 Nottinghamshire County Council	Report to Planning and Licensing Committee
	10 January 2012
	Agenda Item:6
REPORT OF GROUP MANAGER PLANNING	
BROXTOWE DISTRICT REF. NO.: 5/11/00342/CCR PROPOSAL: ON FARM COMPOSTING OF PLANT MATTER SUCH AS GRASS CUTTINGS AND HEDGE TRIMMINGS LOCATION: HALLS LANE, (LAND SOUTH OF A610), NEWTHORPE APPLICANT: H W MARTIN (FARMS) LIMITED	

Purpose of Report

1. To consider a planning application for an on-farm composting operation on land to the south of the A610 at Newthorpe. The key issues relate to the appropriateness of the development in the Green Belt, the impact on a public bridleway and the ecological impact. As the site lies within the Green Belt, it has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to conditions following referral of the decision to the National Planning Casework Unit on behalf of the Secretary of State.

The Site and Surroundings

2. The application site is a parallelogram shaped piece of land measuring 75 metres by 40 metres and covering an area of almost 0.3 hectares (see Plan 1). The application area also covers the proposed access to the site which travels in a general north-easterly direction from the main part of the site for approximately 275 metres towards the end of the public highway to the immediate south of the A610 bypass. Part of this access is Greasley Bridleway Number 50.
3. The application site is predominately surrounded by agricultural land in the Erewash valley which has a fairly flat topography. The applicant's land holdings in the area extend to over 80 hectares (over 200 acres) and are predominately classified as Grade 4 agricultural land. The River Erewash is to the west and south, approximately 300 metres from the site at its closest point. The aforementioned A610 bypass, which runs east to west, is approximately 225 metres north of the application site with sports pitches and a model car race track inbetween. Halls Lane, which is now closed to vehicular traffic and is Greasley Footpath Number 75, runs parallel and to the immediate south of the bypass. Newthorpe Sewage Treatment Works is approximately 285 metres to

the east of the application site while there are some horse stables approximately 370 metres to the west. Land which previously formed the Bennerley Coal Disposal Site is approximately 700 metres south of the site and includes the Grade 2* listed Bennerley viaduct, approximately 1.1km south of the site.

4. The closest residential properties to the site are in Giltbrook to the north on the other side of the A610, approximately 800 metres from the main part of the site, while there is a business, which trades in power tools, hand tools and site equipment, based in some industrial units immediately north of the A610 approximately 300 metres from the main part of the site.
5. The main part of the application site forms part of an agricultural field which is almost triangular in shape and measures a maximum of approximately 440 metres from east to west and 250 metres from north to south on its eastern boundary. Like the surrounding fields, it is in rough pasture. Along the entire eastern boundary of the field, to the immediate east of the application site, is a band of trees approximately 40 metres wide bordered by wooden post and rail fencing. The trees are largely field maple, ash, sycamore and poplar with a mature, predominately hawthorn hedge on the northern edge which extends along the entire northern boundary of the field.
6. The application site is located towards the eastern boundary of the field with its northern extent approximately 80 metres south of the hedgerow on the northern boundary. The access road commences from the north eastern corner of the site and heads in a north easterly direction parallel to the band of trees before turning right and heading eastwards through the trees towards their northern edge. It then turns left and heads north east again along Greasley Bridleway Number 50 which itself then turns right and heads east towards the public highway which is close to the entrance to the sewage works.
7. The application has been submitted with a supporting statement, an arboricultural survey, an ecological walk-over survey, and various plans including details of a proposed pedestrian passing place on the bridleway and the possible location of soil storage bunds.

Proposed Development

8. It is proposed to operate an on-farm composting operation from the site. The main part of the application site would be stripped of soils to a depth of 200mm and the soils would be stored around the edge of the site in bunds. The site would then be surfaced with compacted recycled aggregate to form a suitable hardstanding for the proposed activities. Site preparation works would also include the removal of a six metre wide strip of trees to allow for the access track to be constructed (see Plan 2).
9. The application states that the proposed composting operations would follow an eight to ten week cycle. In week one, approximately 300 to 500 tonnes of compostable material would be delivered to the site by a combination of 26 tonne gross vehicle weight (GVW) three axle and 32 tonne GVW four axle vehicles. The applicant proposes to operate the site in accordance with the Environment Agency's permit for composting which has a 500 tonne limit. The

material would be sourced from local authority collections, including that deposited at household waste recycling centres, domestic doorstep collections, and material arising from the maintenance of public parks and open spaces.

10. It is anticipated that up to 300 vehicles would access the site per annum, although deliveries would be concentrated into specific delivery weeks. If the composting process runs on a ten week cycle, there would be six separate delivery weeks, equating to 60 vehicles in each of the five delivery weeks. Delivery loads would be checked by drivers for contamination at the point of collection and any contaminated loads rejected at this point. Upon arrival at the site, loads would be tipped starting at the southern most part of the site with tipped material checked again for contamination. Any non-compostable material would be removed and placed in either a container located on site or, if possible, back onto the vehicle in which it was delivered to be taken off site immediately.
11. The application states that vehicles entering and leaving the site would abide by a 5mph speed restriction and would give way to recreational users. The bridleway would also be improved to ensure the safety of recreational users through the provision of a passing place.
12. In week two, the material would be shred and it is anticipated that this would take approximately half a day and could be carried out in week one, depending on weather conditions and the amount delivered. This would be carried out by a mobile shredder which would be delivered onto site as required. The material would be shred to the immediate west of the delivered material with any plant, vehicles and equipment located in the south west corner. An agricultural loader would then place the shredded material into piles known as 'windrows' on the site which would be no more than three metres in height.
13. From week two up to between weeks eight and ten, dependant on the weather, the material in the windrows would be turned once a week, an operation which the application states would equate to approximately half a day's work. This would aid the composting process by keeping the material in an aerobic state. Once the material had turned to compost, it would be removed from the site and spread to agricultural land as required.
14. On this matter, the application confirms that the proposed operation would be carried out to the standard set out in the (Publicly Available Specification) 'PAS 100:2011: Specification for Composted Material' document. This document specifies the requirements for the composting process including the selection of material, the minimum quality of composted materials, their storage, labelling, and traceability. It also specifies the requirements for a quality management system for compost production to ensure that the compost produced is fit for its intended use. The applicant has stated that it is likely to take 18 months to achieve this accreditation as a number of batches of composted material have to be tested as part of the accreditation process.
15. The application states that no vehicles, plant or equipment would be left at the site overnight whilst operations are proposed to take place between 0600 hours and 1800 hours at all times, including Sundays, Public and Bank Holidays. However, the supporting statement also states that the processes on site would

only take place during daylight hours so no floodlighting would be required on site.

16. The supporting statement cites a number of benefits that would arise from the proposed development including a reduced need for fertilizers on farmland, reduced nutrient leaching, increased yielding potential of the land to which the compost is spread, better soil structure leading to greater workability of the soil and increased traffic tolerance, improved water holding in light soils, reduced risk of soil erosion, beneficial soil micro-organism aid, soil aggregation, nutrient recycling and plant disease suppression.

