

**DEVELOPMENT CONTROL AND REGULATORY BOARD****11 September 2025****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

**APP.NO. & DATE:** 2025/0195/04 (2025/VOCM/0027/LCC)

**DATE OF VALIDATION:** 4 March 2025

**PROPOSAL:** S73 planning application to vary condition 5 (increase in the deliveries of green waste); conditions 7 and 9 (to enable some final compost product to be taken/sold from site), condition 10 (to seek an increase in the volume of compost material processed on site) and condition 11 (hours of operation) of planning permission 2017/0467/04 for the proposed use of land for composting activities including storage of hardcore and compost related wastes together with the provision of landscaping bunds.

**LOCATION:** Glebe Farm, Glebe Lane, Sibson, CV13 6LD

**APPLICANT:** Moore Recycling Ltd

**MAIN ISSUES:** Intensification of activity; odour, noise, dust; highway safety

**RECOMMENDATION:** Approve application, subject to conditions

**Circulation Under Local Issues Alert Procedure**

Mr. J. Melen CC

**Officer to Contact**

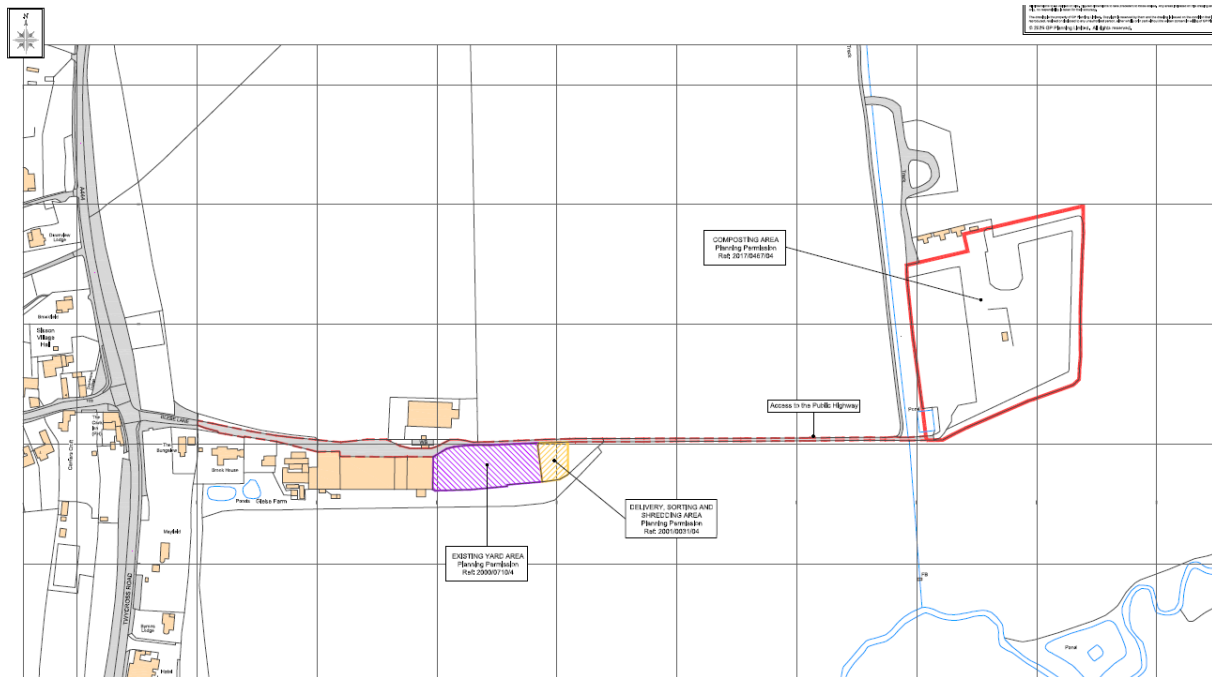
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## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. Glebe Farm is located to the eastern edge of Sibson and accessed directly from the A444. The site has been operating as a composting facility since 2001, accepting locally sourced green waste, wood waste and hardcore.



**Figure 1. Location Plan**

2. The complex comprises several agricultural buildings, a weighbridge with associated office and an area for the deposition of green waste and an area for the storage of wood waste.
3. Once green waste has been deposited, it is then transferred to the windrow composting area to the east of the site, approximately 420 metres (m) east from the cluster of farm buildings. This is accessed via the private track that serves the farm and comprises an area of open windrows of green waste to be composted, as well as a mobile screening / processing plant which sorts the waste brought to the site.
4. The windrow composting area is bound to the north, east and south by screening bunds, with a row of large, mature trees to the west.
5. The village of Sibson is located approximately 675m to the west of the windrow site.

