying nearby dwellings.

Vibration

The proposed developments are not considered to incorporate any feature likely to result in any significant levels of vibration. The reports submitted to accompany the applications confirmed this and were accepted by the Executive

Director of City Services: Pollution Control. It is therefore considered that problems associated with persistent or high levels of vibration will not occur as a result of the proposed developments.

Litter

As required by the Environmental Permitting regime, both sites operate under a "Working Plan". This Working Plan states that it is the responsibility of site staff to monitor the sites for signs of escaping materials either from within containers or from vehicles delivering or removing materials to and from the site (note that all waste vehicles entering and exiting the SITA WTS must be covered or netted to prevent escape of waste and litter whilst it is in transit).

Any escaping material is swept and picked up from each of the yards on an ongoing basis in order to prevent escape of material from the sites. In the event that there is an escape of litter from the confines of the site and into the local environment, it is the responsibility of the site staff to arrange for litter to be picked up. Litter control for the two sites is therefore clearly within the remit of the Environmental Permitting regime which is controlled by the Environment Agency and subject to intervention by them. It is therefore not considered appropriate (if Members decide to approve this application) to add conditions designed to monitor and control potential litter from the site as it is considered that there are already sufficient and robust mechanisms in place to address this issue in the event that it becomes problematic.

Traffic Movements

Representations received state that Sunderland City Council have imposed planning conditions on the Campground site which restrict the passage of heavy goods and other waste vehicles through Springwell Village and that this restriction is to the detriment of those living in neighbouring locations like Wrekenton because heavy traffic and other waste transportation vehicles use routes through Wrekenton to avoid Springwell Village. Objections received also state that the predicted increase in vehicles to the SITA WTS will impact detrimentally on the local area through nuisance caused by increased traffic volumes.

As set out in the main report, the applicant conducted appraisals of five different route options for vehicles travelling to and from the Campground Waste Transfer Station. Details of the five routes that were appraised are set out below:

- **Route 1 (to west/south)** via Wrekenton Long Banks (B1295) and A1 interchange
- **Route 2 (to west/north)** via Wrekenton Long Banks (B1295) and Durham Road (A167)
- **Route 3 (to north)** via Old Durham Road (B1295), Sheriff Hill area of Gateshead
- **Route 4 (to east/south)** via Leam Lane (B1288) and Northumberland Way (A195)
- **Route 5 (to south)** via Springwell Village

In conducting the appraisals of the five different route options the applicant undertook an assessment of the surrounding local highway network and

considered the potential for interaction between site traffic and vulnerable road users, i.e. pedestrians and cyclists.

Each route was considered in terms accident data and in terms of the presence of the following features:

- Zebra Crossings
- Signal Controlled Crossing
- Non priority Controlled Crossing
- Signal Controlled Junction
- Carriageway Build Outs
- Schools
- Railway Line Crossing
- Non Designated on Street parking
- Bus Lanes/Cycle lanes

Following the assessment undertaken, the information submitted in support of the planning application concluded that large vehicles (loads of 7 tonnes or more) should use routes 1, 2 and 4. Conversely, routes 3 and 5 should not be used on the basis that these routes are less suitable for heavy traffic.

Executive Director of City Services: Network Management has examined both applications and considers that neither proposed development will create any conditions detrimental to highway safety or result in any adverse implications for traffic within the area. It was considered prudent however, to include a condition on any approval granted in connection with 11/02076/FUL to require heavy traffic using the Campground site to access and egress via routes 1, 2 and 4 as indicated in the planning application submission, whenever these routes are available for use.

It should also be noted that Gateshead Council were consulted regarding this application and raised no objections to it on traffic/highway safety or on any other grounds.

Damage to B1288

An objection received on behalf of those residing at Low Mount Farm stating that the existing level and weight of traffic travelling on the B1288 is causing and has previously caused damage to the concrete blocks which support the highway. (These concrete blocks are located within one of the paddocks at the farm). The objection states that this damage is causing the concrete blocks to deteriorate. The objection further states that:

“There is also the issue of our stable block which at over 150 years old sits under, and supports the road. An independent engineer's report voiced concerns over the lateral pressure placed on the building due to the number of HGVs. As many as 40 an hour on some days.”

