

North Ferriby Parish Council (NFPC) strongly objects to Transwaste being given permission for 24 hour working across the whole site and this single objection applies to all of the 12 applications submitted 21/03247/CM, 21/03248/CM, 21/03249/CM, 21/03250/CM, 21/03251/CM, 21/03252/CM, 21/03253/CM, 21/03254/CM, 21/03255/CM, 21/03256/CM, 21/03257/CM, 21/03258/CM and 21/03268/CM.

The condition that the applicant is looking to overturn has been imposed to protect the amenity of neighbouring properties and residents in the vicinity of the site.

The applicant has previously had 24 hour working refused twice by EYRC Planning Committee on the basis of odour and noise nuisance and once on appeal by the Planning Inspectorate based on the loss of amenity due to noise disturbance.

In November 2019 the Planning Inspector's decision notice stated :  
*'The main issue is whether the condition is reasonable and necessary in the interests of the living conditions of nearby residents with particular regard to noise disturbance.'*  
and in refusing the appeal he found it was.

Despite several applications promising otherwise, the site has not made any substantial alterations to protect the local amenity from their activities, and for this reason alone and without detailed knowledge of the implications of the individual applications and entailed processes, all of the applications should be refused.

Examples of applications not fulfilled :-

- the applicant was instructed to arrange a local liaison committee in February of this year (Condition 9 of 20/03493 published 5<sup>th</sup> Feb 2021) to provide the opportunity to update progress on development. Despite local resident representatives being submitted to ERYC in March 2021 this liaison committee has not met at all – a failing on both ERYC part for not following up the Planning committees' instruction and by the applicant for not facilitating any meetings
- application for a 4 metre high noise reduction fence to the North of the site – 21 months after approval nothing has materialised

North Ferriby residents are on the receiving end of most of this site's transgressions, due to the prevailing wind and NFPC, whilst not a statutory consultee, must represent them in the strongest terms.

For many years the odour and noise from this site has plagued the residents of North Ferriby and Welton and this is also verified by the Environment Agency in their objection to increased operating hours.

From a practicality standpoint it is understood that enforcement is not applied whilst an application is pending. However, it could be contended that after 3 refusals and one withdrawn application for 24 hour working, these applications are just a ruse yet again to try and avoid enforcement. In the last 40 months, since 16 August 2018 when the first application to vary the operating hours was submitted, there have been 24 months when an application to vary this condition was pending – in fact the last application 20/03216/CM was withdrawn just before the committee date, preventing a decision being taken.

It is evidenced, through job adverts for night- shift workers that this site is in breach of the present planning permission. This eventually was accepted by ERYC, but not proactively addressed by Enforcement.

In response to questions from local residents, ERYC's Head of Planning and Development Management recently advised that the Planning Inspectorate refused the 24 hour appeal *"because the Inspector did not agree with securing noise mitigation by condition"* and in a separate email the same officer then stated that enforcement of conditions is discretionary, and therefore the conditions do not protect the residents' amenity in the East Riding.

NFPC have illustrated that the applicant has failed to meet the condition towards liaison, continues to provide substantiated noise and odour nuisance and ERYC Enforcement are not proactively addressing this site as instructed by Full Council (motion from Councillor Weeks in October 2019) and are taking "discretion" to the limit of reality and ignoring their own enforcement powers. Section 7.8 of the ERYC Planning Enforcement Plan (October 2019) states :

*'If an enforcement notice is already in place or if similar applications have already been refused we will consider using powers under Section 70C of the Town and Country Planning Act to decline to determine a submitted application.'*

NFPC request that elected members again send the clearest message to the applicant and refuse permission for 24 hour working across this site until all noise and odour reducing approvals have been completed and their impact assessed. Approval with conditions as proposed by ERYC Public Protection officers, with discretionary enforcement does not accord with the Planning Inspectorates direction and is therefore not acceptable.

North Ferriby Parish Council