### **Background & Planning History**

6. The site has been operating as a composting facility since 2001 and has been subject to several applications associated with the processing of green waste.

2001/0031/04 – Change of use of yard and agricultural land for composting biodegradable waste to use as soil improver/fertilizer.

2006/1187/04 – Certificate of lawful use for the storage of 2000m<sup>3</sup> of clean hardcore material for agricultural use at Glebe Farm, Sibson.

2007/0276/04 – Storage to a height not exceeding 3m of up to 2000m<sup>3</sup> of hardcore material for subsequent use for agricultural purposes within the agricultural holding.

2017/0467/04 – Proposed use of land for composting activities including storage of hardcore and compost related wastes together with the provision of landscaping bunds. This was a consolidation application of the 2001 and 2007 permissions and is the active permission for the site.

### **Description of Proposal**

7. The application seeks to vary five conditions of planning permission ref. 2017/0467/04 to allow for an increase in deliveries of green waste, permit sales of compost from the site, increase volumes of waste throughput and to increase hours of operation.
8. As permitted, condition 5 reads:

*Deliveries of compostable materials to the site shall be limited to a maximum number of 30 per week and subject to a maximum of 8 in any one day. Deliveries of hardcore material shall be limited to a maximum number of 30 per week. Records of daily lorry movements relating to these operations shall be maintained at all times and shall be made available for inspection by the Waste Planning Authority within 7 days of a written request.*

*Reason: In the interests of highway safety*

The applicant seeks to remove this condition to allow for increased deliveries of material to the site, stating that it is not reasonable to impose a specific limit on vehicle movements given seasonal fluctuations in throughput and thus, deliveries to site.

As such, the applicant requests that condition 5 is removed so that they can manage these seasonal fluctuations more effectively.

9. As permitted, conditions 7 and 9 read:

*(Condition 7)*

*Following the compost process the final product shall be used as a soil conditioner/fertiliser only within the land in the ownership of the applicant at Glebe Farm as shown within the solid blue line on the ownership plan dated 03/01/01' and submitted with application 2001/0031/04.*

*Reason: To safeguard the amenities of nearby residents and the rural environment and to ensure that the operations remain appropriate to its rural location.*

*(Condition 9)*

*No sales of compost or hardcore material shall take place from the site.*

*Reason: To safeguard the amenities of nearby residents and the rural environment and to ensure that the operations remain appropriate to its rural location.*

10. It is proposed that conditions 7 and 9 are merged into a single condition that reads:

*A maximum of 5000 tonnes per annum of composted material may be sold to commercial operators and there shall be no public sales of compost material at any time. Records of sales shall be made available to the Waste Planning Authority within five working days of such a request being made. All records shall be kept on site for at least 12 months.*

11. As permitted, condition 10 reads:

*The volume of compost materials being processed on site shall not exceed 1000 cubic metres. The hardcore stockpile shall not exceed 2000 cubic metres or 3 metres in height.*

*Reason: To ensure the stockpiles do not impact on the amenities of the local area and nearby residents.*

12. To allow for an increase in material throughput on site, it is proposed to vary condition 10 to read:

*The volume of compost materials being processed on site shall not exceed 4000 cubic metres and the volume of wood waste (natural/untreated) on site shall not exceed 1500 cubic metres. The hardcore stockpile shall not exceed 500 cubic metres or 3 metres in height.*

13. As permitted, condition 11 reads:

*No deliveries of compostable materials, hardcore materials, or shredding of such materials shall take place except between the hours of:*

*0800 and 1800 Monday to Friday; and  
0800 and 1630 on Saturday.*

*No deliveries or shredding shall be taken place on any Sunday, Public or Bank Holiday.*

*Reason: To safeguard the amenities of nearby residents and the rural environment.*

14. It is proposed that condition 11 is varied as follows:

*No deliveries of compostable materials, hardcore materials, or shredding of such materials shall take place except between the hours of: 07.00 to 18.00 Monday to Friday; and 08.00 and 16.30 on Saturday.*

*Other than deliveries of green waste arising under the Environmental Protection Act 1990 Section 51(1)(b) which may take place on Sundays or*

*Bank or Public Holidays between the hours of 08:00 to 17:00, there shall be no shredding or treatment of green waste on Sundays, Public or Bank Holidays.*

