

DEVELOPMENT CONTROL AND REGULATORY BOARD

15TH DECEMBER 2009

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

COUNTY MATTER

PART A – SUMMARY REPORT

APP. NO. & DATE:	2011/0499/04 (2011/C509/04) – 31 st May 2011
PROPOSAL:	Construction of a composting site including 4m high screening bunds, hardstandings, a composting building, a leachate lagoon and ancillary development; use of land for the purpose of windrow composting of waste
LOCATION:	Land off Fenn Lane, Fenny Drayton (Hinckley & Bosworth Borough)
APPLICANT:	Mr. Zeeshan Aslam
MAIN ISSUES:	Composting of waste, policy objectives for waste activities, traffic impact and highway safety, export of compost material, uncertainty about details of proposed development and environmental impacts.
RECOMMENDATION:	REFUSE on grounds of the proposed development not being in accordance with development plan policy relating to the location of waste management sites, and insufficient details being available to assess adequately the likely impacts of the proposal.

Local Issues Alert Procedure

Mr. I. D. Ould CC

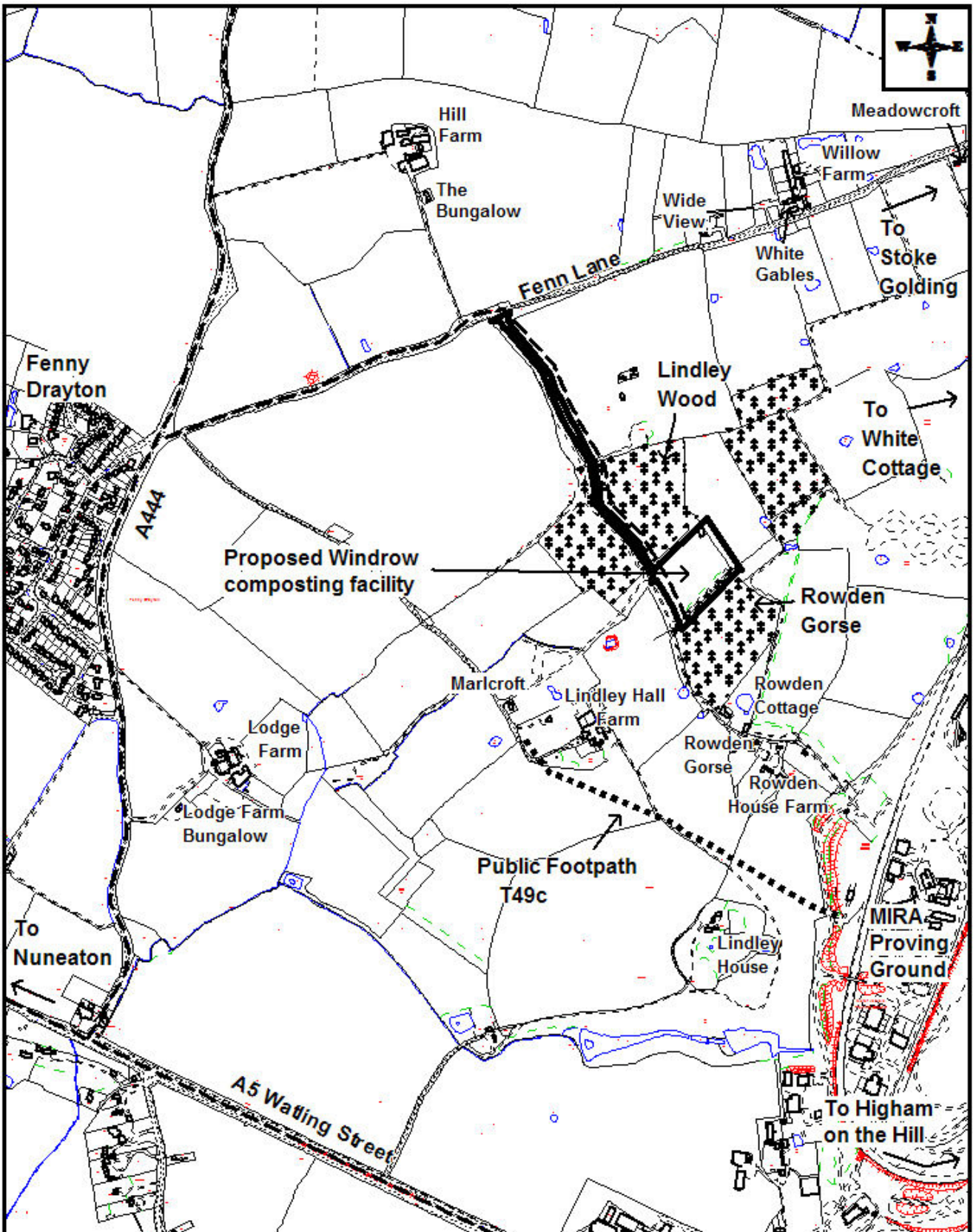
Officer to Contact

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PART B – MAIN REPORT

Location of Proposed Development

1. The application site is located on the south side of Fenn Lane, 7km north west of the centre of Hinckley. The village of Fenny Drayton is located approximately 1.2km west of the site. Stoke Golding is situated approximately 2.7km to the east. The site of the former RAF Nuneaton, now the Motor Industry Research Association (MIRA) vehicle proving ground, is located 700-1000m south and east of the site. The village of Higham on the Hill is approximately 1.7km to the south east, beyond the MIRA vehicle proving ground.
2. Access to the application site is via a partly hard-surfaced track off Fenn Lane. This track also serves a cluster of three properties situated south of the site and it is used occasionally by MIRA as an emergency access to the proving ground and an exit route in situations where MIRA's main access, which is off the A5, is blocked.
3. The area surrounding the application site consists largely of open countryside and smaller woodlands. The nearest residential properties to the site are:
 - Rowden Cottage, Rowden Gorse, and Rowden House Farm, which are located 220m, 270m and 325m respectively south of the application site and sharing the site access road onto Fenn Lane;
 - Lindley Hall Farm, approximately 270m south west of the site;
 - Marlcroft, approximately 390m south west of the site;
 - Lindley House – 600m south of the site;
 - Wide View, White Gables, Willow Farm and Meadowcroft, all located on Fenn Lane, between 630m due north and 950m north east;
 - Rowden Lodge – 930m southwest of the site
 - Hill Farm and The Bungalow, 900-1000m north-northwest;
 - Lodge Farm and Lodge Farm Bungalow, 1000-1100m south west;
 - White Cottage, Stoke Road, off Fenn Lane, approx. 1150m north east.
4. Properties within the settlements of Fenny Drayton, Higham on the Hill and Stoke Golding are located at distances of at least 1.2km, 1.7km and 2.7km respectively from the site.
5. The application site is located between two areas of woodland, known as Lindley Wood (north of the site) and Rowden Gorse (south of the site). To the east of the site lies one agricultural field with a third area of woodland (Ashpole Spinney) beyond. Apart from these, the area around the site is largely flat, open countryside which is in agricultural use.



- Proposed traffic routes to the site
- ▣ Areas of Woodland

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APPLICATION No. 2011/0499/04

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2011/0499/04 (2011/C509/04) - continued

6. The woodland areas at Ashpole Spinney (north east of the site), Rowden Gorse (south), and the south western section of Lindley Wood are covered by County Council Tree Protection Orders (TPOs). In addition, two narrow stretches of woodland along Fenn Lane, between the junction with the access track and the property known as Wide View, are subject to County Council TPOs.
7. There are no public rights of way in or adjacent to the application site. The closest footpath is T49c, leading from west of Lindley Hall Farm in a south-easterly direction to the edge of the MIRA vehicle proving ground. At its closest point, this footpath is approximately 400m from the southern corner of the application site.
8. The application site is a flat and rectangular piece of land measuring approximately 170 x 130 metres. The site access point is on the south-eastern side, close to the southern corner, and is currently secured by a single boom barrier. One derelict brick building is located in the northern corner of the site. At a site visit in 2008 it was observed that loose hardcore had recently been spread over part of the area. The north western, south western and south eastern site boundaries (as well as a short section of the north eastern boundary) are marked by soil bunds, varying between about 1.5 metres and 2.5 metres in height. The self-seeded vegetation which had previously covered the bunds has been removed, possibly during the summer of 2011. An irregularly spaced row of mature trees is located along the north eastern site boundary.

