

meeting **PLANNING AND LICENSING COMMITTEE**

date **27 MARCH 2007**

from: **Strategic Director (Communities)**

agenda item number

**6**

**RUSHCLIFFE BOROUGH COUNCIL 8/06/00086/CMA  
GREEN WASTE COMPOSTING FACILITY  
JOHN BROOKE (SAWMILLS) LTD, FOSSEWAY, UPPER BROUGHTON, NOTTS  
APPLICANT: JOHN BROOKE (SAWMILLS) LTD**

## **Purpose of Report**

1. To consider an application for the development of a green waste composting facility at John Brooke (Sawmills) Ltd, Fosseway, Upper Broughton, Nottinghamshire. The application site lies within open countryside and has therefore been treated as a departure from the Development Plan. The proposals have also given rise to concerns principally relating to highway safety and odour issues. The recommendation is to grant conditional planning permission subject to referring the application to the Government Office for the East Midlands as a departure.

## **The Site and Surroundings**

2. John Brooke (Sawmills) Ltd is located midway between Nottingham and Leicester immediately east of the A46 Fosseway. Widmerpool lies some 2 km to the west whilst to the north-east and east beyond a railway line Hickling Pastures has developed along Melton Road (A606) approximately 600m distant (see Plan 1). Other outlying farms and properties lie in closer proximity. The closest property is a small holding at Hickling Pastures which lies approximately 300m to the north-east. To the south these include Broughton Grange Farm (occupied by the applicant, some 350m distant), The Bungalow and Broughton Lodge Farm (450m). To the west, beyond the A46, lie Barn Farm and Larke Rise (450m) and to the south-west South Lodge (500m). To the north of the applicant's landholding is a triangular area of agricultural land farmed by Turnpike Farm situated further north. That land is separated by a hedgerow and trees whilst further agricultural land lies to the south and to the west of the A46 Fosseway.
3. The applicant's landholding includes an existing timber treatment plant and sawmill operation occupying a parcel of land closest to the A46 from which vehicular access is available. A gap in the central divide of the A46 opposite the access point allows vehicles to also exit the site to the north.
4. The timber treatment plant and sawmill operation comprises various buildings and a timber yard. Land to the east of this area is grassed and forms an agricultural

holding. The application site itself relates to a rectangular parcel of land measuring approximately 0.8 ha within this agricultural holding adjacent to the site's northern boundary.

5. A watercourse known as Fairham Brook passes through the eastern part of the applicant's landholding albeit not within the application site. The nearest footpaths lie some 750m to the south of the site.

### **Proposed Development**

6. The application seeks planning permission to construct and operate a facility for the storage and composting of green waste as an on-farm composting operation for spreading on agricultural land as a soil improver. It is proposed to accept some 8-10,000 tonnes of green waste per annum, the bulk of which is anticipated from local authority green waste collections with a small contribution from private landscape contractors. The applicant also intends for the scheme to recycle waste timber products arising from the sawmill operation.
7. The applicant considers the site to be well located to serve several local authorities including Rushcliffe, Melton and Charnwood Borough Councils. It is anticipated that the facility would generate some 25-30 local authority deliveries per week equating to 4-5 per day. A further 3 cars/light vehicles per day are anticipated. The applicant has confirmed that historically the sawmill received up to 40 vehicle deliveries per day at peak periods although it is now generally around 10 per day.
8. It is proposed to access the site via the existing access point directly off the A46 and to operate a one way system for vehicular traffic around the existing main sawmill building. Waste collection vehicles would pass along a metalled surface to the north of the main sawmill building to a new weighbridge facility located at the application site entrance before discharging green waste at a reception area (see Plan 2) . A manned weighbridge kiosk would provide control over incoming material. Vehicles would leave the site via the timber yard and existing access point.
9. If necessary incoming material would be shredded by a tractor driven mulcher/shredder before being laid in open 'windrows' approximately 3m high for the composting process. The windrows would be subject to regular turning (at least weekly) with a mechanical fork to provide the necessary level of aeration, temperature and moisture control. On completion of the maturation process it may be necessary to screen the composted material by means of small diesel driven mobile screen to maintain a quality product suitable for applying to the land and to enable any stray material such as plastic to be removed.
10. The composted material would then be removed off site by lorry and applied to nearby surrounding agricultural land as a soil improver. The applicant has provided details of surrounding landowners who have agreed to the spreading of compost on their land. In addition to the applicant's own landholding and adjacent land to the east and south, significant tracts of land are also identified to the north of Widmerpool and north-west of Kinoulton.
11. The application site would be provided with an impermeable concrete surface and surface water run-off is proposed to be channelled through a drainage system to a

settlement tank or lagoon. Run-off would then be pumped back onto the windrows to aid the composting process.