Consultations

17. **Broxtowe Borough Council** has no objection to the application but suggests that the County Council needs to carefully assess whether there are very special circumstances sufficient to overcome this inappropriate development in the Green Belt.
18. **Greasley Parish Council** has no objection to the application.
19. **Derbyshire County Council** has orally reported no objection in principle from a planning perspective at Officer level including the use of a unilateral undertaking to control the areas where compost may be deposited. However this view is provided subject to legal observations. Any further observations received will be orally reported.
20. **Erewash Borough Council** has no comments to make on the application.
21. **Amber Valley District Council** has not responded on the application. Any response received shall be orally reported.
22. **The Environment Agency** has no objection to the proposed development. A number of matters are highlighted regarding the environmental permitting process.
23. **Natural England** considers that the application falls outside the scope of applications it would normally comment on.
24. **Nottinghamshire Wildlife Trust** considers that the ecological impacts of the proposed development would be minimal subject to existing hedgerows being managed to increase their value for birds by cutting no more frequently than every second or third year and increasing the overall height and spread to increase structural diversity. In addition to this, an area of trees twice the size of the area to be lost for the access track should be planted in close proximity to the plantation. Finally, the compost should not be used to improve grassland of botanical value, particularly SINC's.
25. **NCC (Nature Conservation)** note that the habitats identified on site include mixed plantation woodland, species poor hedgerow, arable land, a dry ditch and poor semi-improved woodland. These are all considered to be of moderate to low value for nature conservation. No protected species were found on site. The removal of the trees should be carried out outside the bird breeding season

while the composting area should be at least four metres from the edge of the woodland in order to protect tree roots. A condition is recommended requiring precautionary mitigation measures to be carried out for particular protected species despite not being identified in the survey carried out. It is considered that the soil bund would be better located directly around the composting area and should be seeded with a simple wildflower seed mix. The proposed hawthorn dominant hedgerow with hedgerow trees is supported although white willow should not be included. It should run along the entire length of the field. The submission of full details of the hedgerow, including species mix, should be the subject of a condition.

26. **NCC (Landscape)** note that the application site lies within the Erewash River Corridor NC01 Policy Zone of the Nottinghamshire Coalfields Regional Character Area. Within the Greater Nottingham Landscape Character Assessment this area is described as being “a narrow low alluvial floodplain lying in a broad shallow valley with an urban fringe character and low lying floodplain pasture used for grazing”. It is considered that the proposed development would have a slight to moderate adverse impact on the existing landscape due to the loss of grassland and the loss of a section of woodland. The introduction of stockpiles of composting material and soil bunds would result in a slight adverse impact on landscape character. These elements, along with the introduction of plant and machinery on site would result in a slight adverse visual impact.
27. **NCC (Highways)** has no objection to the application given that the junction off the A610 has deceleration and acceleration lanes.
28. **NCC (Countryside Access)** considers that the size of the site would not conflict with the amount of use on the public right of way. The proposed passing place on the bridleway is considered acceptable.
29. **NCC (Reclamation)** requires assurances that the screening process would be robust enough to ensure that the composted material would not be contaminated with plastic waste; dust, odour, and insects would not create a public nuisance; the use of a permeable hard standing area is suitable for the proposed activity; and the correct management procedures would be implemented to ensure the aerobic digestion of the composting material.
30. **NCC (Noise Engineer)** states that the application site is adjacent to the A610 and so is subject to high levels of traffic noise. The nearest residential properties are located more than 500 metres from the site. Given these factors, the proposed development would not give rise to any adverse noise impact subject to the hours of operation stated in the application being conditioned and all plant and machinery used on site being fitted with effective silencers and maintained in accordance with the manufacturers’ specifications.
31. **NCC (Minerals and Waste Policy)** states that the proposed development would be a departure from Policy W7.3 of the Waste Local Plan as it would not be located within existing agricultural built development. However, it could be considered that as the proposals are for an area of hardstanding and include no built form, the resulting form, bulk and design would be in keeping with the surrounding open fields.

32. *Planning Policy Statement 10: Planning for Sustainable Waste Management promotes the management of waste in line with the waste hierarchy, which promotes recycling (including composting) above energy recovery with disposal as a last resort. The proposed development would support the waste hierarchy. It is also considered that the proposed development would accord with Planning Policy Statement 7: Sustainable Development in Rural Areas as it would allow farm diversification and broaden their operations.*
33. *There is a presumption against inappropriate development in the Green Belt but the small scale nature of the proposal and the lack of any built development would indicate that it is unlikely to have any significant impact on the visual amenity of the Green Belt.*
34. *In addition to the above, the impact of the proposed development in terms of dust, noise and odour would need to be considered in addition to the impact on groundwater and the accessibility of the site. Confirmation of the suitability of the site in terms of bioaerosols should be sought from the Environment Agency.*
35. *In conclusion, although such proposals would seem contrary to local plan policy, the policy is out of date and does not take into account the lack of built development involved and the need to locate such facilities away from sensitive receptors.*
36. **NCC (Spatial Planning)** *considers that the proposed development would not cause harm to the visual amenity of the Green Belt and so no objection is raised.*
37. **NCC (Archaeology)** *has no observations or recommendations to make.*
38. **Western Power Distribution** *has no objection to the application but has networks within the application site.*
39. **National Grid (Gas)** *has no objection to the application.*
40. **Severn Trent Water Limited, the Ramblers Association, the British Horse Society and NCC (Forestry and Arboriculture)** *have not responded on the application. Any responses received will be orally reported.*

Publicity

41. The application has been publicised by means of two site notices: one at the point where the public highway ends and the bridleway commences and the other at the point where the access road would leave the bridleway and pass through the belt of trees. The application has also been advertised by a press notice in the Nottingham Evening Post in accordance with the County Council's adopted Statement of Community Involvement.
42. Three letters of objection have been received raising concerns regarding the impact of airborne pollutants on human health, traffic, the impact on the Green Belt, the impact on local amenity, and whether the composted material taken off site for spreading onto agricultural land would be fully composted or whether it would still be classed as waste.

43. Councillor David Taylor has been notified of the application.
44. The issues raised are considered in the Observations Section of this report.