Planning History

9. The site consists of brownfield land which in the 1940s was used in connection with the former RAF Nuneaton, but is currently a vacant site. During intermittent visits to the site, it was observed that a crop sprayer and a 360 degree tracked excavator were parked on the site.
10. In August 2008, the applicant submitted a planning application under reference 2008/0899/04 (2008/C337/04). The proposed development, described on the application form simply as a "composting site", consisted of the importation to the site of waste materials of various types, both solid and liquid in nature. Waste materials would be shredded (if applicable) and mixed on site, placed in windrows for a period of time, before being taken off-site. The application stated that the product of the composting facility would be utilised as a soil improvement product. The application stated that when working at maximum capacity, the site should be able to receive, process and recycle some 70,000 tonnes of waste per annum.
11. The application was to be reported to February 2009 meeting of the Development Control and Regulatory Board with an officer recommendation for refusal. In light of the officer's recommendation, the applicant decided to withdraw the application in advance of the Board meeting, but advised that it

2011/0499/04 (2011/C509/04) - continued

would be re-submitted in due course. The County Planning Authority subsequently advised the applicant of the additional information which should accompany the re-submitted application. This included:

- Sources of waste;
- Types of waste (EWC classification);
- Traffic impact;
- Destination of final product after composting
- Details of screening bunds
- Additional information about the development as listed under the headings in Policy WLP 6 of the Leicestershire, Leicester and Rutland Waste Local Plan and Box 1 (referred to in Policy WDC14) of the Leicestershire Waste Development Framework (insofar as they are applicable to the proposed development).

12. In July 2009, a second planning application was submitted under reference 2009/0592/04. The nature of the proposed development was largely similar to the first proposal, except for minor amendments to the site layout and a smaller range of waste streams proposed to be treated. The second application stated that the facility would *“produce high quality compost that is suitable for use as a soil conditioner for agricultural land”*. The waste types to be treated at the facility included wood waste, MDF, chipboard, green waste, waste pallets and packaging, clay slurries, horticulture waste, “other mineral wastes” and a variety of liquid and sludge wastes. These wastes were to be obtained from a variety of sources, including Material Recycling Facilities (MRFs), timber manufacturers and Civic Amenity sites. In addition, the application stated that tenders would be submitted to local authorities for the composting of wood and green waste.
13. The application stated that the bulk of the treated waste would be offered to local farmers and applied to farm land within a 5 mile radius of the site.
14. During an inspection of the application site in September 2008 it was noted that a number of screening bunds had been constructed along the north-western, south-western and south-eastern boundaries. In addition, considerable amounts of inert waste (consisting mainly of bricks and rubble) had been deposited at the site and graded out and compacted to form a flat base. The construction of the bunds and the depositing of waste at the site constitute unauthorised development, which was possibly undertaken in anticipation of a grant of planning permission.
15. During the summer of 2009, the County Council received several reports about unauthorised waste tipping at the site, including allegations that the waste materials deposited at the site contained asbestos. During a joint site inspection with the Environment Agency, samples of waste material from parts of the site were taken by the Environment Agency for analysis, which subsequently confirmed that the deposited waste did contain localised hotspots of asbestos contamination.

2011/0499/04 (2011/C509/04) - continued

16. At its meeting in November 2009, the County Council's Development Control and Regulatory Board refused the second planning application on the following grounds:
- i. The site is outside the preferred location set out in Policy WCS3 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies and it has not been sufficiently demonstrated that a rural location is necessary for this proposal in terms of its lower order sequence as set out in Policy WCS4.
 - ii. In the absence of any justified overriding need or demonstrable lack of more suitable alternative locations, the proposed development constitutes an unwarranted development in the countryside. As such the proposal is contrary to Policy WDC5 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies and Policy NE5 of the Hinckley & Bosworth Local Plan.
 - iii. Insufficient and conflicting information has been provided relating to waste operational methods, waste types, the adequacy and capacity of the site and the handling and disposal of the finished product in order to assess adequately the impact of the proposed development. Having regard to the objectives of sustainable waste management the proposal is contrary to Policy WDC14 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies.
 - iv. In the absence of the provision of improvements to the vehicle access onto Fenn Lane in the form of increased visibility splays, the development would result in increased dangers to the users of the highway, contrary to Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies.
17. The applicant subsequently submitted a planning appeal against the refusal. The appeal was dismissed in November 2010. The Inspector considered that, in the context of Policy WDC5 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies, an overriding need at the proposed location has not been demonstrated, and added that his conclusions were reinforced by the uncertainties surrounding the proposal in terms of odour emissions.

Description of Proposal**Site access**

18. The site would be accessed via an 800 metre long access track which joins Fenn Lane at a point approximately 780 metres east-northeast of the junction of Fenn Lane and the A444 and 70 metres east of the access to Hill Farm, which is located on the north side of Fenn Lane. Long sections of the access track are unmetalled, but part of it is surfaced using concrete elements and some tarmac areas.

2011/0499/04 (2011/C509/04) - continued

19. As the track is not wide enough for two HGVs to pass each other, it is proposed to incorporate seven passing points at various points along the track, including one at the junction with Fenn Lane.
20. The application is accompanied by a Highway Statement which includes a drawing showing visibility splays at the junction of the access track with Fenn Lane. However, in November 2011 the applicant submitted a revised drawing of the access track junction.
21. The revised drawing shows a proposed horizontal realignment of the carriageway of Fenn Lane between a point approximately 150 metres southwest of the access track junction to a point approximately 110 metres northeast of the junction. The applicant proposes to realign the carriageway of Fenn Lane to the north compared with its existing layout, and to modify the junction of the access track so that it would incorporate kerb radii of 10m at the eastern edge and 15m at the western edge and push the give-way line outwards in order to avoid existing visibility obstructions. In addition, the drawing refers to a 2.4m by 160m visibility splay to the northeast from the junction. The applicant has confirmed that the application is relying on the details and visibility splays submitted in November 2011. No supporting information relating to the proposed realignment of Fenn Lane has been submitted.

Proposed buildings and infrastructure

22. It is proposed to increase the existing screening bunds along the south-western and south-eastern site boundaries to a height of 4 metres and a width of 14m at their base, with sides sloped at a ratio of 1 in 1.5 and a 2m wide flat crown. The south eastern bund would be 121 metres long. The south western bund would be "L" shaped, extending along the south western site boundary at a length of 124 metres with a section of approximately 72 metres past the site entrance. To achieve this, the existing bund along the northwestern site boundary would be removed and the material used in the construction of the remaining two bunds.
23. The applicant advises that the total volume of material in the three existing bunds is not sufficient to increase the southwestern and southeastern bunds to the dimensions described above, and that it would therefore be necessary to import an additional 7700 m³ of material such as crushed bricks and soils. These materials would be brought to the site during the preparation stage. The applicant advises that the material "would be sourced locally from uncontaminated sources" and "be subject to scrutiny by the Environment Agency". No information has been submitted about the likely sources of the material or the nature of scrutiny by the EA. The Supplementary Report to the Transport Assessment (submitted in September 2011) estimates that site construction traffic would include 616 vehicle trips associated with the importation of 9558 m³ of material for the formation of environmental screening bunds.