12. It is proposed to form a 2m high landscaped earth bund along the southern boundary of the composting area to act as a visual screen and provide protection to the windrows. It is proposed to operate the facility between 08:00 and 18:00 hrs on Mondays to Saturdays with no operations on Sundays and Bank Holidays. The application is accompanied by a supporting statement.

### **Consultations**

13. **Rushcliffe Borough Council** raise no objection subject to planning conditions covering a landscaping scheme for the site, details of the screening bund and restricting hours of operation to between 08:00 and 18:00 hrs on Mondays to Fridays, 09:00 – 17:00 hrs on Saturdays with no operations on Sundays and Bank Holidays.
14. **Hickling Parish Council** have not responded.
15. **Upper Broughton Parish Council** have not responded.
16. **Widmerpool Parish Council** comment that the site does not lie within Widmerpool Parish but nevertheless makes the following observations:
  - a) Access – the passage of HGVs into and out of the existing sawmill access already represents a very serious hazard for A46 users and additional lorry movements will increase this hazard. Access arrangements should include:
    - i) closing the gap in the A46 central divide with all traffic entering the site from the north and traffic using the roundabout intersections to the north and south as appropriate;
    - ii) slip roads to facilitate entering the access from the north and exiting the access to the south should be built to Highways Agency standards on the eastern side of the A46;
    - iii) all traffic leaving the site should be required to pass through a wheel washing facility.
  - b) Drainage – an impermeable area of 2 acres will give rise to significant rainfall run-off especially during winter when the volume of composting waste can be expected to be at its lowest. The risk of contamination of the Fairham Brook would be great if arrangements for emptying the settlement tank/lagoon are inadequate or if leachate recycling got overlooked. As the area is underlain by clay strata, contamination of subsoils and aquifers would represent a secondary hazard.
  - c) Obnoxious odours – there is a strong possibility that the composting process could generate persistent unpleasant odours which may carry to nearby residential areas causing loss of amenity. Should permission be granted the Parish Council requests that conditions be imposed to minimise the addition of animal manures or other ‘starters’ designed to encourage the composting process as well as to minimise the turning of green waste during processing.

17. **The Environment Agency** submitted a holding objection given a presumption against new composting facilities where the boundary of the facility is within 250m of a dwelling or workplace (i.e. the sawmill) unless the application is accompanied by a site specific risk assessment. The Agency have since confirmed that such an assessment could be dealt with by means of a planning condition given that the operator would need to supply this to qualify as an exemption under the waste licensing. In response to concerns raised in terms of leachate the Agency notes that the whole site would be provided with an impermeable concrete pavement and any leachate generated would be directed to a sealed drainage system and collection tank for irrigation back onto the windrows. Such measures should minimise or eliminate the risk of leachate entering Fairham Brook.
18. **Nottinghamshire Wildlife Trust** raise no objection.
19. **East Midlands Airport** raises no safeguarding objection to the proposals.
20. **Alstom Transport** (owner of the nearby railway line) have not responded.
21. **Severn Trent Water Ltd** raises no objection subject to a condition requiring suitable drainage works for the disposal of surface and foul water.
22. **NCC Landscape & Reclamation Team** comments that the site lies to the east of the A46, south of Widmerpool and is surrounded by agricultural land on all other sides. The site is already well screened from the road by existing substantial boundary hedging to the north and west. Although there are footpaths to the south-west of the site, the facility would be screened by existing hedgerows. Overall the landscape and visual impact is considered neutral.
23. **NCC Conservation Group** confirms that there are no statutorily designated sites of nature conservation interest within close proximity to the proposed site. The nearest Site of Importance for Nature Conservation is located to the west of the A46 some 150m from the proposed composting site. Accordingly impacts upon sites of nature conservation interest are considered unlikely and the proposed measures to prevent escape of leachate should, if correctly implemented, protect the surrounding ecology particularly the Fairham Brook. The scheme should ensure boundary hedgerows are appropriately protected. Assurances are sought regarding the locations and methods for the use of the compost given that a significant land area is required and the need to avoid damage caused by soil over-enrichment.
24. **NCC Countryside Access Team** confirms that no registered rights of way would be affected by the proposals.

### **Publicity**

25. The application has been advertised by means of a press notice, site notice and neighbour notification letters sent to the nearest residential occupiers. Five letters of representation have been received objecting to the proposals on the following grounds:
  - a) Odour nuisance would be generated 365 days a year on a 24 hour basis. The application makes no provision to control/monitor odours/gases produced by the process and Hickling Pastures would be in the path of the

prevailing wind. Odour issues arising from an existing facility at Stragglethorpe confirms the importance attached to siting and operational considerations. Has the County Council reviewed similar activities in respect of odour emissions upon nearby properties? Assurances are sought that the good practice set out in the supporting statement is implemented;