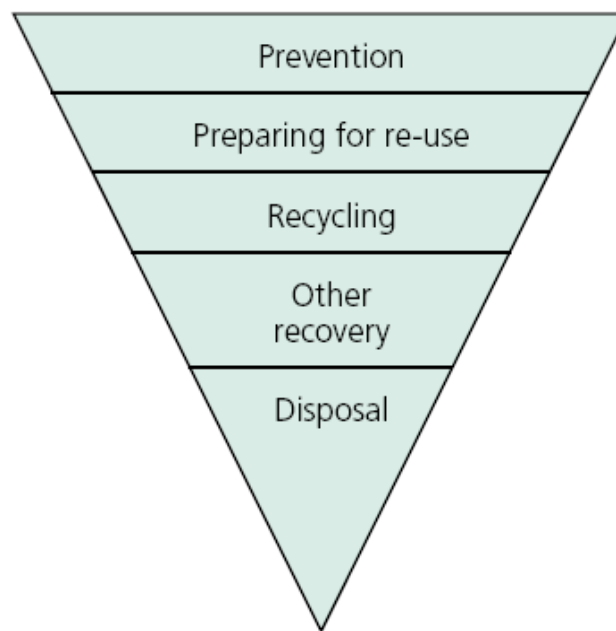
Observations

Planning policy background

45. National waste management policy is set out within the “Waste Strategy for England 2007” document published by DEFRA. The overall objective of this strategy is to make waste management more sustainable by reducing waste growth, placing more emphasis on waste prevention and re-use, increasing recycling and composting, securing the investment in order to divert waste from landfill, and where possible managing waste so as to ensure environmental benefits are obtained.
46. The Waste Strategy has targets for the recycling and composting of at least:
- 40% of household waste by 2010;
 - 45% of household waste by 2015; and
 - 50% of household waste by 2020.
47. There are also targets for the recovery of:
- 53% of municipal waste by 2010;
 - 67% of municipal waste by 2015; and
 - 75% of municipal waste by 2020.
48. Government planning guidance on waste management is provided in ‘Planning Policy Statement 10: Planning for Sustainable Waste Management’ (PPS10) which identifies the role that positive planning can have in providing opportunities for new waste management facilities of the right type, in the right place and at the right time. Key planning objectives identified in PPS10 include:
- (i) Driving waste management up the waste hierarchy (see figure 1 below);
 - (ii) Addressing waste as a resource;
 - (iii) Securing the recovery or disposal of waste without endangering human health or harming the environment;
 - (iv) Enabling waste to be disposed of close to its source; and
 - (v) Reflecting the concerns and interests of communities, the needs of waste collection and disposal authorities, and the needs of business.
49. PPS10 also recognises the need to protect Green Belts whilst recognising the particular locational needs of some types of waste management facilities. When determining planning applications, waste planning authorities should acknowledge that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight.

Figure 1: The Waste Hierarchy (from PPS10)

The waste hierarchy



- the most effective environmental solution is often to reduce the generation of waste, including the re-use of products – *prevention*¹⁶
 - products that have become waste can be checked, cleaned or repaired so that they can be re-used – *preparing for re-use*
 - waste materials can be reprocessed into products, materials, or substances – *recycling*
 - waste can serve a useful purpose by replacing other materials that would otherwise have been used – *other recovery*
 - the least desirable solution where none of the above options is appropriate – *disposal*.
50. PPS10 also provides advice on applications for unallocated sites and states that these should be assessed against a number of criteria, which are:
- (i) The extent to which they support the policies in PPS10;
 - (ii) The physical and environmental constraints, including neighbouring land uses;
 - (iii) The cumulative effects of any previous waste disposal facilities on local communities and the environment;
 - (iv) The capacity of the transport infrastructure;
 - (v) Give priority to previously developed land.
51. The East Midlands Regional Plan (EMRP), adopted in March 2009, continues to form part of the development plan, despite the Localism Bill, which proposes to revoke regional plans, having received Royal Assent in November 2011. However, the Act has yet to come fully into force and this section is not due to take full effect until April 2012. In the meantime, the Government is consulting on the environmental report on the revocation of the EMRP, a process which is

due to run until January 2012. Therefore, for the time being at least, the EMRP remains a material consideration in the assessment of planning applications, although the weight attached to it is considered to be limited due to the above timetable for its revocation.

52. Policy 38 of the EMRP states that waste facilities should be sited to avoid the pollution or disturbance of designated nature conservation sites of international importance. Increased traffic levels on roads near to sensitive sites should also be avoided.
53. Composting policies in the Nottinghamshire and Nottingham Waste Local Plan (WLP) identify specific employment sites where composting is permitted subject to there being no unacceptable environmental impact (Policy W7.1), permit composting schemes at waste disposal sites (Policy W7.2), and provide for small scale schemes within existing agricultural development (Policy W7.3). The application under consideration here is considered to be small scale based on the tonnages involved but does not accord with Policy W7.3 as it is not located close to existing agricultural built development.
54. It is also considered that the proposal does not accord with Policy W3.17 (Green Belt) of the WLP which only allows for waste disposal in the Green Belt where it represents the best option for reclaiming mineral workings or other derelict voids. The Broxtowe Local Plan (2004) states, in Policy E8, that planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development and the list of appropriate development in that policy does not include waste management facilities. For other uses of land, Policy E8 states that such development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it, as per PPG2. As a result of the proposed composting facility not according with these policies, the application has been advertised as a departure from the development plan.
55. National policy guidance on Green Belts is contained in 'Planning Policy Guidance Note 2: Green Belt' (PPG2) which sets out a general principle against the granting of planning permission for inappropriate development. Waste management facilities are not considered to be appropriate development and PPG2 states that "inappropriate development, by definition, is harmful to the Green Belt and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".
56. PPG2 further states that other operations, into which category this proposed composting operation would fall, "are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt".
57. The Draft National Planning Policy Framework (NPPF) published in July 2011, does not provide any guidance on waste management but does broadly reiterate the guidance contained in PPG2 on Green Belts insofar as inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Planning authorities have been

advised that the policies in the Draft NPPF are material considerations in the determination of planning applications.

58. Government planning guidance for rural areas is contained in 'Planning Policy Statement 7: Sustainable Development in Rural Areas' (PPS7). It states that development proposals should be supported which enable farmers and farming to:
- (i) Become more competitive, sustainable and environmentally friendly;
 - (ii) Adapt to new and changing markets;
 - (iii) Comply with changing legislation and associated guidance;
 - (iv) Diversify into new agricultural opportunities (e.g. renewable energy crops); or
 - (v) Broaden their operations to 'add value' to their primary produce.
59. PPS7 also acknowledges that the diversification of farms into non-agricultural activities can be vital to maintaining their viability and planning authorities should be supportive of well conceived diversification schemes for business purposes which contribute to sustainable development objectives and are consistent in scale with their rural location, even around the fringes of urban areas.
60. Despite the planning application's lack of conformity with policies in the WLP, it should be noted that, having been adopted in January 2002, the WLP needs updating and, indeed, consultation on the Core Strategy Preferred Approach took place between July and September 2011. The Core Strategy is anticipated to be adopted around Spring 2013. Guidance on the consideration of applications for waste management schemes in areas where the development plan has not been updated is provided in PPS10 which states that, in such instances, planning authorities should ensure that proposals are consistent with PPS10. With the replacement for the WLP not yet in place, it is therefore considered that the application should be primarily assessed against the policies in PPS10 and other relevant Government guidance highlighted above.

Planning policy considerations

Need for the site

61. There has been a significant change over the past ten years or so in terms of how green waste suitable for composting has been treated with an increase in the amount of material composted at home, the separate kerbside collection of green waste by waste collection authorities, and the use of household waste recycling centres for the disposal of green waste. These have all helped to divert this waste stream away from landfill sites and Nottinghamshire recycled or composted 42.5% of its household waste in 2009/10, against the Waste Strategy target of 40%. However, the ability of the county to meet more stringent targets in the future is reliant on there being more suitable facilities to manage and compost the material collected.
62. In June 2006, the County Council signed a 26 year Private Finance Initiative (PFI) waste management contract with Veolia ES Nottinghamshire Limited for the management of municipal waste arising within the Nottinghamshire area.

