Town and Country Planning Act 1990

Refusal of planning permission

Name and address of applicant

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Name and address of agent (if any)

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Part I - Particulars of application

Date of application

7th July 2009

Application no.

2009/0592/04 (2009/C103/04)

Particulars and location of development:

OPEN WINDROW COMPOSTING FACILITY FOR THE PROCESSING OF UP TO 75,000 TONNES OF WASTE PER ANNUM - SITE OFF FENN LANE, FENNY DRAYTON

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990 the **Leicestershire County Council** refuses to permit the carrying out of the development referred to in Part 1 hereof 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, 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.

4. 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.

Summary of the policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out above:-

Date: 24.11.09

Proper Officer of the Council

Summary of the policies and proposals in the development plan which are relevant to the decision, as follows (Continued)

Leicestershire & Leicester Waste Development Framework
Policies WCS3, WCS4, WCS5, WLCS10, WLCS14, WDC5, WDC8 and WDC14

Hinckley & Bosworth Local Plan
Policies NE 5, NE 14 and TE 11

Summary of the reasons for the refusal of planning permission

1. The application proposes a large scale composting operation at a comparatively remote location. The suitability of the site has been assessed against the relevant policy objectives and environmental impacts.

2. Notwithstanding advice given at the time of the earlier withdrawal to provide greater certainty, there still is a lack of information relating to the types of waste to be treated and the proposed operation of the site. In addition, certain details of the application appear to conflict with each other.

3. In the case of this proposal, material considerations include the fact that the application site would be of insufficient capacity to accommodate the proposed development, inconsistencies in the description of the proposal, inclusion of waste types that do not readily support the operation of a composting facility, and about the final output from the process being classed as a compost or its final destination. All cast doubt over the nature of the proposal, its ability to be properly controlled, and its justification in planning terms. Furthermore, the location of the application site is not sufficiently justified to be sited 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. Furthermore, 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.

4. On balance there are severe concerns over the proposed construction and operation of the site, which the applicant has failed to address adequately.

5. For these reasons it is not possible to make an informed assessment as to whether or not the proposal meets the test of sustainable waste management. The proposal is therefore not considered to be sufficiently in accordance with the development plan, and there are no material considerations which would support an approval. Consequently the application should be refused for the reasons set out below.

Date: 24.11.09

Proper Officer of the Council