2011/0499/04 (2011/C509/04) - continued

24. A weighbridge and wheel wash would be located near the site entrance. Adjacent to the weighbridge, a site office/weighbridge building would be installed. This would consist of a Portakabin-type building measuring 5.8m long x 2.2m wide x 2.1m high.
25. It is proposed to erect a steel framed portal building with corrugated sheet metal cladding. The building would measure 70m x 32m, with a height above ground of 6.5m to the eaves and 10m to the ridge, inside which the waste would be formed into windrows and where the main composting process would take place. Access to the building would be via two roller shutter doors on the north-western elevation, each 6m wide and 6m high. In addition, the building would have six standard size doors, two on the south east facing elevation and four on the north west facing elevation. Two of these would be incorporated as 'wicket doors' into the roller shutter doors, with the rest acting as emergency fire exits.
26. The applicant advises that the large roller shutter doors on the main entrances to the building would remain open during operational hours and would be shielded internally by PVC strip curtains in order to maintain a barrier to fugitive emissions and noise.
27. Two concrete pads would be constructed on the site. Both would be located to the north west of the proposed waste composting building. The waste reception area would measure 20m x 30m. Adjacent to this would be a compost maturation area measuring 40m x 50m. Both areas of hardstanding would drain into a drainage ditch, which would lead to a leachate storage lagoon on the west side of the compost maturation area. The Leachate storage lagoon would measure 10m wide x 15m long x 1m deep, giving it a capacity of 150m³.
28. A storage container would be situated adjacent to the leachate storage lagoon. A rainwater harvesting tank and a storm water attenuation tank are proposed to be installed adjacent to the southwestern elevation of the waste composting building. The Operational Plan submitted in November 2011 shows a 100mm discharge pipeline connecting this tank via a trapped gulley to an outfall to an existing drainage ditch outside the site perimeter, on the west side of the access track.
29. The drawings submitted with the application also show a set of five car parking spaces in the southern part of the site, adjacent to the proposed screening bund and approximately 30m southwest of the site office building. The application describes the car parking spaces as each measuring 2.5x4.8m and being of tarmac construction. The application does not give any indication of how the remaining parts of the site would be surfaced (with the exception of the waste reception area, the waste composting building and the compost maturation area, all of which would be constructed as concrete hardstanding).

2011/0499/04 (2011/C509/04) - continued

30. The supporting statement submitted with the application states that the majority of waste is expected to be sourced “from the applicant’s skip hire business from within a 20 mile radius of the composting site location”, and that “the main sources of waste will be transported [*sic*] from mainly within the Nuneaton and Leicestershire area”. According to additional information submitted in September 2011, the materials to be brought to the site would come from the applicant’s existing waste transfer station in Nuneaton, whereas “the original source of wood and garden waste would generally be within Leicestershire in close proximity to Nuneaton”. All waste sorting would be carried out at the Nuneaton waste transfer station. The additional information submitted in September 2011 also states that “third parties would not be delivering waste to the proposed development”.
31. According to the application, the “typical” waste stream to be treated at the facility would include wood waste, MDF, chipboard and off-cuts, green waste from landscaping, broken wooden pallets, packaging and horticulture waste. A list of EWC (European Waste Classification) codes of the wastes to be treated at the proposed facility has been submitted with the application.

Proposed waste management operations

32. Vehicles would enter the site from Fenn Lane via the access track. Once inside the site, they would pass a weighbridge before tipping material in the waste reception area. Incoming waste materials would be checked visually for compliance with their description on the waste transfer notes, and to ensure that the waste can be accepted under the site’s Environmental Permit. Any waste not corresponding with the transfer notes would be rejected, loaded onto the delivery vehicle and removed from the site immediately. A detailed record would be kept in the site log of waste deliveries found to be incorrectly described in waste transfer notes or not in accordance with the Environmental Permit.
33. The application states that the following waste materials would not be accepted at the site:
- Hazardous Waste
 - Liquids or sludges or mixtures of liquids and sludges
 - Animal by-product waste as described in the Animal By-Product Regulations 2005
 - Waste deliveries which contain greater than 2% by weight of contaminated materials
 - Kitchen and food wastes.
34. Once the waste has been inspected, the applicant proposes to separate wood waste from other waste types and shred any wood to 20mm in size before mixing it with other green waste. The resulting waste mix would then be moved into the main composting building using a front-end loading shovel and placed in windrows.

2011/0499/04 (2011/C509/04) - continued

35. The windrows would be turned at regular intervals (the applicant advises that this would occur once per day) to maintain optimum aerobic composting conditions. After each one week period, each windrow would be moved to the area previously occupied by the adjacent windrow, and the final windrow within the building would be moved to the external compost maturation area. The applicant advises that the maturation area is sufficient in size to accommodate compost transferred to it for a three month "maturation" period.

Proposed use of finished product

36. Following maturation, the compost would be taken off site for use as a soil conditioner on agricultural land. The bulk of the completed product would be offered to local farmers on a first come, first served basis. The application states that the nutrient requirements of the agricultural land would be matched with the nutrients provided by the finished material, as determined by soil and compost analysis, and that the majority of compost would be provided to farm land within an 8km (5 mile) radius of the composting site.
37. The application states that the working procedures for the facility would be in line with the Composting Association's (now known as Association for Organics Recycling) regulations and standard guidelines for best practice, and that *"the operator's aim is to work towards eventual PAS100 accreditation"*.

Number of staff

38. There would be four people directly employed at the site, comprising one site manager, one plant operator, one driver and one weighbridge/site clerk. The applicant estimates that the site would generate further indirect employment in support operations.

Operating Hours

39. It is proposed to operate the site between the hours of 0700 and 1700 Monday to Friday and 0700 to 1700 on Saturdays, with no working taking place on Sundays or Bank Holidays "unless in exceptional circumstances and agreed in writing with the planning authority".

Plant and Machinery on site

40. The construction of screening bunds would be carried out using a bulldozer and a hydraulic excavator. The operation as a composting site would involve the use of a shredder and a loading shovel. The shredder would be located in the waste reception area in the northern corner of the site. The application states that other plant or machinery may be commissioned on a temporary basis as required and that the planning authority would be notified if additional plant are to be used temporarily at the site.

Vehicle Traffic

41. The operator has provided a calculation of anticipated vehicle movements relating to the import and export of material. The operator estimates that an annual throughput of 10,000 tonnes would, based on an average load of 10-15 tonnes, equate to a total of 800 deliveries per annum (incorrectly referred to in the application as 800 *vehicle movements*). Assuming operations taking place during 50 weeks per year, this would equate to an average figure of 16 deliveries, or three per day.
42. Notwithstanding this average figure, the application is seeking a higher limit on deliveries of 20 vehicle movements per day (10 deliveries plus 10 empty return journeys) in order to allow some flexibility at peak times, although it is anticipated that the site would operate at a lower level on average throughout the year.
43. Composted waste would be exported from the site using a tractor and trailer to agricultural fields where it would be deposited for spreading. The applicant estimates that the export of waste would give rise to an average of 1 to 2 deliveries per day, but for flexibility reasons seeks a limit of 10 vehicle movements per day (5 trailers out plus 5 back).
44. With respect to construction traffic, the applicant estimates that during the period of site construction, the highway statement submitted with the application calculates that site construction would account for 3,064 vehicle movements over a construction period of 24 weeks. This would equate to an average of about 128 vehicle movements per week. At peak periods during the construction schedule (in week 4), about 342 vehicle movements per week are expected.

Planning PolicyNational Guidance

45. Planning Policy Statement 1 (PPS1) *Delivering Sustainable Development* sets out the overarching planning policies on the delivery of sustainable development through the planning system. PPS1 relates to both the preparation of spatial plans, which underpin the decision-making process, and to individual planning applications.
46. The December 2007 Supplement to PPS 1 *Planning and Climate Change* sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. In relation to planning applications, the Supplement states that "*applicants for planning permission should consider how well their proposals for development contribute to the Government's ambition of a low-carbon economy and how well adapted they are for the expected effects of climate change.*"

2011/0499/04 (2011/C509/04) - continued

47. PPS4 *Planning for Sustainable Economic Growth* sets out the Government's objectives for achieving sustainable economic growth, which include (inter alia): to build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural; to deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change; and to promote the vitality and viability of town and other centres as important places for communities.
48. PPS7 *Sustainable Development in Rural Areas* sets out the Government's objectives for rural areas, including raising the quality of life and the environment in rural areas through (inter alia) good quality, sustainable development that respects and, where possible provides continued protection of the open countryside, and sustainable economic growth and diversification. It seeks to promote more sustainable patterns of development: by focusing most development in, or next to, existing towns and villages; preventing urban sprawl; discouraging the development of 'greenfield' land, and, where such land must be used, ensuring it is not used wastefully. Good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies.
49. Government advice on planning and waste management is set out in the Waste Strategy 2007 and Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management. The Waste Strategy was published in May 2007 and updates the earlier Waste Strategy 2000. It describes the need for a significant change in the way in which waste is managed to reduce the amount that is taken to landfill and to promote the recycling and re-use of materials. The Strategy sets a target to recycle or compost at least 40% of household waste by 2010, 45% by 2015 and 50% by 2020 and to recover 53% of municipal waste by 2010, 67% by 2015 and 75% by 2020. The Government therefore encourages efforts to reduce waste and substantially increase re-use, recycling and composting.
50. PPS10 provides advice about how the land use planning system should contribute to sustainable waste management through the provision of the required waste management facilities in England. It continues to promote sustainable development and the waste hierarchy of reduction, re-use, recycling and composting and energy recovery, with disposal as the last option. It also explains the relationship between the planning and pollution control regimes.
51. PPS23 *Planning and Pollution Control* also states that the planning and pollution control systems are separate but complementary, and that the planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. It advises that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced, and they should act to complement but not seek to duplicate it.