- b) The fast, busy A46 suffers numerous accidents including fatalities particularly near the site as northbound drivers often speed to overtake before the road becomes single carriage whilst southbound drivers speed up as the road becomes dual carriage and to avoid traffic joining from the sliproad off the A606. A lorry waiting to enter the sawmill is understood to have been shunted by another whilst another articulated lorry has been seen blocking both southbound carriages waiting to turn northwards. Additional, slow moving traffic would cause more accidents especially at busy times. The 40 vehicles cited by the applicant is considered an exaggeration and the significant additional traffic is detrimental to road safety without dedicated deceleration/acceleration lanes. Safety concerns are raised if material is to be removed off site by tractor and trailer turning northbound via the gap in the central divide given a fatality nearby involved a tractor and trailer driver. What measures are being considered in respect of highway safety?;
- c) What guaranteed markets are there for the compost and what additional traffic would be generated?
- d) The application includes no restrictions as to the hours of use nor the extent of land it may operate within without further consultation. Concerns that the facility may increase and exacerbate impacts. Suggested hours of operation would exacerbate traffic safety and need to be restricted to avoid impact on existing traffic levels;
- e) Nuisance from noise levels should plant in excess of that akin to a tractor engine be used;
- f) The facility would operate within 5m of the adjacent field boundary giving rise to noise impacts and allowing other industrial-type uses to follow;
- g) Any water escaping into the watercourse may have the potential to poison cattle drinking at Fairham Brook and be damaging to wildlife;
- h) If a grassed field is proposed for the facility, it would be best located central to where the compost is to be spread. The proposed site is 3 km from where the compost would be used and is unsuitable given that some 600 tractor and trailer journeys p.a. would be needed;
- i) The Waste Local Plan refers to a composting facility at Langar which seems to be better situated and is noted to have closed down. If that site was not viable, then the subject site with potential road safety and environmental impacts is less likely to be successful.

26. The above objections are considered in the Observations section of this report.

### **Highway Observations**

27. Given that this proposal is served directly from the A46 Trunk Road no objection is raised by the Council as Highway Authority. However, the views of the Highways Agency are that, whilst an increase in movements is not desirable, no accident data or any other evidence suggests there is a safety issue on this section of the A46. Conditions are therefore suggested to erect suitable signage and issue instructions to drivers requiring them to turn left into and out of the site.

### **Observations**

28. The application site represents a grassed field on which the applicant has undertaken a small scale brick crushing operation without the benefit of planning permission. The applicant has agreed to cease those unauthorised operations. A small quantity of hardcore and concrete rubble remains on the site pending the determination of this application.

### **National Waste Strategy, Waste Hierarchy & Proximity Principle**

29. The National Waste Strategy for England and Wales sets ambitious targets to reduce the amount of municipal waste that is taken to landfill by increasing the levels of recovery and recycling. These targets cannot be met without the provision of additional processing facilities and this proposal would help to achieve those objectives by diverting green waste away from disposal facilities. Such an approach is recognised in the Regional Spatial Strategy for the East Midlands (RSS8).
30. The Government's strategy for sustainable waste management is based on a hierarchy of preferred options. The strategy supports the reduction, reuse, recovery (including composting) of waste with disposal being the least favoured option. Policy W2.1 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) reflects this waste hierarchy approach. The composting and landspreading of green waste helps to achieve more sustainable waste management by both reducing the need to take up land for disposal and by providing a soil improver to assist with agricultural production. Composting therefore represents the preferred method of green waste disposal in terms of the Government's waste hierarchy. This application should, in principle, be supported and indeed this is reflected in many of the objection letters received.
31. WLP paragraph 2.22 encourages the management of as much waste as possible close to its place of production given undesirable environmental impacts associated with its transportation. The applicant principally proposes to accept green waste arising from Rushcliffe, Melton and Charnwood Borough Councils and, in this respect, the site is well located. Whilst one objection comments that the facility would be best located central to where the compost is to be spread, the information supplied by the applicant confirms that some of the compost would be used on the applicant's wider landholding. That, in addition to the proposed use of waste timber from the adjacent business would appear to lend support to the scheme in terms of the proximity principle and the Government's principles as set out in Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste Management'. Furthermore, the other areas on which the compost is proposed to be spread also lie within the vicinity of the site.

### **Agricultural Diversification**

32. Government guidance on agricultural development is set out in Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS 7). It recognises that farm diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. Local planning authorities are advised to be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and are consistent in their scale with their rural location. Reference is also made to the need to have regard to the amenity of any nearby residents or other businesses that may be adversely affected by new types of on-farm development.
33. Concerns raised that granting planning permission for the proposals would allow other industrial type uses to follow is not necessarily the case since such uses would similarly need to be the subject of separate planning applications to be judged on their merits.