The contract requires Veolia to meet a number of key performance indicators relating to the achievement of Government performance standards for recycling, composting and landfill diversion. In order to meet these targets, Veolia are seeking to develop a number of new waste management facilities. However, Members will be aware that two major components of the PFI contract, the Energy from Waste Facility at the former Rufford Colliery Coal Stocking Yard and a composting facility at Inkersall Grange Farm near Bilsthorpe, have both been refused planning permission after public inquiries.

63. The decision at Inkersall Grange Farm has significant implications for the management of green waste in the county as that facility would have dealt with approximately 35,000 tonnes of green waste per annum. The PFI contract envisages a total of 110,000 tonnes of green waste being managed and composted each year with approximately 50% of it being collected from household waste recycling centres and the other 50% from kerbside collections. However, not all district and borough councils in the county are providing kerbside collections, as the PFI contract envisages, and some of those that do not collect from all properties and others that have done so in the past for free are now charging for the service. Collections from household waste recycling centres are also less than previously anticipated and latest figures for the year 2010-2011 suggest that only around 50,000 tonnes of green waste were collected in the county and composted, significantly less than the amount envisaged in the PFI contract.
64. Despite this, it is understood that the County Council is reliant on a number of third parties to compost the county's green waste, which include facilities outside the county. Therefore, the provision of additional facilities, even at the relatively small scale of this proposal (approximately 1/10th of the Inkersall Grange proposal) which again would be managed by a third party, is welcomed and would help contribute towards achieving future recycling targets set out in the Waste Strategy and meet the needs of both waste collection and disposal authorities. It is therefore considered that there is a need for the proposed development.

Assessment against 'Planning Policy Statement 10: Planning for Sustainable Waste Management' (PPS10)

65. It is considered that the application should be assessed against PPS10 as the WLP has yet to be updated. With regards to the key planning objectives in PPS10 (see paragraph 48 above), the proposed development would help drive waste management up the waste hierarchy by diverting green waste from landfill and would also treat the waste as a resource by turning it into compost which would help improve the quality of agricultural land. The applicant has stated that the material entering the site would be sourced locally from household waste recycling centres so it would be managed close to where it is generated. Members should be aware that the applicant has stated that some of the green waste would be sourced from Ilkeston Household Waste Recycling Centre in Derbyshire but the proximity of that site to the application site accords with this objective in PPS10 in enabling waste to be disposed of close to its source. Members are also reminded that, as detailed above, some green waste

collected in Nottinghamshire is composted outside the county in South Yorkshire, again allowing waste to be disposed of locally.

66. One of the key objectives in PPS10 concerns the impact on human health and the environment. The greatest potential impact to human health from composting operations is from bioaerosols, described by the Environment Agency (EA) in a position statement on the subject as a “complex mixtures of airborne micro-organisms and their products” which can have impacts on respiratory health. Concerns regarding bioaerosols have also been raised in letters of objection to the application. The EA’s position statement also stipulates that if new composting sites are less than 250 metres from a sensitive receptor such as a residential property, or a workplace where workers would frequently be present, then any application should be supported by an appropriate risk assessment to assess potential health risks and, if necessary, control potential exposure of that sensitive receptor to bioaerosols. The best way to address this matter is to find a site which is at least 250 metres from any sensitive receptor.
67. This restriction imposed by the EA has a considerable impact on the land available for composting operations, ignoring any other environmental or amenity constraints that might exist, and is a key reason why the site is located in the Green Belt. Plan 3 shows the entire county with the shaded areas being those which are within 250 metres of a sensitive receptor (this plan also shows the extent of the Nottingham/Derby Green Belt). Plan 4 shows the impact of these two constraints on that part of the county in the near vicinity of the application area and shows how difficult it is to identify sites which are outside the Green Belt and also further than 250 metres from a sensitive receptor. However, the site’s location more than 250 metres from any sensitive receptor does at least mean that the EA has not raised an objection to the application and it is also considered that this addresses bioaerosol concerns raised by members of the public. However, it does mean that the application site is in the Green Belt and this matter needs to be assessed.

Assessment against ‘Planning Policy Guidance Note 2: Green Belts’ (PPG2)

68. Waste management operations are not identified in PPG2 (or, indeed, Policy E8 of the Broxtowe Local Plan) as being appropriate development in the Green Belt and PPG2 states that there is a general presumption against inappropriate development within them. Inappropriate development should not be approved except in very special circumstances and PPG2 states that, for inappropriate development, very special circumstances will not exist unless the harm that results from the inappropriateness of the development is clearly outweighed by other considerations. PPG2 places significant weight on inappropriate development, if permitted, maintaining openness and not conflicting with the purposes of including land in the Green Belt.
69. The purposes of including land in the Green Belt are:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns from merging into one another;
 - To assist in safeguarding the countryside from encroachment;

- To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
70. In considering whether very special circumstances exist, the applicant has highlighted one of the above purposes which is to safeguard the countryside from encroachment. The applicant considers that the proposed development would be a small scale agricultural activity that would enhance and protect the countryside by promoting sustainable agricultural use. Although it is not entirely accepted that the composting activity itself is an agricultural activity (as it is waste development), the purpose of carrying out the composting operations is linked to agriculture as the compost is to be used as a soil improver which would be spread onto agricultural land in order to increase its agricultural viability. It is considered that there is further conformity with PPG2 which states that the use of land in the Green Belt should play a positive role in retaining land in agricultural use.
71. Regarding the impact on the openness of the Green Belt, it is considered that the relatively small amount of material that would be on site at any one time (500 tonnes), in addition to restrictions regarding the height of stockpiles of green waste and composting windrows (which are set out in greater detail below), plus the fact that the proposed development does not require any permanent buildings, plant or machinery on site, would all result in the impact on the openness of the Green Belt being minimised as far as possible for a development of this nature.

Assessment against 'Planning Policy Statement 7: Sustainable Development in Rural Areas' (PPS7)

72. PPS7 acknowledges that the diversification of farms into non-agricultural activities can be vital to maintaining their viability. The applicant has stated that the land surrounding the application site in the applicant's ownership is classified as Grade 4 agricultural land (i.e. outside the classification of best and most versatile land) and consequently requires additional nutrients in order to improve its agricultural viability. Providing these nutrients through a sustainable form of waste management, rather than spreading artificial fertilizers conforms to PPS7 which requires planning authorities to be supportive of well conceived diversification schemes which contribute to sustainable development objectives and are consistent in scale with their rural location, even around the fringes of urban areas.

Landscape and visual impact and ecological impacts

73. There are opportunities with this application site to utilise the existing landscape features in order to minimise the visual impact of the proposed development, along with providing additional landscaping and ecological benefits and screening measures. With the application site located directly adjacent to the belt of trees, a useful natural screen between the site and users of the bridleway would be provided and the applicant has agreed to provide additional screening from users of Greasley Bridleway Number 68 to the south by planting a

hedgerow along the southern boundary of the field in which the application site is located. The County Council's Landscape Officer considers that the hedgerow should be along the entire southern boundary of the field to help strengthen the landscape character of the area whilst providing a habitat link with the belt of trees along the eastern boundary of the field. PPG2 states that the use of land in the Green Belt has a positive role to play in securing nature conservation interest and these planting proposals would help fulfil this objective. The hedgerow planting species put forward by the applicant are considered to be characteristic of the local landscape, subject to some minor amendments, and the provision of hedgerow trees is supported. Final details of the species, along with the maintenance and management of the hedgerow could be the subject of a condition attached to any planning permission.