2011/0499/04 (2011/C509/04) - continued

52. On 25th July 2011 the Government published its draft National Planning Policy Framework, which seeks to reduce the amount of national policy in order to make the planning system less complex, more accessible and to promote sustainable growth. The draft document would replace 47 existing guidance documents (with the exception of PPS10 – waste management), and states that there will be a presumption in favour of ‘sustainable development’. The consultation on the draft document ended on 17th October 2011. Whilst the draft document is a material consideration, it is considered that only limited weight should be attached to it at this stage.
53. The Development Plan in this instance comprises the East Midlands Regional Plan, the Leicestershire Waste Development Framework (Core Strategy and Development Control Policies), the Hinckley & Bosworth Local Development Framework Core Strategy, and saved policies from the Hinckley and Bosworth Local Plan. In addition, selected policies from the Leicestershire, Leicester and Rutland Waste Local Plan were saved by direction of the Secretary of State and have not been superseded by policies in the Waste Core Strategy.

Regional Policy

54. The current Regional Spatial Strategy for the East Midlands (RSS8) was published in March 2009 as the East Midlands Regional Plan. It provides a broad development strategy for the East Midlands up to 2026, setting out the regional guidance for development in the East Midlands and applying the general principles for sustainable development which are contained in national guidance. A partial review of the plan was launched in June 2009, which focuses on housing provision in the region during the plan period and beyond.
55. The Regional Core Objectives set out in the Plan (*Policy 1*) include the protection and enhancement of the environment by reducing the amount of waste produced and increasing the amount recycled or otherwise beneficially managed. Additionally, one of the objectives is to reduce the causes of climate change by minimising emissions of CO₂ in order to meet the national target through: maximising ‘resource efficiency’ and the level of renewable energy generation; maximising best use of existing infrastructure; promoting sustainable design and construction; and ensuring that new development, particularly major traffic generating uses, is located so as to reduce the need to travel, especially by private car.
56. The Plan also sets minimum targets for the recycling and composting of municipal solid waste. Detailed policies are to be developed through the Regional Waste Strategy (RWS), which is to be based on the following principles:
- Working towards zero growth in waste by 2016;
 - Reducing the amount of waste sent to landfill;
 - Exceeding government targets for recycling and composting to achieve levels of current best practice; and
 - taking a flexible approach to other forms of waste recovery on the basis that technology in this area is developing very quickly.

2011/0499/04 (2011/C509/04) - continued

57. Whilst not part of the Development Plan, the East Midlands Regional Waste Strategy is a material consideration and *Policy 1.7* states that Waste Development Plans should allocate specific sites for a range of types and scales of waste management facilities, with such sites being assessed against the following criteria:
- Proximity to existing or major new or planned developments;
 - Good transport connections, with preference given to rail and water;
 - Compatible land uses including active mineral sites, previous or existing industrial land use, contaminated or derelict land, land adjoining sewage treatment works; and
 - Locally based environmental and amenity criteria.

Local Policies

58. The County Council (in conjunction with Leicester City Council) is preparing its Waste Development Framework (WDF), which replaces the previous Waste Local Plan. The Core Strategy and Development Control Policies document was adopted by the County Council in October 2009.
59. *Policy WCS3* of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies states that strategy for non-strategic waste sites is to locate them in the following areas, taking into account the principles set out in *Policy WCS4: Waste Location Principles*:
- (i) in the Broad Locations indicated in the Key Diagram,
 - (ii) in or close to the main urban areas of Hinckley or Melton Mowbray;
 - (iii) within sustainable urban extensions;
 - (iv) within or adjacent to an existing waste facility.
- Where it can be demonstrated that a more dispersed location outside the above areas is necessary, locations in smaller settlements or rural areas will be considered subject to the principles set out in *Policy WCS4*.
60. *Policy WCS4* contains the strategy for locating waste sites, including a sequential approach for their location. The policy gives the highest priority to locations on land with an existing waste management use where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities. *Policy WCS5* states that the strategy for re-use, recycling, waste transfer and composting facilities is to allow new waste management development, provided the proposal does not cause unacceptable harm to the environment or communities.
61. *Policy WCS10* sets out the strategy for environmental protection, which aims to protect the natural and built environment by ensuring that no unacceptable impacts arise from development. *Policy WCS14* states that the strategy for the transportation of waste is to locate new waste developments in close proximity to arisings in order to minimise the need to transport waste, in close proximity to the County's lorry route network, and in locations where rail or water transport could be secured for the movement of waste in order to maximise the potential to use alternative transport.

2011/0499/04 (2011/C509/04) - continued

62. *Policy WDC5* states that planning permission will not be granted for waste management development in the countryside, unless it can be demonstrated that the development is such that it cannot be accommodated in urban areas; there is an overriding need for the development; and that the landscape character of the area will not be harmed. *Policy WDC8* presumes against waste management development which is likely to generate significant adverse impacts from noise, dust, vibration, odour emissions, illumination, visual intrusion or traffic. *Policy WDC14* states that applications for waste management development should be supported by sufficient plans, drawings and details.

Saved Policies of the Hinckley & Bosworth Local Plan

63. *Saved Policy NE5* aims to protect open countryside for its own sake and states that permission will be granted for development in the countryside if the development is important to the local economy and cannot be provided in or adjacent to an existing settlement, provided it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings, where necessary is effectively screened by landscaping or other methods, and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.
64. *Saved Policy NE14* presumes against development which will adversely affect the water quality and ecology of watercourses and groundwater resources. *Policy T11* states that proposals for development likely to generate significant traffic flows, especially heavy goods vehicles, should not have a detrimental effect on the local traffic situation. Where this may occur, developers should provide a Traffic Impact Assessment of their proposals at the application stage.

Consultations**Hinckley and Bosworth Borough Council (Planning)**

65. Objects to the proposal, as it is considered that this revised submission does not address the previous objections raised. Furthermore the proposed development at the nearby MIRA site should be fully considered in the assessment of this application.

Hinckley and Bosworth Borough Council (Environmental Health Officer)

66. Comments that the construction of the noise bunds is predicted to give rise to the greatest noise impact. However, the predicted noise levels fall within current guidance for noise from construction sites. The noise associated with the construction phase would be of a relatively short duration. The predictions show that noise from the proposed operation would be of marginal significance under BS4142. With regard to dust, the EHO recommends that the dust action plan detailed in the Supporting Statement should be implemented and a review process should be included in the scheme:

Witherley Parish Council

67. Objects to the proposal on the following grounds:

- Given the site's remoteness from any larger urban area, and the transport consequences that stem from this, it is considered that the proposal would not be in the right place and the application is contrary to the advice provided in PPS10.
- The proposal would have a detrimental impact on the surrounding environment. Given the lack of detail provided on the process to be carried out, together with the fact that this is not the right location for this use, the proposed facility would give rise to significant pollution concerns and therefore is contrary to PPS23.
- The site does not meet the requirements of Policy WCS4 of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies.
- The potential environmental effects of the proposal would be detrimental to the amenity of the area and the local community, contrary to policies WCS5 and WCS10 of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies.
- Due to its remote location, the proposal would be contrary to policy WCS14 of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies, which aims to locate new waste developments in close proximity of arisings in order to minimise the need for transport.
- The proposal does not meet the criteria set out in Policy WDC5 of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies, insofar as an overriding need for the development has not been demonstrated.
- The proposal is contrary to Policy WDC8 of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies, which presumes against waste management development which is likely to generate significant adverse impacts from noise, dust, vibration, odour emissions, illumination, visual intrusion or traffic.
- The cumulative effect of the buildings and hardstanding on the site would have a detrimental impact on the visual amenities of the area, contrary to the requirements of Policy NE5 of the Hinckley & Bosworth Local Plan.
- The proposed development includes the erection of a composting building measuring 70m x 32m x 10m high. The supporting statement states that the visual impact of the proposed composting facility "is deemed to be of low significance" due to the location being well screened by surrounding woodland. No evidence has been provided to demonstrate that the proposed building would not have an adverse impact on the local landscape.