## **Planning Policy**

### **The Development Plan**

#### **15. *Leicestershire Minerals and Waste Local Plan (LMWLP) (adopted September 2019):***

- Policy W1: Waste Management Capacity
- Policy W4 Non-strategic Waste Facilities
- Policy W5 Locating Waste Sites
- Policy W6 Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting
- Policy DM1 Sustainable Development
- Policy DM2 Local Environment and Community Protection
- Policy DM5 Landscape Impact
- Policy DM7 Sites of Biodiversity/Geodiversity Interest
- Policy DM9 Transport by Road
- Policy DM11 Cumulative Impact

#### **16. *Hinckley & Bosworth Site Allocations and Development Management DPD (adopted July 2016)***

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM6 Enhancement of Biodiversity and Geological Interest
- Policy DM7 Preventing Pollution and Flooding
- Policy DM17 Highways and Transportation
- Policy DM19 Existing Employment Sites

#### **17. *Sheepy Parish Neighbourhood Plan (SPNP) (Made May 2022)***

- Policy S8 Design
- Policy S17 Rural Economy

## **National Policy**

### ***National Planning Policy Framework (2024) (NPPF)***

18.Paragraph 8 of the NPPF identifies the three overarching objectives to achieve sustainable development – economic, social and environmental. These objectives are interdependent and need to be pursued in a mutually supportive way so that opportunities can be taken to secure net gains across each of the different objectives.

19.Paragraph 47 – planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

20.Paragraph 201 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of

processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

*The National Planning Policy for Waste (NPPW) (2014)*

21. The NPPW sets out detailed waste planning policies and advises that when determining waste planning applications, waste planning authorities should (inter alia): only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan; consider the likely impact on the local environment and on amenity; and concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

National Guidance

*Waste Management Plan for England (WMPE) (2021)*

22. The WMPE sets out how material resources will be preserved by minimising waste, promoting resource efficiency, and moving towards a circular economy in England. It aims to bring current waste management policies together under one national plan.

Consultations

23. **Hinckley & Bosworth Borough Council (Planning)** – No objections.
24. **Hinckley & Bosworth Borough Council (Environmental Protection)** – No objection; comments received requesting that shredding of waste should not take place before 08.00.
25. **Lead Local Flood Authority** (Leicestershire County Council) – No comments.
26. **Highways Authority** (Leicestershire County Council) – No objections.
27. **Environment Agency** – No comments.
28. **Leicestershire County Council (Landscape)** – No comments.
29. **Leicestershire County Council (Public Health)** – No comments.
30. **Sheepy Parish Council** – Objections raised in regard to the development fundamentally altering the operative part of the extant planning permission; the proposal does not comply with policy S8 of the SPNP; increase in noise, dust and odour from operations; and impacts on highway safety.

31. **Mr Joshua Melen CC** – Has been notified of the application.

### **Publicity and Representations**

32. The application has been publicised by means of neighbour notification letters, a site notice and press notice, in accordance with the Council's adopted Statement of Community Involvement.

33. Thirteen representations have been received, which all object to the proposal. The issues raised include:

- Fourfold increase in compost processing and doubling of total waste volume represents transformation from rural enterprise to large-scale industrial operation.
- Concerns that the proposal is not a sustainable form of farm diversification.
- Increase in dust and noise from the processing and shredding operations on site.
- Increased pollution risk from odour and bioaerosols.
- Increase in number of flies from higher waste throughput
- Potential risk of pollution to nearby watercourse (Shenton Brook).
- Detrimental impact on adjacent conservation area and listed building (Cock Inn).
- Lack of supporting Environmental Impact Assessment (EIA).
- Detrimental impact on highway safety from increase in deliveries of material, particularly from HGVs entering and exiting onto the A444.

### **Assessment of Proposal**

#### **Principle of Development**

34. The development site has an established waste use that has been operational since 2001. The application seeks to vary conditions imposed by a previous planning permission, ref. 2017/0467/04.

35. Sheepy Parish Council has raised concerns in its representation that the proposed variation of conditions, to increase the throughput, deliveries and allow sales of material, will fundamentally alter the operative part of the 2017 permission referenced above.

36. The operative part of a planning permission is the specific description of the development that is being permitted. The description of development in application ref. 2017/0467/04 specifies the use of the land for '*composting activities including storage of hardcore and compost related wastes together with the provision of landscaping bunds*'. The restriction on deliveries, throughput and sales was imposed via condition rather than included in the description of development.