74. The applicant has suggested a number of options for storing soils stripped from the composting area and from the access track through the strip of trees which would provide additional screening. The County Council's Landscape Officer considers that the most suitable storage location for these would be around the southern and western boundaries of the composting pad as this would allow the remainder of the field to remain in agricultural use. Due to the relatively flat nature of the surrounding landscape, it is considered that the landscaping mound should be no higher than 1.5 – 2 metres and the external face should be less steep than the 1 in 4 indicated by the applicant so that it ties back into the surrounding field as smoothly as possible. As the Landscape Officer's recommendation regarding the location of the soil mound differs from that proposed by the applicant, it is considered appropriate to attach a condition to any planning permission requiring details of the mound, including its precise position, size, seeding and maintenance, along with details of the methodology of the soil stripping itself, to be submitted for approval.
75. The landscaping mound, along with restricting the height of the compost windrows and any stockpiles of delivered material to no more than three metres in height would help to ensure that the openness of the Green Belt is maintained, a key requirement of PPG2. Views of the site from the bridleway to the south and southwest would therefore be restricted with the site set against the backdrop of the belt of trees and the mature hedgerow to the north. Ultimately, views from the bridleway would be screened by the hedgerow which is proposed adjacent to it. The County Council's Landscape Officer considers that the proposed development would have a slight adverse impact on the landscape character and a slight adverse visual impact, and it is considered that the proposed development accords with Policy W3.4 (Visual Impact – Screening and Landscaping Measures) of the WLP.
76. The loss of a narrow strip of trees in order to access the site is considered unfortunate but the alternative would be for HGVs to travel much further along two bridleways (see below). The loss of trees is also being compensated for through the provision of the new hedgerow on the southern boundary of the field which would extend to approximately 420 metres and the applicant also proposes to plant a new hedgerow alongside the access track once the trees have been removed. A condition is recommended requiring the removal of the strip of trees to be carried out outside the bird breeding season.

77. The ecological survey submitted with the application has been assessed and the County Council's Nature Conservation Officer recommends that the composting pad is at least four metres from the edge of the belt of trees, in order to protect tree roots. The strip of trees removed for the access road should not exceed six metres in width. Finally, the ecological survey notes that the belt of trees provides a suitable habitat for some protected species, although none were recorded in the survey. However, prior to the access track being constructed, it is considered that a further walk-over survey should be carried out for these species. All these matters could be secured through suitable conditions.

Impact on the right of way network

78. Other fields within the applicant's landholding which fall outside the 250 metre sensitive receptor zone were also considered for this application and all involved HGVs travelling along bridleways in the area. This application requires the use of a 250 metre stretch of Greasley Bridleway Number 50, although it should be noted that the first 100 metres of this from the A610 is also part of the public highway, is hard surfaced and is used by tankers accessing the sewage works and by users of the football pitches and model car race track. The impact of the proposed development on this section of the bridleway is therefore considered to be negligible.
79. The remaining 150 metre section of bridleway is not used by vehicles and so consideration needs to be given to bridleway users. Despite this section of the bridleway having an almost 90 degree corner about halfway along it, visibility from one end to the other is good and HGV drivers would be able to observe bridleway users and vice versa. The applicant has agreed to install a passing place close to the aforementioned corner and this would need to be installed prior to any HGVs accessing the site. It is also considered appropriate for all HGV drivers to accord by a code of conduct when driving along the bridleway with the code including matters such as a maximum speed limit and HGV drivers checking the bridleway for other users before actually entering onto it. Details of this code of conduct could be secured by condition.
80. It is considered that the continued use of the bridleway by HGVs would impact on its condition and it is considered appropriate to require the applicant to carry out all necessary repairs to this stretch of the bridleway on a regular basis, probably once a year. Again, this matter could be secured by a suitable condition.
81. Although the proposed access route requires the removal of a strip of the belt of trees adjacent to the bridleway, the alternative would be for HGVs to continue along the bridleway for a further 200 metres before turning right onto Greasley Bridleway Number 68 and travelling along there for a further 50 metres before entering the field in which the application site is located. This would double the length of bridleway along which HGVs would have to travel. It is therefore considered that, with the above provisions in place, all of which could be secured by planning conditions, the impact of the proposed development on the bridleway and its users would be minimised as far as possible and to an acceptable level.

Impact on the highway network

82. The Highways Authority considers that the deceleration and acceleration lanes on the A610 leading towards the access road are suitable for the level of traffic expected from the proposed development. The A610 is a dual carriageway with a central reservation so all vehicles would enter and leave the road via a left hand turn. It is therefore considered that the proposed development accords with Policy W3.14 (Vehicular Movements) of the WLP.

Impact of compost processing operations

83. There are a number of impacts associated with all composting operations which also need to be addressed in this instance. The County Council's Reclamation Officer has highlighted the potential contamination of the composted material with other waste streams such as plastic etc. The application states that material destined for the site would be checked at the point of collection and again once tipped at the site. A condition is recommended to ensure that no contaminants form part of the composted material with any contaminants to be stored separately on site and then removed on a regular basis.
84. The impacts from dust are most likely to arise when shredding and windrow turning operations are taking place during windy conditions and, despite the relatively remote location of the site, it is considered appropriate to address this matter through a suitable condition in the interest of bridleway users and in accordance with Policy W3.10 (Dust) of the WLP. The previously detailed restriction on the height of the windrows and stockpiles would also assist in reducing dust emissions.
85. Odour can be an issue with composting operations due to poor site management which allows the compost to go anaerobic when the windrows are not turned often enough. This in turn can lead to the site attracting flies. The Department for Environment, Food and Rural Affairs (DEFRA) has issued some guidance on stand-off distances from composting sites in a document entitled "Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities". The guidance identifies three different methods of composting: (A) the intensive method with frequent turning of windrows (approximately ten times over three months); (B) the conventional method where windrows are turned approximately seven times over a six month period; and (C) the intensive method with forced aeration which seeks to achieve full aerobic processing with occasional turning to maintain aerobic conditions. For each of these methods, stand-off distances are recommended based on the amount of material composted per annum.
86. It is considered that the proposed development would be classed as intensive (method A) due to the rate of windrow turning and, based on the throughput of material being less than 5,000 tonnes per annum, a stand-off distance of between 100 and 200 metres is recommended (see Table 1 below taken from the DEFRA guidance).