Following consultation with the Executive Director of City Services: Network Management it is apparent that issues relating to impact of traffic using the B1288 highway and the associated impact upon Low Mount Farm has been the subject of going discussions with Sunderland City Council outside of the scope of this (any other) planning application. It would appear that the objection received refers to issues which have previously been raised with the Council.

The Executive Director of City Services: Network Management advises that within the Low Mount farmstead, a barn wall acts in support of highway land and this has been inspected by a Council engineer. It has been concluded, by the Council, following the inspection carried out, that there is no evidence of damage arising from exceptional weight of traffic using Springwell Lane.

Democracy and Representation

All four of the representations received refer to the consultation that has been carried out in connection with these two planning applications. One objection received states that:

“One of the biggest problems that continually blight the residents attempts at rectifying matters is that the planning applications to which I refer (i.e. those concerning Campground) must go via Sunderland City Council when in fact the people suffering from the detrimental impact of same are the people living in Wrekenton area hence they are constituents of Gateshead and not Sunderland. That said we are unable to gain any response to afford us full and frank consultation with Sunderland as we are repeatedly told that, as Gateshead constituents, Sunderland Council has no duty or responsibility to us”.

It is accepted that the proposed development sites are located within the administrative boundary of Sunderland City Council. It is also accepted that the site is located adjacent to the administrative boundary between Sunderland City Council and Gateshead Metropolitan Borough Council. However, members are advised that consultation regarding planning applications 11/01980/FUL and 11/02076/FUL was carried out in strict accordance with the provisions of the Town and Country Planning (Development Management Procedure) Order, 2010 and in accordance with Sunderland City Council's adopted policy on public consultation.

Public notices informing people of the planning applications were displayed at nine different locations around the application sites, eight of which were within the administrative boundary of Gateshead. Furthermore, 96 individual neighbour notification letters were sent to those living nearest to the site (clearly not every constituent of Gateshead can be sent an individual letter but those in closest proximity did receive such letters). A notice was displayed in the Sunderland Echo on the 8 August 2011 to inform people about the planning applications (once again the Local Planning Authority cannot cater for every individual's preference in relation to their preferred publication).

As a result of the consultation carried out by Sunderland City Council in connection with the planning applications a total of four letters of representation in objection to the proposed developments were received together with one petition. These representations have been publicly displayed on the Council's website for any interested party to examine. Furthermore the representations received are included as APPENDIX 1 of this report. Those who submitted individual representations were advised in writing of the time, date and venue for the Committee meeting and were advised of their right to speak at Committee.

It is therefore considered that consultation has been carried out correctly in connection with these two planning applications and that interested parties have been given the opportunity for full and frank consultation regarding the

applications. It is not accepted that Sunderland City Council has excluded residents of Gateshead or any other location from the planning consultation process, neither is it accepted that Sunderland City Council is

“trying to hide the true level of objection to the schemes”

as stated in one objection received.

Objections received also requested that the site be visited by Planning Officers and Elected Members. The Planning Case Officer accompanied by the City Council’s Environmental Health Officer visited the sites on 23 August 2011. Members will recall that they visited the site on 2 September 2011.

Drainage and Flooding

Objections to the proposed development have been received to the proposed developments on grounds that at the current time the sites create problems of flooding at Low Mount Farm. These objections have been addressed in the Supplementary Report to Members.

High Pressure Gas Pipeline

It is the responsibility of the developer to ensure safety on and around sites during demolition, site clearance and construction phases of development. In addition to the above the application has been processed through the health and Safety Executives PADHI+ system which has NOT advised against the development on the grounds of any nearby hazardous pipelines or installation.

Demolition

One objection received is concerned about the demolition of the existing incinerator building which is located on the SITA site. In particular the objector has concerns regarding the potential for pollution/contamination of the surrounding area from demolition works.

However, if Members are minded to approve the applications under consideration conditions will be attached to any approval granted requiring the submission of a scheme of demolition to be submitted to and approved in writing by the Local Planning Authority Prior to any works commencing on site. A further condition controlling the days and hours that demolition and construction works can take place on the site will also be attached to any approval granted.

It is considered that such measures are sufficient to address the concerns raised in relation to demolition works.

Previous Ombudsman Correspondence

One objection letter received had numerous correspondence concerning complaints to the Local Government Ombudsman attached as an appendix report. Although the content of this historic correspondence has been noted, complaints made to third party arbitrators concerning previous planning applications or issues on the applications site(s) cannot be considered as material to the consideration of these planning applications. The applications under consideration must be considered upon their own merits and determined based upon the information presented to support them.