37. The application under consideration proposes changes to the limit on deliveries to the site, the volumes of annual waste throughput and to allow the sale of compost material off-site through the submission of a s73 application to remove / vary conditions 5, 7, 9,

10 and 11 of application ref. 2017/0467/04. Section 73 of the Town and Country Planning Act 1990 (as amended) allows planning permission to be granted for development of the same description as that which is already permitted but subject to different conditions.

38. The recent Court of Appeal decision in the case of *Test Valley Borough Council v Fiske* [2024] EWCA Civ 1541 supports the principle that Section 73 ('s73') applications can be used to amend conditions attached to an approved scheme, provided it would not conflict with the description of development permitted by the planning permission. The Court of Appeal confirmed that a s73 application allows for a range of alterations to a planning permission provided that the changes do not conflict with the operative part of the planning permission (i.e. the specific description of the development permitted). The *Fiske* case also confirmed that, provided that a s73 permission did not alter the operative part of the permission, there was nothing to suggest that conditions imposed under s73 might not have the effect of substantially or fundamentally altering the earlier planning permission.
39. The application does not propose a change that would conflict with the description of the development, nor does it prevent the approved development from complying with other planning conditions attached to the existing planning permission. Therefore, the Waste Planning Authority (WPA) considers that it does not change the basic principle of the permitted operations on site nor does it conflict with the operational part of the existing planning permission.
40. As such, the WPA considers that a s73 application to vary the condition(s) is appropriate and that the proposed changes will not fundamentally alter the operative part of the planning permission or conflict with the description of development.

#### Intensification of activity

41. The application seeks to increase the throughput of green waste at the site, increasing from 3,000m<sup>3</sup> per annum to 6,000m<sup>3</sup> per annum, equivalent to 40,000 tonnes of material.
42. Policy W1 of Leicestershire Minerals & Waste Local Plan (LMWLP) states that the County Council will make provision for a sufficient range of waste facilities within the county to effectively manage expected future waste requirements. Policy W4 supports the extension to windrow composting facilities, particularly where they are located on land with an existing waste management use (policy W5).
43. Representations have stated that the proposed s73 application represents a departure from agricultural activity and towards a more industrial use.
44. The application does not propose the erection of any additional structures or an increase in the windrow composting area, which is currently enclosed by existing screening bunds and landscaping. The intensification of activity would arise through an increase in waste throughput and vehicle movements at the site.

45. The characterisation of the proposal as representing a shift from rural diversification to industrialisation is misleading. The proposed changes are consistent with the principles of sustainable farm diversification. The site continues to serve an agricultural function by producing soil conditioner/improver and composting for use on farmland and compost for use by commercial landscaping companies. The increase in processing capacity reflects the growing demand for sustainable waste management and supports the circular economy by diverting green waste away from landfill, in line with the ambitions of the Waste Management Policy for England (2021). The visual and environmental impact of the site would be mitigated through landscaping, screening, and operational controls, ensuring that it remains appropriate to its rural setting.
46. Whilst there would be an increase in throughput, the built elements of the site would remain visually unchanged, as no new structures or extensions to existing processing areas are proposed. No additional waste types are proposed to be accepted and the increase in vehicle movements would not detrimentally affect the highway network or impact highway safety.
47. As such, the proposed increase in activity resulting from the variation of conditions 5, 7, 9, 10 and 11 is considered acceptable in maintaining a sustainable use on an existing agricultural site as well as ensuring sufficient future capacity for green waste at the site and maintains the continued use of an existing employment site.
48. The proposal therefore accords with policies W1, W4 and W5 of the LMWLP, policies DM1 and DM19 of the Hinckley & Bosworth Site Allocations and Development Management DPD and policy S17 of the Sheepy Parish Neighbourhood Plan.

#### Noise, Dust and Amenity

49. The application seeks an increase in the throughput of waste to the site. As such, there is the potential for an increase in noise pollution and dust arisings, particularly when shredding for wood waste is undertaken.
50. A key issue raised by objectors is the potential for increased noise pollution, particularly in relation to extended operating hours and the use of machinery such as shredders. It is important to clarify that the planning application does not propose unrestricted or uncontrolled noise-generating activity. Rather, it seeks a modest extension to operating hours to improve logistical flexibility, particularly during peak seasonal periods. The proposed changes include starting operations one hour earlier and allowing deliveries on Sundays and public holidays. These changes are not intended to facilitate continuous or high-impact activity during these times, but rather to spread vehicle movements more evenly and allow the applicant to deal with seasonal fluctuations.
51. Shredding of wood waste would not take place on Sundays or Public/Bank Holidays and Hinckley & Bosworth Environmental Protection have requested that shredding does not take place prior to 08.00am between Monday & Saturday. This is considered acceptable to limit potential noise impacts and can be controlled via condition.