Table 1: Stand-off distances for different composting techniques discharging at ground level

Production rate (tonnes /year)	Method A Distance (m)	Method B Distance (m)	Method C Distance (m)
0-5,000	100-200	225-300	100
5001 – 10,000	200-400	300-450	100
10,001 – 15,000	400 – 600	450-600	100
15,001 – 20,000	600 – 750	600-700	100
>20,000	>750	>700	200

87. As is the case in respect of bioaerosols, the remote location of the site is beneficial in respect to odour. However, it is still considered prudent to attach a condition to any planning permission granted requiring action to be taken in light of any complaints being received to ensure odour is not a problem associated with the site. Restricting the amount of material on site at any one time to 500 tonnes, as detailed in the application, would assist in this matter and would ensure compliance with Policy W3.7 (Odour) of the WLP.
88. The County Council's Noise Engineer has highlighted the remote location of the site and the high levels of noise from the A610. Conditions regarding the hours of operation on site and the maintenance of plant and machinery are recommended in accordance with Policy W3.9 (Noise) of the WLP. The hours of operation recommended in the condition are less than those detailed in the application but reflect the operating hours typical of this type of development.
89. Composting operations are often undertaken on impermeable hard surfaces but, due to the limit of 500 tonnes of material on site at any one time, the Environment Agency has not raised any objection to the site being surfaced with crushed aggregate. It is therefore considered that the proposed development would not cause an unacceptable risk of pollution to ground water or surface water and so would accord with Policy W3.5 (Water Resources – Pollution Issues) of the WLP.
90. Finally, a condition is recommended requiring the site to be restored back to its original condition should the proposed development cease to operate.

Impact of spreading the compost onto adjacent land

91. One member of the public objecting to the application has questioned whether the composted material taken off site for spreading onto agricultural land would be fully composted or whether it would still be classed as waste. They have cited an appeal case in which a grant of planning permission for a waste composting site was quashed because the planning authority had failed to take into account the spreading of the processed material when the application was screened under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (these Regulations have since been superseded by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, hereafter referred to as 'the EIA Regulations'). The screening process, carried out on all applications received

by the County Council, considers whether planning applications should be accompanied by an environmental statement or not.

92. This is an important consideration as the Environmental Impact Directive 85/337/EEC which the EIA Regulations transpose into domestic law requires the environmental assessment of 'projects', not just those aspects of a project that require planning permission. Therefore, in the case of this proposal, the screening process needs to take account not only of the composting operation on the application site but also the spreading of the compost, even if the land onto which the compost is to be spread does not form part of the application site. This is because the spreading process itself could have environmental impacts, either on its own or in combination with the composting operation, and the spreading is a necessary part of the overall operations as, without it, the application site would soon fill to capacity and could not operate.
93. The appeal case to which the objector refers also highlights the need for the screening opinion to take account of the measures to be put in place as part of the application to ensure that the material spread is indeed compost and is not still considered to be waste. Of course, if the spread material was still considered to be waste, that would amount to development in itself and would require planning permission, whilst the spreading of compost would be considered to be the use of land for agricultural purposes which the Town and Country Planning Act 1990 (section 55(2)(e)) states does not involve development.
94. The application in question had failed in this respect because the planning authority concerned, whilst acknowledging that the spreading of the composted material had the potential to cause significant pollution and nuisance, did not set out how such impacts would be controlled. The planning application had not set out that any particular quality of composted material was to be spread onto land, and the conditions attached to the planning permission did not require any minimum standards to be met in this respect. The spreading of the composted material could only be ignored as one of the cumulative effects if the planning authority was confident that the material to be spread was indeed compost and not waste.
95. The planning application before Members has been screened under the EIA Regulations and the screening process has considered both the application site and the land onto which the compost would be spread. The screening process details how both the composting operation and the spreading of the composted material have been given due consideration and, in respect of the spreading operation, consideration has been given to the sensitivity of the land onto which it is proposed to spread the compost along with the quality of the material.
96. The applicant has provided details of the three areas of land in their ownership which are detailed on Plans 5 – 7, along with a statement detailing the application of the compost. Within these three areas are designated Sites of Importance for Nature Conservation (SINCs), local ecological designations, Mature Landscape Areas (MLAs), local countryside designations which seek to identify and protect those parts of the county least affected by arable farming, commercial forestry and mineral extraction, and, on the land within Derbyshire, Local Wildlife Sites (LWSs) which are that county's equivalent to SINCs.

97. The statement provided by the applicant states that:
- “Compost will only be spread to land within the company’s ownership where the following conditions have been met:
- The land is not within an MLA, LWS or SINC where soil improvers would interfere with the designation.”
98. The County Council's Nature Conservation Leader has confirmed that the SINC's at the Bennerley landholding (Plan 5) are designated for their interesting and varied grassland communities. Derbyshire County Council's ecologist has confirmed that the LWS is designated for similar reasons. The fields of land they cover are typically used for grazing horses and are not subject to any ploughing. It is considered that ploughing compost into this land would have a detrimental impact on the ecological interest, not only through the ploughing itself but from the increased nutrient levels in the land from the compost which would likely lead to dominant grass species out-competing the existing grassland communities that have led to the SINC and LWS designations.
99. The Shilo North MLA covers roughly the same area as the SINC's and it is considered that any ploughing of these fields in order to incorporate compost would be detrimental to its landscape value. The same is considered for the Babbington/Swingate MLA (Plan 6) which cuts into part of the applicant's landholding in that area. The LWS at the Algrave landholding (Plan 7) is an area of wet woodland and a pond so would unlikely to be subject to compost spreading as the area is not in agricultural use.
100. It is considered that any spreading of compost in these designated areas would have significant adverse impacts on their features of interest so the screening process undertaken under the EIA Regulations has been based on the spreading being restricted to those areas of farmland which are in the applicant's ownership (see Plans 5 – 7) but are outside these designations. Planning controls relating to land in the applicant's ownership can usually be dealt with by planning condition but as the Algrave site is in Derbyshire, it is considered that this matter should be secured through a legal agreement/unilateral undertaking. Derbyshire County Council have orally confirmed their agreement to the acceptance of a unilateral undertaking in principle subject to the legal observations of that authority which were awaited at the time of preparing this report. This would tie the applicant to only spreading compost onto certain areas of land, thereby ensuring that the screening process remains robust, taking account of the appeal case to which an objector refers.
101. Regarding the issue of ensuring that compost and not waste is spread onto agricultural land, conditions are recommended requiring the operations on site to be carried out in accordance with the 'PAS 100:2011 – Specification for Composted Materials' accreditation document referred to in the supporting statement submitted with the application. The PAS 100:2011 accreditation is a non-statutory document but is recognised as setting the national benchmark for the composting industry in terms of the minimum standard for the composting process, including the selection of materials from which compost is made. In addition to this, the Environment Agency, in conjunction with the Waste and Resources Action Programme (WRAP), has published a Quality Protocol for Compost which sets out the criteria for when source segregated waste becomes

a product. The PAS 100:2011 accreditation is the preferred baseline standard for achieving the Quality Protocol.

102. The EA has confirmed that if appropriate waste materials are composted in a manner which accords with the Quality Protocol and the PAS 100:2011 standard, then the composted material would be deemed to no longer be waste. As already detailed, a further condition is recommended to ensure that no contaminants form part of the material to be composted.
103. The PAS 100:2011 accreditation is awarded on a site by site basis and the applicant expects it to take approximately 18 months to achieve the accreditation, during which time the composting process has to be set up and three separate batches of composted material are tested and independently verified. During this time, the applicant has agreed to only spread the composted material onto the landholding in which the application site is located but it is considered worthwhile to attach a further condition requiring confirmation that the site has received its PAS 100:2011 accreditation to be submitted to the WPA within two years of composting first commencing on site. This would help ensure that the applicant operates in accordance with the accreditation as soon as operations commence in order to achieve the accreditation within the timeframe set out in the condition.

