Item: **09**

Reference: **11/00499/C**

Applicant: **Mr Zeeshan Aslam**

Location: **Land South Of Lindley Wood Fenn Lanes Fenny Drayton**

Proposal: **RE-USE OF DERELICT BROWNFIELD LAND FOR THE PURPOSE OF WINDROW COMPOSTING INSIDE A BUILDING (COUNTY MATTER)**

Target Date: **11 July 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local or wider controversial issues.

Application Proposal

This application is a County Matter whereby Leicestershire County Council is the determining planning authority. The Borough Council is a consultee and the County Council requests the observations of the Borough Council on the application.

This revised proposal is for a fully licensed windrow composting facility using non-hazardous bio-degradable waste streams to produce high quality compost that is suitable for use as a soil conditioner for agricultural land. This revised scheme follows the refusal of planning permission and subsequent dismissed appeal.

It is proposed that the site shall receive up to a maximum of 10,000 tonnes per annum of garden waste and wood waste for composting. The windrow composting process will take place within the confines of a newly constructed building measuring some 70m x 32m x 10m to the ridge.

The building will have two main entrances to allow the entry/exit of delivery vehicles.

The Site and the Surrounding Area

The application site is located approximately 1 kilometre east of Fenny Drayton and 5 kilometres north of Nuneaton. The proposed composting site was previously used as an electrical supply facility associated with electrical supply to the Nuneaton RAF base (now MIRA testing grounds) used during the Second World War.

The proposed composting site will utilise an area of the former electrical supply site covering approximately 3.1 hectares. It comprises a piece of land, approximately 150 metres in length and 160m width, with concrete tracks and hard standings and a building currently present on site.

The entrance/egress is via an access road off Fenn Lane. The access road comprises concrete road surfacing and some tarmac areas. The access continues from Fenn Lane to the site access point located in the southern corner which is controlled by a barrier.

Technical Documents submitted with application

The application is accompanied by a Supporting Statement which outlines the nature and context of the proposed facility. A Process Management Plan which identifies aspects of the development that could potentially generate nuisance, actions to be implemented and a monitoring scheme. A Flood Risk Assessment which demonstrates that the site is not a risk of flooding from groundwater sources or overland flow from adjacent land. An Ecological Appraisal which assesses ecological constraints to development from the presence of protected species. Landscaping Statement to be read in conjunction with the landscaping plan. A Noise Survey undertaken to determine background noise levels at nearby noise sensitive properties.

History:-

09/00592/C	Open windrow composting facility for the processing of up to 75,000 tonnes of waste per annum (County Matter)	Refused Appeal Dismissed	16.11.10
08/00899/C	Creation of Composting Site (County Matter)	Refused	



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Consultations:-

No consultations undertaken - this is a County Matter

Policy:-

National Policy Guidance

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.

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.

Planning Policy Statement 23 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.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

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.

The Regional Core Objectives set out in the Plan include the protection and enhancement of the environment by reducing the amount of waste produced and increasing the amount recycled or otherwise beneficially managed.

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.

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 Development Framework Core Strategy 2009

None relevant

Hinckley and Bosworth Local Plan 2001

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.

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.

Other material policy guidance

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.

Policy WCS3 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 CS4: Waste Location Principles:-

a) in the Broad Locations indicated in the Key Diagram
b) in or close to the main urban areas of Hinckley or Melton Mowbray
c) within sustainable urban extensions
d) 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.

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 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.

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.

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.

Appraisal:-

The main considerations with regard to this application are the principle of the development, the impact on highway safety, ecology, pollution and the impact on nearby residential properties.

<u>The Principle of Development</u>

Policy at all levels aims to achieve sustainable waste management. Planning Policy Statement 1- 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 enhance and protect biodiversity. Planning Policy Statement 10 - 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.

The Inspector in determining the appeal, amongst other matters, stated that the site's relative remoteness from the larger urban areas, and the transport consequences that stem from this, indicate that the proposed facilities would not be in the right place. While there may be merit in the principle of a more dispersed location and while the facilities would involve previously developed land the overall conclusion was, following Policy WDC5, an overriding need for the development at the proposed location was not demonstrated and that the appeal was dismissed.

Highway Safety

It is noted that the Highway Authority had no objection on highway grounds to the previous proposal. This response was based on the number of vehicle movements the proposal would generate and subject to adequate visibility splays being created at the site entrance onto Fenn Lane and junction improvements at A444/Fenn Lane junction. The Inspector in determining the appeal was satisfied that this could be achieved through a Grampian condition. The County Council as the determining planning authority will formally consult the Highway Authority on this proposal; however at the time of writing this report the Borough Council is not aware of the Highway Authority's response.

Ecology

The accompanying ecology report states that the botanical interest within the site is very limited as plant species were not notable or rare. No evidence of protected species was observed within the curtilage of the site. Furthermore, no suitable habitat for reptiles, amphibians, badgers or bats has been identified on site. It is noted that the proposed development will result in the loss of minimal areas of natural/semi-natural habitats and the report suggests that enhancements could be provided by using locally native species wherever feasible in any landscape of the site providing further links across the site and foraging for wildlife. The nature of composting material may potentially result in the leaching of nutrients into the surrounding soil thus enriching the area. Habitats surrounding the site did not exhibit nutrient poor characteristics and so this is unlikely to alter the composition of the surrounding land. The County Council as the determining planning authority will formally consult the Directorate of Chief Executive (Ecology) on this proposal; however at the time of writing this report the Borough Council is not aware of the Ecology response.

Environmental Impacts

The Head of Community Services (Pollution) raised several concerns in relation to the previous application. The concerns were in respect of odour management and potential noise issues and in the absence of clarification recommended refusal. An initial consultation response on the amended scheme has been forwarded from the Borough Council's Pollution Officer. Again the response raises concerns over the lack of information submitted and requests clarification prior to submitting formal comments.

Impact upon Residential Amenity

The impact of the site on residential amenity would depend on a number of factors associated with vehicle movements and pollution the responses from the relevant consultees would provide clarity on any potential impact on residential amenity.

Conclusion

The application proposes a large scale composting operation at a comparatively remote location. In determining the appeal, the Inspector concluded that, following Policy WDC5, an overriding need for the development at the proposed location has not been demonstrated and that the appeal should be dismissed. The conclusion was reinforced by the uncertainties surrounding the proposal in terms of odour emissions. It is considered that this revised submission does not address the previous objections raised and therefore the Borough Council objects to the application.

RECOMMENDATION:- That the Leicestershire County Council be advised that Hinckley & Bosworth Borough Council has the following comments to make:-

It is considered that this revised submission does not address the previous objections raised and therefore the Borough Council objects to the application.

Contact Officer:- Cathy Horton Ext 5605