52. Additionally, the site is subject to extant planning controls – namely conditions 13, 14 and 17 of planning permission 2017/0764/04 – which are considered appropriate in protecting the amenity of nearby residents in relation to noise, odour, dust, vermin and lighting from the site. It is not proposed to amend these conditions under the current proposals.
53. The WPA does not have any records of complaints related to noise, odour or vermin arising from the permitted operations on site.
54. In terms of nuisance dust arisings, the WPA has received two complaints related to dust from the shredding of wood on site – in April and May 2025 – and the applicant has submitted a dust management plan, in accordance with the requirements of condition 13 of planning permission 2017/0764/04. Since the submission of the management plan, and the implementation of the recommended suppression measures, the WPA has received no further complaints related to dust from operations on site.
55. Representations from local residents and consultees are noted. However, it is considered that the proposal can be undertaken within existing controls and subject to ongoing monitoring to address any amenity issues. As such, there is not sufficient concern to justify the refusal of the application.
56. The proposal therefore complies with policy DM2 and DM11 of the LMWLP.

#### Odour

57. The potential from an increase in odour from the composting activities, particularly when the windrows are turned – approximately once per week – is a significant factor in determining the acceptability of allowing an increase in waste throughput at the site. Objections received from consultees and residents to this effect have been received.
58. It is acknowledged that open windrow composting of green waste does generate odour as the material breaks down, particularly when the material is turned to allow proper aeration and decomposition.
59. The site is subject to appropriate planning controls relating to odour, namely conditions 13 and 17 of planning permission 2017/0764/04, which require the submission of a mitigation strategy and prevents the windrows being turned when the wind is blowing towards the village of Sibson. Hinckley & Bosworth Environmental Protection have not raised any objection to the application and consider that the extant planning controls are sufficient to manage nuisance odour on site.
60. One representation raised concerns about the potential for bioaerosols to cause pollution to nearby properties, with no appropriate assessment of their risks provided. Environment Agency (EA) guidance states that a Bioaerosol Risk Assessment is only required for permitting purposes where there is a workplace or a dwelling within 250m from a site. Additionally, it is noted that a standard EA rules permit includes a requirement that activities shall not be carried out within 250m of the nearest sensitive receptor. The 250m distance, is indicative of when standard rules are applicable for

acceptable environmental impact, considering proximity and the adequacy of controls for mitigation.

61. Notwithstanding the above, the nearest sensitive receptor to the proposal site is at the dwelling on the eastern edge of Sibson, at a distance of approx. 675m, where it is considered that the environmental impact would be acceptable.
62. Odour concerns raised by Ward Councillors, the Parish Council and in representations are noted. However, it is stated in para. 201 of the NPPF that the planning system should focus on whether the development is an acceptable use of land, and the impacts of those uses, rather than the control of the processes or emissions themselves, as planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
63. It is therefore considered that the variation of condition 10 to allow an increase in waste throughput would not give rise to an unacceptable level of odour or potential bioaerosol pollution; and that existing planning controls are suitable to manage the activities on site.
64. The proposal therefore complies with policy DM2 and DM11 of the LMWLP.

#### Traffic, Access and Parking

65. The proposed removal of condition 5, which limits the number of deliveries of waste, and the variation of conditions 7, 9, and 10 to allow sales of material and an increase in throughput would result in an increase in vehicle movements on site.
66. Currently, condition 5 limits delivery of material to the site to 30 per week for both compostable material and hardcore material, totalling 60 per week overall. The current daily average is 6 for each material type.
67. The application proposes to increase the number of deliveries to 45 HGV deliveries and 35 light van deliveries per week, totalling 80 overall. This represents an overall increase of 20 deliveries of material per week. The daily average of vehicle movements would be 9 for HGVs and 7 for light vans.
68. The applicant states that the number of movements is an overall average, and that there will be seasonal fluctuations in the delivery of material.
69. The application is supported by a Traffic Impact Assessment, which estimates an increase in vehicle movements of 9 HGV's and 7 light vehicles per day which demonstrates that the proposed increase in vehicle movements – averaged over the year – would not result in unacceptable congestion or safety risks. Additional information has been supplied, at the LHA's request, in relation to speed surveys and visibility splays at the site exit onto the A444.
70. It is important to note that the proposed increase is seasonal and not constant throughout the year. The site would also provide sufficient on-site turning and queuing space to prevent any obstruction of the highway. Although representations received

argue that current traffic levels are already unsafe, this is not supported by accident data, which shows no recorded incidents in the past five years.