2011/0499/04 (2011/C509/04) - continued

- The application states that local farmers have expressed an interest in taking composted material from the facility, should it be of acceptable quality. However, no written confirmation has been provided to support this statement. The Parish Council therefore considers that the applicant has not demonstrated or indeed justified the specific need for the development in this particular location.
- The proposed development would result in a significant increase in large vehicle movement along local roads.
- The highway statement assumes that vehicles delivering waste would carry an average load of 12.5 tonnes, but also states that vehicles as big as 8 wheeled body tipper trucks would visit the site. The Parish Council considers that it would be appropriate that smaller vehicles (e.g. skip hire lorries) be prohibited from delivering waste to the site, as this would give rise to a larger number of deliveries. Furthermore, such vehicles are less likely to follow designated routes and as such could give rise to traffic coming through the village of Fenny Drayton.
- The highway statement fails to take into account the impact of the proposed MIRA development for a business/technology campus on the area. The cumulative impact of both proposals should be addressed in the highway statement.

68. Witherley Parish Council also raises the following queries regarding the operation of the site:

- Inadequate detail has been provided about how the composting building would be ventilated to ensure a safe working environment and to prevent a build-up of anaerobic gases and odours, or to prevent noise and bioaerosols to be released to the environment via the roller shutter doors which are to remain open.
- The application refers to the windrows would be monitored for temperature, pH and moisture content, but no information is provided on how the temperature inside the building would be controlled.
- The process management plan states that the length of time that un-processed waste would be stored on the waste reception area would be kept to a minimum, but no clarification is given as to what a 'minimum' amount of time would be.
- The proposal states that excess leachate would be "tankered off-site if required". Where would the excess leachate be taken to? Furthermore, the application appears to suggest that the operator would be able to arrange tankers at very short notice during a storm event to take leachate off site.
- Concern that the leachate lagoon may not be of sufficient capacity to cater for the event of extreme weather events.
- What measures would be put in place in the event that the leachate lagoon would exceed its capacity?
- No details have been supplied as to how odours from the leachate lagoon would be monitored, controlled or minimised.

2011/0499/04 (2011/C509/04) - continued

- The application states that the number of waste deliveries would average 3 per day, yet the applicant is seeking a limit of 20 vehicle movements (10 deliveries) per day. How would the number of vehicle movements be monitored and controlled? It appears that this request implies that the applicant is seeking a limit on the number of waste deliveries far in excess of what is required to process 10,000 tonnes per annum.
- The application fails to address what measures should be taken in the event of a fire on the site. A fire risk assessment should therefore be provided.

69. Witherley Parish Council requests that, should permission be granted, the following conditions should be imposed:

- Duration of permission to be limited to a three year trial period
- No material other than green waste as defined in the Waste Strategy 2000 to be delivered to the site for composting.
- All waste to arrive pre-sorted from the applicant's waste transfer station
- Restriction on the volume of compost materials being processed on site at any given time
- No commercial sale of compost to take place from the site
- Volume of compost material being processed shall not exceed the tonnage as specified in the planning application
- Hours of operation should be restricted to 0800-1800 Mondays to Fridays and 0800-1630 on Saturdays – this would be consistent with the hours of operation at the nearby composting site at Glebe Farm, Sibson.

Higham on the Hill Parish Council

70. No response received.

Carlton Parish Council

71. Carlton Parish Council requests that if the application is approved, a routing agreement shall be made so that all deliveries of waste to the site are routed via the A444 and Fenn Lane to the site access.

Stoke Golding Parish Council

72. Objects to the proposal for the following reasons:

- i) The proposed facility is adjacent to the MIRA Complex. MIRA are in the process of completing proposals that would lead to extensive developments on their site. These proposals would give significant economic benefits and long-term employment opportunities to the surrounding communities. The approval and subsequent operation of the composting site with the recognised operational management problems of odours and bioaerosols could put at risk the possibility of developing the MIRA site.

2011/0499/04 (2011/C509/04) - continued

- ii) This is the third application for a composting facility on this site. It is recognised that to achieve their final objective developers submit an application for an “acceptable” facility, which is subsequently followed, by applications for variations to the original consent. This would go against the grounds on which previous applications were rejected.
- iii) Much of the application is based on uncertainties over which the council has no control. For example, there is no guarantee that the end product will be required “within a five mile radius” or that it will be distributed on this basis. What is the fallback proposal?
- iv) Much emphasis is placed on meeting the requirements of the waste management policies in the East Midlands Plan and the Leicestershire & Leicester Waste Development Framework. However in the opening statement of the submission, there is a comment “Waste types will consist mainly of green and wood waste sourced from the applicants skip business in and around the Nuneaton area”. The facility will not therefore make any contribution to helping solve Leicestershire’s waste disposal issues.
- v) There are concerns regarding the lack of detail and errors on the processing and operation of the site. For example air filtration is not mentioned, and there appears to be insufficient car parking for the numbers employed at the site.

Highway AuthorityInitial comments

- 73. The Highway Authority comments that, in order for any condition relating to visibility splays to be enforceable, the red-line boundary needs to be extended to include the splays on both sides of the access and requisite legal notices served on the third party land owners.
- 74. Notwithstanding the above comments, concerns must be raised in terms of highway safety and need to promote sustainable patterns of development. Access to the site is from the C6113, an unrestricted and unlit rural route connecting the A444 at Fenny Drayton to the A447. In the immediate vicinity of the site access, there is a recorded Personal Injury Accident (PIA) at the access to Hill Farm resulting from a right turning vehicle. Additionally, the junction of Fenn Lane and the A444 suffers from a particularly poor accident record (8 recorded PIAs in the last 5 years) of which the majority involved right turning vehicles. Despite acknowledging these accidents, no mitigation is proposed despite the obvious safety implications of introducing slower turning traffic to Fenn Lane and its junction with the A444.
- 75. From observations, it would appear that vehicular speeds are high along this part of the network. LCC has recently conducted its own speed SDR speed survey along Fenn Lane and found 85th percentile speeds of 52.3mph (westbound) and 50.6mph (eastbound). This compares to the applicant’s speed survey results of 47.6mph (westbound) & 47.2mph (eastbound). The Council’s survey was

2011/0499/04 (2011/C509/04) - continued

conducted over a 72 hour period when the road conditions were both wet and dry. In the interests of robustness, the results have been adjusted for wet weather and this results in the following visibility splay requirements:

Westbound (right-hand splay) - 49.8mph = Y Distance 159.2 metres
Eastbound (left-hand splay) - 48.1mph = Y Distance 152.4 metres

76. The Highway Authority points out that visibility at the site access onto Fenn Lane is currently substandard and a long way short of the standards quoted above. Although the Transport Statement talks of improvements and the provision of a 2.4m x tangential splay to the left and 2.4m x 160m to the right, to achieve these splays would require the use of third party land. However, the requisite land has not been included in the red line boundary and therefore conditions cannot be attached to secure any improvements. It should also be pointed out that the X Distance for a minor industrial road should be 4.5m as opposed to 2.4m, in accordance with the standards set out in the Council's 6Cs Design Guide.
77. Turning to the sustainability matters, the Highway Authority comments that the application site occupies an isolated rural location where the operational requirements of the proposed use will rely entirely on vehicular traffic. There would be little or no opportunity for staff to use alternative modes of transport. Although the Highway Authority acknowledges that the window composting operation would be reliant on HGV traffic regardless of its location, a key part of government policy as set out in PPG13 is to reduce not only the number of motorised journeys, but also their length.
78. The composting facility would take the form of a metal framed industrial building similar in size and form to the many redundant buildings that are to be found on industrial estates across the district. This being the case, the Highway Authority considers that the remoteness of the proposed location would lead to an increase in the length of motorised trips compared to a site in a more sustainable location in or adjacent to the main urban areas of Hinckley and Nuneaton. The Highway Authority confirms that for the reasons given above, the proposals cannot be supported from a Highway point of view.