Other Options Considered

104. The applicant first approached the Waste Planning Authority regarding another site close to the application site but its location in the floodplain and difficulties regarding access resulted in other options being considered, with the application site being identified through this process. The applicant also submitted an application for another similar composting operation on agricultural land close to Awwsworth but this application was subsequently withdrawn. Pre-application discussions have also been held with another operator regarding a site to the south of the application area but it was found that it was within 250 metres of a sensitive receptor.

Human Rights Act Implications

105. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Conclusions and statement of reasons for the decision

106. The application site lies in the Green Belt and the proposals are not considered to be appropriate development in the Green Belt so have accordingly been treated as a departure for referral to the National Planning Casework Unit on behalf of the Secretary of State. However, whilst the County Council acknowledges this issue, it is considered that there are a number of very special

circumstances which outweigh the inappropriate nature of the development in the Green Belt.

107. Recent planning decisions relating to other proposed composting schemes means that there remains a shortfall of composting sites in the county to deal with green waste. The scale of the proposed development is limited compared to other composting sites and would ensure that the openness of the Green Belt is maintained. The limited availability of sites resulting from restrictions placed by the EA in relation to stand-off distances to sensitive receptors has led to sites in the Green Belt needing to be considered for this type of development. The proposed development would bring agricultural benefits from the spreading of the compost and is therefore considered to be a sustainable diversification scheme which accords with PPG7. The management of the green waste further up the waste hierarchy accords with PPS10. It is considered that these benefits would outweigh any negative impacts associated with the proposed development.
108. Any such negative impacts could be mitigated further by the imposition of the attached conditions. These include the additional landscaping proposed which would also bring biodiversity benefits, plus the restrictions to the amount of material on site at any one time and the height of storage mounds and windrows, which would all help to ensure that the openness of the Green Belt is maintained in accordance with PPG2 and Policy E8 of the Broxtowe Local Plan. Further conditions would ensure that the impact of the development on bridleway users would be minimised to acceptable levels while other conditions would ensure that local amenity would not be subject to any unacceptable impact.

RECOMMENDATIONS

109. It is RECOMMENDED that no objection be raised and that the application be referred to the National Planning Casework Unit on behalf of the Secretary of State as a departure from the Development Plan.
110. It is FURTHER RECOMMENDED that, should the Secretary of State not wish to intervene and that subject to the submission of a unilateral undertaking detailing the areas of agricultural land onto which the composted material produced by the development is to be spread, the Assistant Chief Executive be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

SALLY GILL

Group Manager (Planning)

Constitutional Comments [SHB 15.12.11]

Committee have power to decide the Recommendation.

Financial Comments (P.B 23-12-2011)

There are no specific financial implications arising from these proposals.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Councillor David Taylor Beauvale

Report Author/Case Officer

Jonathan Smith

0115 9772104

For any enquiries about this report, please contact the report author.

W000331
PSP.JS/RH/EP5324
15 Dec 2011

RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement of site preparation works at least 7 days, but not more than 14 days, prior to the commencement of the development.

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

Approved documents

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless otherwise agreed in writing with the WPA, or where amendments are made pursuant to the other conditions below:

- (i) Planning application forms and supporting statement received by the WPA on 3 May 2011;
- (ii) Drawing Number SK-020 – Site Location Plan received by the WPA on 3 May 2011;
- (iii) Drawing Number BEN01 – Site Plan received by the WPA on 3 May 2011;
- (iv) Arboricultural Report received by the WPA on 3 May 2011;
- (v) Details of passing place on Grealsey Bridleway Number 50 received by the WPA on 23 August 2011;
- (vi) Ecological Walk-Over Survey received by the WPA on 26 September 2011;
- (vii) Arboricultural Advice received by the WPA on 26 September 2011;
- (viii) Landscaping Mound and Planting Scheme details received by the WPA on 5 October 2011;

Reason: For the avoidance of doubt.

Prior to commencement details

4. Prior to the commencement of development hereby permitted, details of the planting of the hedgerow, as identified on the details entitled 'Landscaping Mound and Planting Scheme' received by the WPA on 5 October 2011, and the hedgerows to be planted alongside the access track, shall be submitted to the WPA for its approval in writing. These details shall include proposed species to be planted including proportions, size, spacing, positions, densities, ground preparation, protection and maintenance, and timescale for implementation. All landscape planting shall be carried out in accordance with the approved details.

Reason: To provide suitable landscaping for the site in accordance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.

5. Prior to the commencement of the development hereby permitted, a walkover survey of the site shall be carried out by a qualified ecologist to check for the presence of any protected species. Should any protected species be identified a scheme including methods and timings to mitigate any undue adverse effects on such species shall be submitted to the WPA for its approval in writing. The mitigation measures shall be implemented in accordance with the approved scheme prior to the commencement of the development.

Reason: In the interests of safeguarding species protected by law in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

6. Prior to the commencement of the development hereby permitted, details of the construction of the passing place on Greasley Bridleway Number 50, as identified on the details received by the WPA on 23 August 2011, shall be submitted to the WPA for its approval in writing. The details shall include the precise location and size of the passing place and the surfacing proposed. The passing place shall be constructed in accordance with the approved details prior to any HGVs associated with the development hereby permitted and its preparation entering the site.

Reason: In the interests of bridleway users and their safety.

7. Prior to the commencement of the development hereby permitted, a survey of that section of Greasley Bridleway Number 50 which is to be subject to HGV movements associated with the development hereby permitted shall be submitted to the WPA for its approval in writing. The survey shall detail the condition of this section of the bridleway prior to any HGVs associated with the development travelling along it.

Reason: In the interests of bridleway users and their safety.

8. Prior to the commencement of the development hereby permitted, details of a code of conduct to be observed by all HGV drivers involved with the preparation and operation of the development shall be submitted to the WPA for its approval in writing. HGV drivers shall abide by the approved code of conduct at all times.

Reason: In the interests of bridleway users and their safety.

Removal of trees and creation of access track

9. The felling, clearing and removal of vegetation associated with the construction of the access track shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the WPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist.

Reason: In the interests of safeguarding species protected by law in accordance with Policy W3.22 of the Nottinghamshire and Nottingham Waste Local Plan.

10. Prior to the removal of any trees in order to create the access track, the line of the access track shall be pegged out and the WPA notified when the pegging out has been completed. The trees to be removed in order to create the access track shall then be agreed on site between the operator and the WPA and the affected trees clearly marked. The identified trees shall then be felled by a suitably qualified arboricultural contractor.

Reason: To minimise the loss of trees as a result of the development hereby permitted.

11. Once the trees identified through the requirements of Condition 9 above have been felled, the line of the access track shall be marked out with temporary fencing which shall be positioned at least 2.5 metres from any retained trees.

Reason: To minimise the loss of trees as a result of the development hereby permitted.

12. The access track shall not be constructed until details of the method of its construction, including the stripping and storage of soils, have been submitted to and approved in writing by the WPA. The access track shall be constructed in accordance with the approved details.