### **Relevant Planning Policy**

34. Policy 2/10 of the Nottinghamshire Joint Structure Plan seeks to protect the character and qualities of the countryside but states that limited development which can demonstrate the need for a countryside location may be permitted provided they are located and designed to respect the character of the surrounding area. Experience from dealing with a number of composting schemes indicates that such facilities can be developed in agricultural locations without significant adverse impacts on the openness. In such circumstances good screening and proposals that do not require the erection of buildings are favoured.
35. The WLP sets out various policies relating to composting and landspreading although none of these provide specific support for the proposals since they support such facilities in either employment sites (Policy W7.1), waste disposal sites where linked to the life of disposal operations (Policy W7.2) or within agricultural built development (Policy W7.3).
36. These policies were formulated at a stage when commercial green waste composting schemes were just beginning to be developed and the WLP acknowledges that the likelihood of large scale composting schemes coming forward was uncertain. As an illustration of this developing market only 150,000 cubic metres of compost was produced in the UK at the time the WLP was produced whilst in 2004/5 some 100,000 cubic metres of green waste was collected in Nottinghamshire alone, reflecting the impact the national waste strategy has had in increasing recycling rates through the segregation of waste streams. The WLP policies clearly do not take account of this expansion in the demand for commercial composting developments and Members will recall similar arguments being mounted in respect of other composting facilities at Grange Farm, Oxtun, and Stragglethorpe Road, Holme Pierrepont.
37. In recognition of the current policy position, therefore, this application has been treated as departure from the Development Plan to be judged on its environmental impacts and individual merits.
38. WLP Policy W7.1 identifies the most appropriate sites for new composting developments as being within employment sites reflecting the more industrial

character of green waste management that was then prevalent. At the time of the WLP adoption the only composting site operating within the county was on industrial land at Langar which has since closed. The Environment Agency's policy on bio-aerosol emissions (airborne concentrations of bacteria, fungi/moulds or viruses that can be harmful to human health) require a stand-off of up to 250m between open-air compost windrows and residential/commercial properties to allow dispersal of bio-aerosol emissions. Since this cannot be achieved within most industrial estate locations due to the proximity of nearby uses, the probability of further open air windrow composting schemes being developed within industrial locations in line with this policy is unlikely. This explains why the Langar site, referred to in one of the objections, is no longer a viable site as a composting facility.

39. WLP Policy W7.3 supports proposals for small scale composting facilities within existing agricultural built development provided that their form, bulk and general design are in keeping with their surroundings. Open air windrow composting in the countryside has become the preferred method of green waste management from the perspective of the waste management industry and, as such, the WLP policies are somewhat outdated. This has led to a gap between WLP policy provisions and current waste management techniques in so far as they involve green waste on farm composting.
40. Policy ENV1 of the Rushcliffe Borough Local Plan states that planning permission for new development will normally be granted provided, inter alia, that there is no significant effect upon the amenity of adjoining properties, noise attenuation is achieved and there would be no significant adverse effect on wildlife habitats. Policy ENV17 confirms that new development in the countryside will not normally be granted except for specified uses including essential rural activities. Where a use accords with Policy ENV17, Policy ENV18 requires it to be demonstrated that the site has been chosen to minimise impact upon the open nature of the countryside. For development control purposes the Rushcliffe Borough Non-Statutory Replacement Local Plan (Adopted Dec. 2006) sets out other relevant policies including Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria) and Policies EN19 and EN20 (Impact on/protection of the open countryside).

### **Landscape and Visual Impact**

41. Whilst this application site relates to an area of open countryside, it is recognised that there is some linkage given the proposed use of waste timber products arising from the applicant's adjacent sawmill operation and indeed the fact that the wider agricultural holding is proposed to receive composted material.
42. The site benefits from good screening being shielded from the A46 by existing substantial hedgerows to the north and west which the applicant proposes to maintain as a visual screen. Planning conditions could provide for the protection of existing hedgerows.
43. With the exception of a small kiosk in connection with the weighbridge, the proposals do not involve any built development. Agricultural land adjoins the site to the north, east and south with a small holding some 300m to the north-east being the nearest property (see Plan 1). The proposed earthbund would provide a screen to protect views from the south details of which could be controlled by planning



condition. Although there are footpaths to the south-west of the site, views from that direction would also be screened by existing hedgerows. Overall the landscape and visual impact of the proposals is considered neutral.