Additional Highway Authority comments following submission of proposed amendments to road layout on Fenn Lane

79. Following the applicant's decision to submit amended details of the site access onto Fenn Lane, the Highway Authority comments that, whilst the scheme shown on drawing no. 176/001 may address the Highway Authority's concerns, the applicant has failed to demonstrate that the re-alignment of Fenn Lane would not have a detrimental impact on highway safety.

80. Paragraph 4.93 of the DfT's Guidance on Transport Assessment stipulates that off-site highway works should be subject to a Safety Audit. Without this, the Highway Authority is unable to comment meaningfully on the suitability of the works. The applicant has failed to address the Highway Authority's other concerns relating to turning traffic and sustainability and as such, the proposals cannot be supported from a highway point of view.

Environment Agency

81. The Environment Agency initially objected to the proposal due to the absence of an acceptable Flood Risk Assessment (FRA) and recommended refusal of the application, for the reason that the FRA submitted with this application did not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA did not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA failed to: -
- a. include a suitable drainage drawing, which clearly identifies the separate clean water and leachate drainage systems and storage areas. Drawing No. 11012/404 shows a surface water lagoon, which was believed to be the 'leachate lagoon'. The rainwater harvesting tank was not shown, and it was not clear how clean rainwater would overflow from the rainwater harvesting tank into the surface water attenuation storage (storm water attenuation tank), and across the space between the building and the bund and beyond to discharge into the existing ditch.
 - b. confirm how surface water rainfall run-off would be limited on site, whether by pipe or hydrobrake throttle, or show on Drawing No. 11012/404, where this would be located within the site.
 - c. provide detailed design/construction drawing/s of the leachate lagoon, surface water attenuation storage (tank or pond) and rainwater harvesting tank, including proposed levels, dimension, predicted water surface levels, and freeboard provision.
 - d. show where the pipe under the perimeter bund would be located, and clarify whether this would be part of the clean surface water drainage system, or a separate system.
 - e. provide details on the wheel wash system or how water used in this system would be disposed of.
82. Whilst the Environment Agency supports the use of rainwater harvesting, it should be noted that storage in these types of systems would not usually be able to be counted towards the provision of on-site storage for surface water rainfall run-off balancing. This is because the storage cannot be guaranteed to be available when required given the sporadic nature of rainfall events/the use of the harvested rainwater. It should therefore be assumed within the design of the surface water drainage system that any rainwater harvesting tank is full. A separate surface water (storm water) attenuation storage tank, or open water pond would therefore be required as part of the proposed drainage design.

2011/0499/04 (2011/C509/04) - continued

83. Following the submission of the required flood risk assessment, the Environment Agency withdrew its objection, but pointed out that the proposed development would only be acceptable if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Warwickshire County Council – Waste Planning Authority (consulted as neighbouring authority)

84. No response received.

Warwickshire County Council – Highway Authority (consulted as neighbouring authority)

85. Raises no objection, as the proposals would have no material effect upon the public highway network in Warwickshire, and points out that although the junction of the A444 with the A5 is within Warwickshire, it is controlled by the Highways Agency.

Health Protection Agency

86. Comments that the planning authority should ensure that the applicant's proposal makes suitable provision for the response to accidents (e.g. fire-fighting and management of run-off) and may wish to liaise further with the Environment Agency to determine whether conditions are necessary at the planning stage or whether this aspect will be addressed as part of the installation's Environmental Permit.

The application identifies measures that will be employed in order to prevent or mitigate impacts on public health arising from emissions from the installation. Compliance with legislative and regulatory requirements, together with implementation of these mitigation measures, will protect public health. In order to address any concerns, the Health Protection Agency recommends that the effectiveness of the control measures outlined in the planning application are validated should the installation become operational.

Publicity

87. The application was advertised by site notices at the site, on Fenn Lane and in various locations in Fenny Drayton on 17th June 2011 and by individual letters and e-mails sent to 170 properties and persons who submitted representations to the previous planning application. In addition, a public notice was published in the Hinckley Times on 23rd June 2011.

Representations Received

88. Approximately 90 individual representations have been received, the majority of which are from properties in Fenny Drayton. Key issues being raised by objectors include:

- Highway Safety
- Additional vehicle movements
- Unauthorised use of roads in Fenny Drayton by large vehicles (as a shortcut)
- Odour
- Noise (referring to both noise from operations on the site as well as noise from vehicle traffic)
- Concern about how activities at the site could be controlled
- Concern about the potential for additional future development at the site
- Dust
- Bioaerosols from composting process.

Petitions

89. A petition, submitted by Witherley Parish Council and bearing the names of 230 adult residents and 13 children of Fenny Drayton, was submitted in September 2011. A second petition, organised by the Liberal Democrat Party of Hinckley & Bosworth and bearing 205 signatures, was submitted in November 2011. The second petition objects to plans for a composting site near Fenny Drayton on the basis that it would lead to an increase in HGV traffic on overstretched local roads and concerns about potential odours and the site becoming a biohazard.

Local Member

90. The local Member, Mr. Ould CC, is objecting to the application on the following grounds:

- Adverse impact on tourism
- Potential adverse environmental impact on nearby residential properties due to odour and bio-aerosols
- Proposal may affect the adjacent Motor Industry Research Association (MIRA) vehicle test track and its emergency access route (which uses the same track as the proposed development) and may jeopardise the proposed £250million development of the MIRA site
- Noise impact of shredding operations
- Concern that environmental impacts of composting operations (odour, flies & insects, bio-aerosols, fungal spores) cannot be adequately controlled
- Effects on nearby communities of odour and bio-aerosols carried by the wind, and resulting health impacts

2011/0499/04 (2011/C509/04) - continued

- The proposed development does not accord with the proximity principle due to the distances over which waste would be transported from points of arisings to the facility
- The proposal does not accord with policy WCS4 of the Waste Development Framework Core Strategy because the site is not in or close to the main urban areas of Hinckley, nor located within a sustainable urban extension, neither is it within or adjacent to an existing waste facility
- Proposal may affect recreation and leisure pursuits (e.g. walking, cycling, horse riding) in the area through potential adverse impact of odour and bio-aerosol emissions from the site and vehicle traffic associated with the development
- Application fails to identify the locations of final maturation of compost
- Public concern over airborne contamination by lifting and turning of windrows
- Proposal does not meet the criteria of policy NE5 of Hinckley & Bosworth Local Plan in almost all aspects
- The application fails to prove that it would not cause unacceptable harm to the environment or communities, contrary to WDF core strategy policy WCS5 and there is no strategy for environmental protection as required by WDF core strategy policy WCS10
- The applicant has failed to meet the criteria set out in Planning Policy Statement 10 (PPS10), in particular the proximity principle

Assessment of ProposalPlanning policy

91. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires every planning application to be determined in accordance with the development plan unless material considerations indicate otherwise.
92. Policy at all levels aims to achieve sustainable waste management. PPS1 *Delivering Sustainable Development* sets out the general principles of sustainable development, which include reducing the need to travel, bringing vacant previously developed land back into use, and enhancing and protecting biodiversity. PPS10 *Planning for Sustainable Waste Management* reaffirms the government's aim to move waste management up the waste hierarchy by encouraging the re-use, reduction and recycling of waste rather than its disposal. It also stresses the need to provide sufficient waste management facilities of the right type, in the right place and at the right time.
93. The Leicestershire & Leicester Waste Development Framework defines strategic waste sites as "*sites located near to the centres of high population density (Leicester City, Loughborough and Coalville) which will divert a significant proportion of either municipal and/or C&I waste away from landfill by value and/or energy recovery*". The proposed site does not meet the relevant criteria and therefore constitutes a non-strategic waste site, to which the locational principles

2011/0499/04 (2011/C509/04) - continued

set out in WDF Policies WCS3 and WCS4 apply. The preference (as set out in Policy WCS3) is to locate sites in or close to built up areas. The necessity to locate outside these areas will need to be demonstrated subject to the sequential test applied by Policy WCS4. This puts this proposal in the second order, which is subject to there being no unacceptable harm to the environment or communities.