Reason: To provide a suitable surface for HGVs to pass along whilst minimising the impact on adjacent trees.

Soil stripping, handling and storage

13. Site clearance/preparation operations that involve the felling, clearing or removal of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the WPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist.

14. A detailed soil-handling scheme for the development shall be submitted in writing to the WPA at least one month prior to the stripping of any soils from the site. Such a scheme shall include the following details:

- (i) Details of the soil profile on site;
- (ii) The size, location, volume, gradients and composition of soil storage mounds;

- (iii) A methodology statement for the stripping, storage and replacement of soil;
- (iv) The types of machinery to be used;
- (v) The routes to be taken by plant and machinery involved in soil handling operations;
- (vi) The depths of subsoil and topsoil to be stripped;
- (vii) Details of the demarcation of a four metre wide strip of land measured from the edge of the belt of trees, within which no soil stripping shall take place.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

15. The WPA shall be notified in writing at least 5 working days, but not more than 10 working days, before soil stripping is due to commence on site.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

16. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

17. All topsoil and subsoil shall be separately stripped to their full depths unless otherwise agreed in writing by the WPA. No soils or overburden shall be removed from the site.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

18. No plant or vehicles shall cross any area of unstripped topsoil and subsoil except where such trafficking is essential and unavoidable for the purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be traversed or used for a road, or for the storage of topsoil or subsoil, until all available topsoil and subsoil has been stripped from that part.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

19. Topsoil and subsoil shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- (i) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (ii) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

20. All topsoil and subsoil shall be stored separately.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

21. All storage mounds shall be seeded within three weeks of their construction in accordance with a seed mixture which has been previously agreed in writing by the WPA. The mounds shall thereafter be maintained and kept free of weeds throughout the life of the development.

Reason: To ensure the conservation of soil resources in accordance with Policy W4.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Operational details

22. The WPA shall be notified in writing of the date of the commencement of composting operations at least 7 days, but not more than 14 days, prior to the commencement of composting operations.

Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

23. No more than 500 tonnes of non-shredded green waste, shredded green waste awaiting placement to windrows, active compost in windrows, and stored mature compost shall be stored on the site at any one time.

Reason: To minimise the impact of the proposed development on the openness of the Green Belt in accordance with Planning Policy Guidance Note 2: Green Belts and Policy E8 of the Broxtowe Local Plan, and to accord with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

24. Only green waste shall be composted at the site. Green waste is defined as grass, tree and hedge clippings and other types of organic plant matter originating from private gardens, local authority parks and commercial landscape works, or collected from kerbside collections or household waste recycling centres. The waste shall not include food products and food wastes.

Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

25. Any non-green waste identified when material is tipped onto the site shall be removed prior to the green waste being shredded and placed into windrows. All non-green waste shall be removed from the site at the earliest opportunity.

Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

26. Unless in the event of an emergency when life, limb or property is in danger (any such occurrence shall be notified in writing to the WPA within 48 hours of its occurrence) or with the prior written agreement of the WPA, no site construction works, including soil stripping and tree felling, shall be carried out other than between the following hours:

07.30 hrs to 18.00 hrs on Mondays to Saturdays

No construction work shall take place on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of bridleway and in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

27. No plant or machinery shall be operated within the site, or deliveries/collections undertaken to or from the site except between the following hours:

Mondays to Fridays:	0700 hrs to 1800 hrs;
Saturdays, Sunday, Public and Bank Holidays	0800 hrs to 1700 hrs.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

28. The height of non-shredded green waste, shredded green waste awaiting placement to windrow, active compost windrows, and stored mature compost awaiting transfer off site shall not exceed three metres in height.

Reason: To minimise the impact of the proposed development on the openness of the Green Belt in accordance with Planning Policy Guidance Note 2: Green Belts and Policy E8 of the Broxtowe Local Plan, and to accord with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

29. No materials may be burned or otherwise incinerated on the site. Any fire occurring shall be regarded as an emergency and immediate action taken to extinguish it.

Reason: In the interests of amenity.

30. No plant or machinery shall be left on the site overnight.

Reason: To minimise the impact of the proposed development on the openness of the Green Belt in accordance with Planning Policy Guidance Note 2: Green Belts and Policy E8 of the Broxtowe Local Plan, and to accord with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

31. All plant, machinery and vehicles operating within the site shall incorporate noise abatement measures and be fitted with silencers and reversing warning devices maintained in accordance with the manufacturers' recommendations and specifications at all times to minimise any disturbance to the satisfaction of the WPA.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

32. In the event that the WPA receives a justified complaint regarding adverse odour impacts arising from the composting operations hereby permitted, then within 14 days of a written request by the WPA, the operator shall submit an odour management scheme to the WPA for its approval in writing. The odour management plan shall include measures so as to mitigate identified odour impacts. The site shall be operated in accordance with the approved scheme at all times thereafter.

Reason: In the interest of amenity and in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

33. Measures shall be employed to ensure that dust emissions from the site are minimised. This shall include taking all or any of the following steps as appropriate:

- (i) The operation of water-based dust suppression units at all times on any green waste and wood waste shredder used on site;
- (ii) The use of water bowsters and/or spray systems to dampen wood waste or shredded wood stockpiles and internal haul routes;
- (iii) Upon the request of the WPA, the temporary cessation of the tipping and shredding of green waste and the turning of windrows during periods of excessively dry and windy weather.

Reason: To minimise the risk of dust pollution in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

34. Between 1 December and 31 December of each year, a survey of that section of Greasley Bridleway Number 50 subject to HGV movements associated with the development hereby permitted shall be submitted to the WPA for its approval in writing. The survey shall detail the condition of this section of the bridleway and set out the works required to bring the condition of the bridleway back to its condition prior to the commencement of development. The approved works shall be carried out within two months of their approval to the satisfaction of the WPA and the WPA shall be notified within seven days of the works having been completed.

Reason: In the interests of bridleway users and their safety.

35. Within two years of the commencement of composting operations on site, as notified under Condition 22 above, confirmation that the site has achieved 'PAS 100:2011 – Specification for Composted Materials' accreditation shall be submitted to the WPA.

Reason: In the interest of amenity.

36. Unless otherwise agreed in writing with the WPA, only composting operations which are fully compliant with PAS 100:2011 and the Quality Protocol for Compost, or their equivalent or as subsequently amended, revised or superseded, shall be undertaken at the application site. Only mature compost which meets PAS 100:2011 and the Quality Protocol for Compost or their equivalent shall be transported from the site.

Reason: In the interest of amenity.

Temporary cessation or workings

37. In the event that the use of the site for the importation and composting of green waste should cease for a period in excess of six months, then the operator shall, within three months of a written request from the WPA, submit a scheme for the restoration of the site. The scheme shall include details of the removal of any remaining green waste and compost, the removal of the hardstanding from the compost pad and the access road, the replacement of soils, and the timetable for the implementation of the restoration works. The restoration of the site shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to minimise the impact of the proposed development on the openness of the Green Belt in accordance with Planning Policy Guidance Note 2: Green Belts and Policy E8 of the Broxtowe Local Plan.

Informatives/notes to applicants

1. Your attention is drawn to the consultation response from Western Power Distribution dated 23 May 2011, a copy of which is attached.