### **Highways and Traffic Considerations**

44. The site would be served directly off the A46 Trunk Road. This part of the A46 adjacent to the site is recognised as being a fast moving stretch of road and the concerns raised by consultees and local residents have accordingly been raised with the Highways Agency as the body responsible for the trunk road network.
45. Whilst the proposals would involve additional traffic movements, the applicant has confirmed that the timber treatment and sawmill operation has historically generated up to 40 vehicle deliveries per day whereas the norm is presently around 10 vehicle deliveries. The proposed operations are anticipated to equate to 4 or 5 local authority deliveries per day. It is anticipated that 3 additional vehicles associated with private landscapers would also deliver to the site daily although these are expected to involve lighter, pick-up type vehicles. The applicant has confirmed that composted material would be transported onwards by lorry and therefore concerns cited regarding such movements being undertaken by tractor and trailer appear unfounded.
46. The applicant has confirmed a willingness to erect signage within the site directing all drivers associated with the proposal to turn left out of the site. Similarly all drivers approaching from the south would be advised to use the roundabout at Widmerpool directly north of the site thereby entering the site using only a left turn manoeuvre. The erection of appropriate signage could be made the subject of planning conditions. Control over manoeuvres would be more difficult to achieve although, given that the facility primarily aims to serve local authority green waste collections, the applicant has explained that such access/egress arrangements could be included within contractual agreements. By serving local authority collection schemes it is also accepted that working arrangements would involve regular drivers familiar with those requirements. Furthermore the applicant points out that, by principally serving local authority collections, associated vehicles would not be entering the site until after peak morning times.
47. Whilst the suggestion to close the gap in the central divide would clearly prevent any driver from taking a right turn into the site, this option is not considered feasible given that the existing access point is currently used in connection with the farming of the adjacent field to the north. Closing the gap would therefore force a slow moving tractor onto the A46 to travel southbound to the next available roundabout before turning back northbound to the farm.
48. The suggestion by Widmerpool Parish Council for the provision of acceleration and deceleration lanes to improve road safety has been examined but this would involve land over which the applicant has no control and would involve prohibitive costs. It is also noted that the traffic impacts of the operation would be limited by the proposed scale of the operation given that it would operate under an exemption from waste management licensing. Any future proposed increase in activity would need to be the subject of a further application providing the opportunity for this and other impacts to be reassessed.

49. A planning condition could require use of a wheel wash facility in line with WLP Policy W3.11.

### **Odour**

50. Open-air windrow composting schemes by their very nature produce some level of odour although such nuisance generally occurs when sites are poorly managed, incoming waste is already in an anaerobic condition or the site is located in close proximity to sensitive receptors. The supporting statement refers to frequent turning of windrows to create and maintain the aerobic state necessary for the composting process. Planning conditions could require such turning on a frequent basis in line with other good management practice in terms of monitoring moisture and temperature levels.
51. Practice has shown that odour from composting activities disperses over distance and, whilst the nearest properties are in the direction of the prevailing wind, the distances involved suggest that, subject to the above conditions, there is minimal likelihood of odour nuisance.
52. The concerns cited in reference to odour issues originally experienced at Stragglethorpe are noted. Members will be aware that this involved considerable Officer input in terms of monitoring. However, the nearest properties to that facility are located considerably closer than is the case here. No objection in terms of odour impact has been raised by the Environment Agency.
53. The applicant has also confirmed that it is not proposed to utilise any chicken/turkey manure to help 'kick-start' the composting process. This could be controlled by a planning condition to overcome this particular concern raised by Widmerpool Parish Council.

### **Noise**

54. The operation of the site is not anticipated to give rise to any unacceptable noise impacts given that the site is a substantial distance away from residential development and that existing noise levels are significantly influenced by traffic on the A46. The scheme is of a limited size and the supporting statement refers to associated plant as comprising the mulcher/shredder, a mechanical fork and a small mobile screen. The use of all such plant would not be continuous throughout the day.
55. WLP Policy W3.9 enables conditions to be imposed on planning permissions to control potential noise impacts. These could include limiting the plant operated on the site and restrictions over operating hours as the Borough Council has suggested.

### **Bio-Aerosols**

56. The Environment Agency now requires new composting sites which are less than 250m from a sensitive receptor to assess any health risk and, if necessary, control potential exposure of that sensitive receptor to bio-aerosols. This new approach explains why the location of composting facilities at employment sites has been superseded with the industry more recently favouring open countryside locations.

57. In this case the nearest residential properties are in excess of that threshold although the adjacent sawmill, operated by the applicant, does fall within that distance. This led to the Agency issuing a holding objection. However the Agency has since confirmed that such a risk assessment would need to be approved by the Agency in order for the site to qualify as exempt under the waste management licensing regime. In view of this the Agency has since confirmed its willingness for this to be covered as a planning condition.

### **Protection of Surface and Groundwater**

58. Concerns regarding the potential impact of leachate escape into the surrounding land and particularly Fairham Brook are noted. The applicant has confirmed that this aspect of the proposals would be dealt with through the provision of an impermeable pad and sealed drainage system to a standard required by the Environment Agency. The Environment Agency have confirmed that such measures should minimise or eliminate the risk of leachate entering Fairham Brook. This view is supported by the response of the County Council's Conservation Group and could be the subject of an appropriate planning condition to overcome the concerns cited.
59. The Agency also confirmed that it has had no complaints of any pollution arising from the existing sawmill operations. The applicant has confirmed that staff associated with the development would have the benefit of foul water facilities available at the adjacent timber yard.
60. Whilst the views raised by Widmerpool Parish Council regarding potential risk of contamination should arrangements for emptying the settlement tank/lagoon be overlooked are noted, this is no reason to refuse planning permission and their comments in respect of contamination of subsoils and aquifers have not resulted in an objection from the Environment Agency.