94. The site is outside the preferred locations and sufficient justification has to be provided to demonstrate the need to locate the proposed development in this countryside area. Open windrow composting can require large sites, and because of concerns about the effects on health and potential impacts from odour, dust and others, such sites may have to be located away from residential areas and other sensitive land uses. The applicant has attempted to address concerns about impacts of odour and bioaerosols by proposing to carry out the main composting operation inside a building.
95. Saved Policy NE5 of the Hinckley and Bosworth Local Plan aims to protect the countryside for its own sake and presumes against development in the countryside, with very few exceptions. The proposal does not satisfy any of the exceptions listed, and therefore is contrary to Policy NE5.
96. In order to be acceptable in general policy terms, the proposed development should accord with the general principles of sustainable development. As a waste management facility it should be located close to the areas of waste arisings, in order to minimise the distance which waste is transported to the facility. The same principle applies to the destination of the finished product, especially taking into account that the operator intends to export material which would still be classed as waste.
97. Furthermore, the proposed development will have to be acceptable in terms of the environmental impacts it would have on the surrounding areas and land uses, as addressed by Policies WCS10 and WDC8 of the Waste Development Framework.

Site Operations

98. National guidance in PPS10 and PPS23 advises that the planning and pollution control regimes should not complement rather than duplicate each other. Notwithstanding the advice contained in PPS10 and PPS23, there are serious concerns about the operation. These relate to:
 - operational matters relating to the design of the facilities; and
 - the proposed controls, or lack thereof, over the waste material once it has been exported from the site.

2011/0499/04 (2011/C509/04) - continued

99. In addition there are inconsistencies in the description of the proposal. Whilst these concerns in part relate to operational matters which would fall under the Environmental Permitting regime, they also have the potential to cause significant adverse impacts on the local area and residential amenity, and may not be able to be adequately controlled by planning conditions. They are also relevant to the fundamental case for siting the facility in this location.
100. The proposed development has to be assessed on its sustainability and its acceptability in terms of environmental impact on surrounding areas and land uses. Whilst the Environment Agency does not raise a formal objection to the proposal, the Waste Planning Authority needs to be satisfied that the proposed development does not give rise to adverse environmental impacts and potential planning objections.

Composting Building

101. The application states that the doors of the composting building are to remain open. When asked to explain the reason for this, the applicant advised that the doors were required to remain open to enable material to be moved from the waste reception area into the building, where it would be formed into windrows. Furthermore, composted material would be required to be moved from inside the building to the external maturation area. The applicant advised that the doors would remain open to provide light inside the building during windrow turning activities, and also to provide aeration and lighting for personnel working inside the building during operational hours.
102. It is accepted that, in a situation where a constant stream of vehicles has to pass through a door, the delay which would occur while waiting for the door to open may disrupt the efficient flow of the operation. However, given that the throughput of the site would be a maximum of 10,000 tonnes per annum, the amount of material arriving on site during a typical day is such that moving the waste into and out of the composting building is unlikely to take a long time. It is therefore not considered to be necessary to leave the doors open at all times. Light can be provided inside the building either by adapting the design of the building to include rooflights, or by installing artificial lights. The aeration of the building could be achieved by means of an active ventilation system (which, if it includes biofilters, may also have benefits in controlling potential odour and bioaerosol emissions); however, the applicant has stated that no such system is proposed. Instead, the proposal relies on passive ventilation of the building and this is justified by making reference to the limited capacity (10,000 tpa) of the proposed development.

Leachate Storage Lagoon

103. Insufficient detail has been submitted regarding the collection of leachate from composting operations. The application refers to a leachate storage lagoon which is proposed to be constructed adjacent to the external hardstanding areas. The operational plan submitted in support of the application shows both hardstanding areas draining via a pipe or ditch to the leachate storage lagoon. However, the waste composting building, does not appear to be linked to the leachate storage lagoon, despite the fact that the composting of waste carried out inside this building has the potential to give rise to leachate as well.

Screening bunds

104. According to information submitted by the applicant, the existing bund situated along the north-western boundary of the site would not be retained as part of the development. Instead, it is proposed to move the material that forms the existing north-western bund to form the 4m high bunds as proposed in the planning application along the south-western and south-eastern boundary. The applicant advises that 4m high bunds would be required to provide noise attenuation. In the assessment against planning policy WDC1 contained in the supporting statement, reference is also made to the use of screening bunds "to ensure the quality of and character of the landscape".
105. The applicant has provided a calculation of the amount of material required to construct the screening bunds. According to information submitted by the applicant, the total volume of the existing bunds is 1,520m³ and the volume of the bunds as proposed is 9,220m³. It is proposed to import inert waste and soils to cover the shortfall of 7,700m³ and to form the screening bunds during the site preparation stage. Notwithstanding this figure, the supplementary report to the Transport Statement refers to the need to import 9,558m³ of material.
106. At a weight to volume ratio of 2 tonnes per cubic metre for inert waste, the construction of the bunds would require the importation of 19,116 tonnes of inert waste and soils to form the screening bunds. The Highway Statement submitted with the application calculates that the import of inert waste material for bund construction purposes would require about 383 deliveries (766 vehicle movements) over a period of 4 weeks (although it is not known what volume to weight ratio was used when calculating the anticipated delivery numbers). According to the Highway Statement, vehicle traffic associated with the import of material to form bunds would equate to about 190 vehicle movements per week or 32 movements per day (assuming a 6-day week). Without the acceptance of the proposed composting operation per se there would be no justification for the importation of this amount of inert waste to the site, in context with Policy WCS8, and the potential impacts on highway safety.

Quality of compost

107. The PAS100 specification for compost has been developed by the British Standards Institution (BSI) and the Association of Organics Recycling (formerly the Composting Association) for compost which has been manufactured to a high standard and is of a reliable and consistent quality. The specification covers the entire process by which compost is produced, from raw materials and production methods, through to quality control and lab testing. It means that the composts certified by the Association of Organics Recycling are quality assured, traceable, safe and reliable.
108. Unless compost meets the PAS100 specification, it is classed as waste. Consequently, the spreading on land of material which does not meet the PAS100 specification therefore amounts to the disposal of waste.
109. The application states that “the operator’s aim is to work towards eventual PAS100 accreditation”. However, no details are given about when this is intended to happen, nor has a firm commitment been made to achieve PAS100 accreditation. It is therefore considered doubtful that the site operator would be able to retain adequate control over the quality of the material. Whilst the application states that the nutrient requirements of the agricultural land would be matched to the nutrients provided by the compost, it is not clear to what extent and in what way the properties of the compost material could be adapted to the soil requirements.

Fencing/Netting

110. The applicant proposes to erect a litter net along the north western and north eastern site boundaries to catch any wind-blown material. No details of the dimensions of the proposed litter net were provided, nor was a justification for its provision given. These details could be agreed by a planning condition.

Other environmental considerations

111. It is considered that the main environmental impacts of the proposal would be traffic (from construction operations as well as import and export of waste materials), noise (from vehicles accessing the site and from operations on site), and the visual impact of the site in an area of countryside. There are also concerns by local residents about dust and wind-blown litter as well as potential health risks from prolonged exposure to high levels of bioaerosols.