71. The LHA has been consulted on the application and, whilst it acknowledges the increase in traffic and vehicle movements at the site, it does not consider that there is sufficient justification to refuse the s73 application on highway safety grounds. The proposal therefore accords with policy DM9 of the LMWLP and policy DM17 of the Hinckley & Bosworth Site Allocations and Development Management DPD.

#### Impact on Water Network

72. The site is subject to an Environmental Permitting, regulated by the Environment Agency, which among other matters, controls leachate from the windrows and water management. The EA has been consulted on the proposals and provided no comments on the variation of conditions. It is considered that the existing planning controls and the environmental permit are capable of managing any potential impact on the water network. The proposal therefore accords with policy DM2 of the LMWLP and policy DM7 of the Hinckley & Bosworth Site Allocations and Development Management DPD.

#### Other Matters

73. Some of the representations refer to the site collecting food waste in addition to green waste. This is not the case as the site only collects and processes green waste – such as grass and garden clippings; wood waste etc. Open windrow composting is not a suitable method for treating organic waste containing food.
74. As food waste requires a different processing method, namely enclosed 'in-vessel' composting to break down the material, this would represent a departure from the permitted activities and require the erection of new structures; likely requiring the submission of a full planning application.
75. A representation was made which stated that the proposal would have a negative effect on the value of the objector's home. The impact of development on property values is not a material planning consideration and therefore cannot form part of any assessment of this application.
76. Concerns have also been raised about the potential impact on local businesses and heritage assets, particularly the Cock Inn and the conservation area in Sibson. The site is already subject to planning controls related to noise and light pollution, including restrictions on operating hours and the use of shielding to minimise visual intrusion from the windrow composting area. There is no proposed change to the physical layout of the site and so its impact on the heritage assets in Sibson is not considered significant.
77. Some representations have suggested that the increase in activity at the site would deter the refurbishment of the nearby Cock Inn pub. However, this is not supported by evidence, and there are other factors involved in trying to bring closed facilities back into use.

## **Conclusion**

78. The application seeks to vary five conditions attached to planning permission ref. 2017/0467/04 to allow for an increase in deliveries of green waste, permit sales of compost from the site, increase volumes of waste throughput and to increase hours of operation.
79. The s73 application does not represent a fundamental shift from agricultural to industrial use. The site will remain visually unchanged, with no new structures or expansion of the composting area, and the proposed increase in throughput aligns with sustainable farm diversification and circular economy principles. The proposal does not alter the operative part of the 2017 permission and therefore, a s73 application is acceptable.
80. Policies W1, W4 & W5 of the LMWLP supports the extension – in throughput and activity terms – of windrow composting facilities such as the application site at Glebe Farm, particularly where they are located on land already in waste management use. Although no physical extension of the composting area is proposed, the intensification of activity within the existing footprint aligns with the intent of this policy, as it maximises the utility of established infrastructure without introducing new visual or environmental impacts, enabling sustainable management of current and future green waste arisings. Additionally, the production of compost material for agricultural use and for commercial landscaping use reinforces the principles of the above policies as well as sustainable farm diversification and ensures the site remains appropriate to its rural setting.
81. Representations made by residents and consultees have been carefully considered, but the submitted evidence and existing planning controls demonstrate that the proposal can be managed appropriately within the rural context. The site's distance from sensitive receptors, combined with operational controls and seasonal traffic patterns, ensures that the proposal does not give rise to unacceptable environmental or highway safety impacts.
82. The application is considered acceptable and in accordance with policies W1, W4, W5, DM1, DM2, DM5 DM9 and DM11 of the LMWLP, policies DM7, DM17 & DM19 of the Hinckley & Bosworth Site Allocations and Development Management DPD, the NPPF and the Waste Management Plan for England. It is therefore recommended that the variation of conditions 5, 7, 9, 10 and 11 of planning permission 2017/0467/04 be approved, subject to the continued application of existing planning conditions.

## **83. Statement of Positive and Proactive Engagement**

84. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations and consultation responses. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

**Recommendation**

85. PERMIT subject to the conditions set out in Appendix A.

**Officer to Contact**

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