### **Landspreading of Composted Material**

61. Significant tracts of land in the vicinity of the application site are identified for the receipt of compost as a soil improver including land within the applicant's own agricultural landholding. In this respect the site is reasonably sited and, whilst the outlying areas are larger, the link in utilising waste timber from the sawmill operation is also recognised.
62. The comments made by the County Council's Conservation Group in avoiding damage caused by soil over-enrichment are noted given potentially damaging impacts of high nutrient-run-off.. The supporting statement confirms that landspreading operations are to be undertaken in accordance with good agricultural practice. A planning condition could require monitoring of application rates in respect of the applicant's own land. Whilst such a condition could not cover land outside the applicant's control clearly the farmers of those areas would have a vested interest in ensuring landspreading operations are undertaken in a beneficial way. Nevertheless, this issue could be highlighted by an advisory note.

### **Human Rights Act Implications**

63. 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. The proposals have the potential to introduce impacts of noise, odour and bio-aerosol emissions. However, these considerations need to be balanced against the environmental benefits provided by the development in so far as it achieves a waste management option at a higher level within the waste hierarchy. Members need to consider whether the potential impacts are outweighed by the wider benefits of the proposals.

### **Conclusions**

64. The proposals represents a sustainable means of dealing with green waste generated within the vicinity which would otherwise be disposed of by landfill. As such it represents an option for waste management at a higher level within the waste hierarchy than would otherwise be the case and therefore in principle merits support.
65. The development raises key policy issues with regard to the appropriateness of open-air windrow composting within open countryside. Such locations have become the preferred choice of the waste industry. The report acknowledges that there is a 'gap' in WLP policies covering composting proposals and does not provide specific guidance for this proposal. The application has therefore been treated as a departure and, should Members be minded to support the recommendation, the application will accordingly require referral to the Government Office.
66. The Environment Agency has confirmed that a planning condition could acceptably cover any risk of public health from bio-aerosols. Subject to suitable planning conditions to cover key highway and traffic issues, along with the controls over odour and noise, it is considered that the development can deliver benefits in terms of sustainable waste management practice without giving rise to unacceptable impacts.

### **Statutory and Policy Implications**

67. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought to out in the text of the report.

### **Summary of Reasons for the Decision**

68. The development represents a departure to the policies contained within the Development Plan and may on occasions have the potential to impact negatively upon the amenity of local residents. However, the proposals achieve a waste management option at a higher level within the waste hierarchy and represent a benefit to the wider community in terms of providing a local facility for the treatment and reuse of green waste in an environmentally sustainable way including using waste timber from the applicant's adjacent business. These considerations and the lack of harm to the open countryside serve, on balance, to justify a departure from the Development Plan policies.

70. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

### **RECOMMENDATION**

71. It is RECOMMENDED that no objections be raised and that the application be referred to the Government Office for the East Midlands as a departure from the Development Plan.
72. It is FURTHER RECOMMENDED that, should the Government Office not wish to intervene, the Strategic Director (Communities) 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.

MICK BURROWS

Strategic Director (Communities)

### **Financial Comments of the Strategic Director (Resources)**

The contents of this report are noted. There are no financial implications from the application. [DJK 13.3.07]

### **Legal Services' Comments**

This decision falls within the Committee's delegated powers. [BB 21.3.07]