Traffic

112. The application initially relied on visibility splays at the junction of the site access road with Fenn Lane which required agreement from the relevant landowners. The landowner in question has confirmed to the County Council

that such agreement would not be given. As a result, the application has been amended to include the realignment of a section of public highway to the west and east of the junction with the access track. However, the only details submitted in respect of this are a sketch drawing showing the proposed alignment. Other concerns relating to turning traffic and sustainability have not been addressed. No ecological surveys were undertaken which cover the section to be realigned, and a safety audit of the realigned route has not been carried out. Consequently, the Highway Authority raises an objection due to the lack of submitted detail.

113. The application states that the majority of compost would be deposited on land within a 5 mile (8km) radius of the site. This would cover an area extending to Market Bosworth in the north east, Barwell and the A447 to the east, Hinckley to the south east, the southern edge of Nuneaton to the south, the village of Grendon (along the A5, west of Atherstone) to the west, and the area between Sheepy Magna and Orton-on-the-Hill to the north west. It is considered that the disposal of material on farmland in an area of this size would be very difficult to control, and that it would not accord with the principle of sustainable transport to deliver materials to locations at these distances.
114. Whilst it is stated that a number of local farmers have expressed an interest in taking composted material from the facility, this statement was qualified as being subject to the material being of acceptable quality, and no written confirmation of interest was submitted. Even if genuine local interest were to be confirmed, it is likely that overall the distances travelled from the site to the various locations where the compost would be spread would be considerable.
115. The proposal therefore complies only in part with Policy WCS14 on the transportation of waste. While the Key Diagram of the Leicestershire and Leicester Waste Development Framework Core Strategy document shows it to be 'in close proximity' to the County's lorry route network, from the details provided, the development could not be said to be in 'close proximity to the arisings in order to minimise the need to transport waste'.

Noise

116. The Environmental Health Officer has reviewed the noise survey submitted, and although there remain some minor discrepancies as to the calculation of the distance propagation of noise during the operational phase, he agrees with the consultant's predictions which show that under BS4142:1997 the operation of the facility will be of marginal significance. There should not be a significant loss of amenity to nearby residents due to noise from the operation. However the EHO believes that a mechanism should be in place to address any complaints regarding the main environmental impacts which in the opinion of the LPA are justified.

Odour

117. The applicant proposes to carry out the main composting activity inside a building and proposes to turn windrows at a regular basis. However, the building is not proposed to be fitted with an active aeration system involving a biofilter, which would help prevent odours escaping from the building. In addition, the building's main doors are proposed to remain open during the day, which again reduces the building's capacity to contain any odour that may arise. Notwithstanding this, on balance it is considered that odour may be addressed satisfactorily by planning conditions.

Landscape and Visual Impact

118. The site is visually contained by the surrounding areas of woodland. However, there are direct views upslope towards the site from Marlcroft, a bungalow c400m south-west of the site boundary. Furthermore, vehicle movements on the access track would be visible.
119. Whilst the proposed building would be similar in shape to existing farm buildings within the local landscape, it would be considerably bigger in size, and for this reason have an adverse visual impact. It is considered that the proposed composting building and the proposed 4m high screening bunds would have an adverse effect on the appearance or character of the landscape and would not be in keeping with the scale and character of existing buildings and the general surroundings. Consequently the proposal is considered to be contrary to saved Policy NE5 of the Hinckley & Bosworth Local Plan.

Waste recycling and treatment capacity in Leicestershire

120. As part of the evidence base for the production of the Waste Core Strategy and Development Control Policies document a Waste Needs Assessment was produced in 2006. Since that time, a number of new planning permissions have been granted. This document has therefore been updated and the most recent version was published in February 2011. The waste needs assessment previously identified a shortfall of 21,615 tonnes per annum (tpa) in 2009/10, falling to 14,858tpa in 2014/15. The provision of 24,000tpa of further composting capacity has assisted in reaching the 2009/10 target and gone part way to meeting the 2014/15 target. Whilst a shortfall of 12,473tpa of composting capacity for municipal solid waste does technically exist, it may be possible to meet municipal composting targets through greater recycling facility.
121. Furthermore, it has to be noted that the above calculation refers to the composting of municipal solid waste, which is defined as waste collected by or on behalf of a local authority. The information supplied by the applicant states that the waste to be treated at the proposed facility would arise at the applicant's Materials Recycling Facility (MRF). The proposed site would therefore not add to

2011/0499/04 (2011/C509/04) - continued

any requirement for new composting sites which may exist within the County. Instead, the proposal would be classified as the management of commercial and industrial waste. The evidence base for the Waste Development Framework shows that sufficient facilities for the treatment of such waste streams are available and there is therefore no case of need for this facility in this location.

122. Warwickshire County Council published its Waste Development Framework Core Strategy Preferred Options and Policies consultation in September 2011. This document states that windrow green waste facilities exist at four locations in Warwickshire which are capable of treating mixed green waste and food waste, and that only a small amount of green waste arising in the north of the County is being exported to Leicestershire. Planning permission has also recently been granted for a green waste composting facility in northern Warwickshire which may obviate the need to export green waste to Leicestershire, although this facility is yet to become operational. A 50,000tpa anaerobic digestion plant capable of treating food waste has been granted planning permission, but construction is yet to commence. The availability of this additional capacity further diminishes the overriding requirement for sending waste materials to the application site for treatment.
123. The appeal against the refusal of planning application 2009/0592/04 focused on three main points: the extent of compliance of the proposal with the development plan policies and national and other relevant guidance, including the policy case for a countryside location; the likely impact of the development in terms of transport and related highway implications, its effect on the local landscape, and impact on local living and working conditions; and the overall balance and whether there is a need for this development in the countryside.
124. Notwithstanding the fact that the current proposal relates to a smaller scale operation than that which was subject to the appeal, it is considered that overall the same issues apply. These are addressed elsewhere in this report, and on balance it is considered that the proposed development does not accord with planning policy relating to the location of a waste management operation, that it would have an overriding adverse impact on the local landscape, that there is no overriding requirement for the development to be located in a rural location, and that it would have adverse impacts on the environment. Consequently, on balance it is recommended that permission be refused.

Conclusions

125. The application proposes a green waste composting operation which would in part be carried out inside a large building at a comparatively remote location. The suitability of the site has been assessed against the relevant policy objectives and environmental impacts.

126. The applicant has been informed through the dismissal of the planning appeal that the application site would not be a suitable location for a waste management development. In addition, as with previous applications, there is a lack of information relating to some aspects of the development. In addition, certain details of the application appear to conflict with each other. This casts doubt over the nature of the proposal, its ability to be properly controlled and its justification in planning terms. Furthermore, insufficient evidence has been put forward to justify the development in this low-priority location within the sequential approach set out in WDF Policy WCS4. In terms of WDF Policy WDC5, it has not been demonstrated that the proposal needs to be located in the countryside. In addition, the proposed development is contrary to Hinckley & Bosworth Local Plan Policy NE5 in that it does not constitute development which is acceptable in the countryside.

Recommendation

REFUSE, for the following reasons:

1. The site is outside the preferred location set out in Policy WCS3 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies and it has not been sufficiently demonstrated that a rural location is necessary for this proposal in terms of its lower order sequence as set out in Policy WCS4.
2. In the absence of any justified overriding need or demonstrable lack of more suitable alternative locations, the proposed development constitutes an unwarranted development in the countryside. As such the proposal is contrary to Policy WDC5 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies and Policy NE5 of the Hinckley & Bosworth Local Plan.
3. Insufficient and conflicting information has been provided relating to waste operational methods and the handling and disposal of the finished product in order to assess adequately the impact of the proposed development. Having regard to the objectives of sustainable waste management the proposal is contrary to Policy WDC14 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies.
4. The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted would consequently result in an unacceptable form of development and could lead to dangers for road users, contrary to Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies.

2011/0499/04 (2011/C509/04) - continued

5. The proposal, if permitted, could result in an unacceptable increase in traffic turning onto or off a Class III road in an area remote from main development and where traffic speeds are generally high. Such an increase would not be in the best interests of Highway safety, contrary to Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and Development Control Policies.
6. The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 (LTP3) seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in PPS1, PPS7 and PPG13.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the following applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the County Council's Human Resources Department if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires 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."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.