Conflict with “Current Planning Approvals”

One objection received suggests that if the current proposals were to be

approved, they would be in conflict with other planning approvals on the sites. However, planning applications 11/01980/FUL and 11/02076/FUL are applications for new development of these sites. If approved, the sites will benefit from entirely new planning permissions for the development detailed in each respective planning application, with new conditions where these are deemed to be necessary.

Garaging of Vehicles

One objection received suggests that wagons left overnight on the SITA site should be garaged within the WRB to help minimise noise and also to deter “marauding vandals”. The objector also states that the ad hoc storage bays should be incorporated into the building to deter thieves and vandals.

For the purposes of clarification SITA has confirmed that 3 GMBC refuse collection vehicles and 2 articulated bulk carriers are currently stored overnight on site.

The Local Planning Authority has discussed the possibility of garaging these vehicles overnight in the proposed WRB with the applicant. The LPA were advised that because the refuse collection vehicles belonged to a third party (GMBC) the storage of such vehicles within the WRB is not considered to be practical. For example GMBC do not have waste collections on Saturdays, if the GMBC refuse collection vehicles were parked within the WRB at this time the area within the building would become unworkable. Furthermore the SITA UK Insurance and Risk Manager has confirmed that vehicles stored within WRBs are considered to pose an additional fire risk for insurance purposes. Such garaging of vehicles with the WRB is therefore not acceptable to SITA UK’s insurers.

The current proposed layout of the facility allocates an area adjacent to the west elevation of the waste reception building for overnight HGV parking. However, the applicant has agreed to relocate the proposed vehicle parking to the eastern elevation of the WRB furthest away from the nearest sensitive receptors. Should Members be minded to grant planning approval for ref: 11/02076/FUL a condition requiring the submission of a revised plan showing the relocated parking area to the eastern elevation of the WRB will be attached to any approval granted.

Regarding the objector’s reference to thieves and vandals accessing the site, SITA has confirmed that the site has a 24 hour security presence and a Closed Circuit Television System (CCTV) which will remain after the redevelopment of the site.

Previous Suggestions Regarding Site Layout by the Council’s Environmental Health Officer

One letter of objection received states that the Council’s Environmental Health Officer has, on previous occasions, suggested ways in which the Campground site might be redesigned. The comments referred to have been examined. However it is considered that these comments were made in response to consultation in connection with previous planning applications on the site. Any future proposals would be examined on their own merits taking into account a variety of mitigation measures available to the developer, these could include orientation and design of the building, and/or alternatively barriers or other mitigating factors deemed necessary to achieve the required levels.

Request for Public Meeting

One representation received requested that Gateshead Council and Sunderland Council agree to a joint meeting with a delegation of residents from the Wrekenton area to discuss SITAs planning application prior to Sunderland Council making its final decision and for Sunderland City Council to halt SITA's application until such a time as the requested meeting had taken place.

The request for a joint meeting was declined by the former Head of Planning and Environment. Planning application 11/02076/FUL had been lodged when this request was received and it was considered that the planning application process and associated consultation exercises were the appropriate mechanism through which interested parties could make representation about the application.

Increased Volumes of Waste

Representations received object to any increase in volumes of waste to be received by the waste sites.

It is unlikely that the redevelopment of the HWRC facility will attract increased volumes of waste due to the nature of the site serving the local population of the area.

However, SITA UK has confirmed that it is intended for the redeveloped site to handle up to 90 000 tonnes of waste per annum, the site currently handles up to 75 000 tonnes.

Members should note that there are two separate permitting regimes which govern waste facilities. The permission for land use is controlled through the Planning Acts by the Local Planning Authority and the permission for the waste operation is controlled by the Environment Agency through the issuing of Environmental Permits.

If planning permission is forthcoming on this site a variation to the existing Environmental Permit will be necessary and a new permit from the Environment Agency would have to be in place prior to any increased volumes of waste being received at the proposed development.

The waste operation is controlled by separate legislation requiring an environmental permit and government advice, under paragraph 22 of circular 1/95 The Use of Conditions in Planning Permissions, is that a planning condition limiting the throughput tonnage would not necessary where it is controlled by other more appropriate controls, in this case the terms of a revised Environmental Permit, and it would be *ultra vires* if the planning condition conflicted with the Permit.