### **Background Papers Available for Inspection**

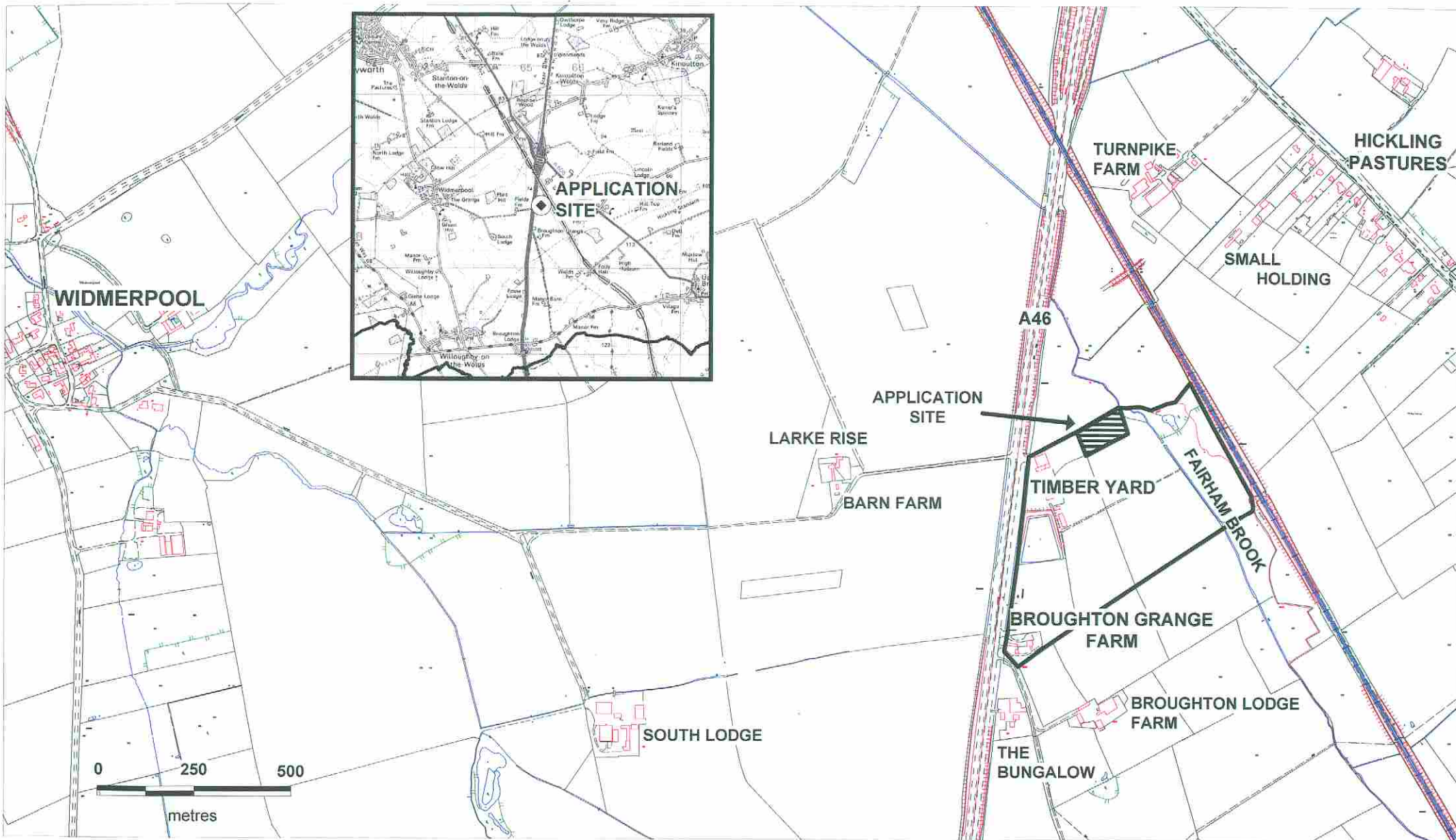
1. Letter from Network Rail dated 23.1.06
2. Letter from Severn Trent Water Ltd dated 24.1.06
3. Letter from Highways Agency dated 24.1.06
4. Memo from NCC Highways (Rushcliffe) dated 27.1.06
5. Letter from Nottinghamshire Wildlife Trust dated 2.2.06
6. Letter from Widmerpool Parish Council dated 9.2.06
7. Letter from Environment Agency dated 9.2.06
8. Letter from local resident dated 11.2.06
9. Memo from NCC Conservation Group dated 13.2.06
10. Memo from NCC Landscape & Reclamation Team dated 15.2.06
11. Letter from Nottingham East Midlands Airport dated 15.2.06
12. Letter from local resident dated 18.2.06
13. Letter from local resident dated 20.2.06
14. Letter from local resident dated 23.2.06
15. Letter from local resident received 27.2.06
16. Letter from NCC dated 8.3.06
17. Letter from Environment Agency dated 10.3.06
18. Letter from Rushcliffe Borough Council dated 20.3.06
19. Letter from Highways Agency dated 22.3.06
20. Letter from Widmerpool Parish Council dated 24.3.06

21. Letter from NCC dated 3.4.06
22. Letter from Charnwood Property Consultants dated 19.4.06
23. Letter from Highways Agency dated 28.4.06
24. Letter from Highways Agency dated 14.3.07
25. Letter from Environment Agency dated 14.3.07

**Electoral Division(s) and Member(s) Affected**

Keyworth Cllr John Cottee

PSP.JS/RH/EP5016  
9 March 2006



**Nottinghamshire  
County Council**



Trent Bridge House, Fox Road  
West Bridgford, Nottingham, NG2 6BJ  
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**PROPOSED GREEN WASTE COMPOSTING FACILITY  
JOHN BROOKE (SAWMILLS) LTD  
FOSSEWAY, UPPER BROUGHTON, NOTTS  
REF. 8/06/00056/CMA**

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Produced by: JW  
Date: MARCH 2007

**PLAN 1**





**PROPOSED GREEN WASTE COMPOSTING FACILITY**  
**JOHN BROOKE (SAWMILLS) LTD**  
**FOSSEWAY, UPPER BROUGHTON, NOTTS**  
**REF. 8/06/00056/CMA**

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Date: MARCH 2007

**PLAN 2**



**Nottinghamshire  
 County Council**

Trent Bridge House, Fox Road  
 West Bridgford, Nottingham, NG2 6BJ  
 Tel: 0115 982 3823



**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 of the Town and Country Planning Act 1990 (as amended).*

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement of the site construction works under the terms of the planning permission hereby approved at least 7 days, but no more than 14 days, prior to the commencement of the development.

*Reason*

*To enable the CPA to monitor compliance with the conditions of the planning permission.*

**Definition of Permission**

3. This permission is for the construction and operation of a green waste composting facility within the area edged red on OS Site Location Plan Drawing Fosseway 2 received by the CPA on 17 January 2006.

*Reason*

*For the avoidance of doubt.*

**Approved Plans**

4. The development hereby approved shall only be carried out in accordance with the following documents, unless otherwise agreed in writing by the CPA, or where amendments are made pursuant to the following conditions:
  - a. Planning application forms and supporting statement received by the CPA on 28 December 2005.
  - b. OS Site Location Plan Drawing Fosseway 2 received by the CPA on 17 January 2006.
  - c. Indicative Site Layout Drawing Fosseway 3 received by the CPA on 28 December 2005.
  - d. Details of Cross Section of Proposed Earth Bund received by the CPA on 17 January 2006.

*Reason*

*For the avoidance of doubt.*

### **Bio-Aerosol Levels**

5. Prior to the commencement of the development hereby permitted a site specific risk assessment based on independent scientific evidence shall be submitted to the CPA for its written approval to demonstrate that bio-aerosol levels are and can be maintained at appropriate levels at any dwelling or workplace within 250 metres of the site. The development shall be carried out in accordance with the approved risk assessment.

#### *Reason*

*To ensure that the operation of the development poses no risk from bio-aerosols levels to the detriment of nearby residents/occupiers.*

### **Tree and Hedgerow Protection**

6. Prior to the commencement of the development hereby permitted measures shall be taken to protect all trees and hedgerows bordering the site from damage during the course of the development before any equipment, machinery or materials are brought onto the site for the purpose of the development. The means of protection shall include measures to prevent the disturbance or reduction in soil levels within the area of the root spread of the hedgerows; and the adequate fencing off of all trees. The means of protection shall be implemented and retained on site until all construction equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition and the ground levels within these areas shall not be altered nor shall any excavation be made without the prior written approval of the CPA.

#### *Reason*

*In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

### **Weighbridge & Kiosk**

7. Prior to its erection on site details of the weighbridge and weighbridge kiosk shall be submitted to the CPA for its written approval. The development shall thereafter be undertaken in accordance with the approved details unless any variation is subsequently agreed in writing by the CPA.

#### *Reason*

*In the interests of visual amenity and the efficient working of the site.*

### **Landscaping**

8. The existing boundary hedgerows and trees to the east of the site and along its northern and western boundaries shall at all times be maintained in a tidy state as a visual screen.

Reason

*In the interests of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

9. Within one month of the commencement of the development hereby approved as notified under Condition 2 above a landscaping and seeding scheme shall be submitted to the CPA for its written approval. Such a scheme shall include details of the screen bund along the site's southern boundary; the location, species mix, density, size and height of the new planting and details of the seed mixture proposed as shown on Indicative Site Layout Drawing Fosseway 3 received by the CPA on 28 December 2005. The scheme shall also include details of a 5 year maintenance programme for the planting and seeding.

Reason

*In the interests of amenity for local residents and land users and to accord with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

10. Unless otherwise agreed in writing, all planting and seeding shall be carried out in accordance with the details approved under Condition 9 within the first available planting and sowing seasons respectively following the commencement of the development hereby permitted. The planting shall be maintained in accordance with the maintenance scheme approved under Condition 9 for a period of 5 years following its implementation and any plants or trees which die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with similar specimens to those originally planted.

Reason

*In the interest of visual amenity and to ensure compliance with Policy W3.4 of the Nottinghamshire and Nottingham Waste Local Plan.*

**Site Drainage and Surfacing**

11. Prior to the commencement of the development hereby approved details of drainage works for the disposal of surface and foul water sewage shall be submitted to the CPA for its approval in writing. The development shall be implemented in accordance with the approved details prior to the importation of green waste into the site.

Reason

*To ensure satisfactory operation of the site and to ensure compliance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

12. The surface of the operating pad shall be constructed to provide free drainage of surface water to the underground collection system. In the event that damage or rutting of the surface of the composting pad occurs which results in surface water ponding leading to impaired drainage then the surface shall be repaired to eliminate ponding within two weeks of a written request from the CPA. The surfacing and drainage works shall be maintained in good operational condition throughout the duration of the development.

Reason

*To provide satisfactory site drainage and to ensure compliance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

**Hours of Operation**

13. No plant or machinery shall be operated within the site, or deliveries/collections be undertaken to or from the site except between the hours of 0800 - 1800 Monday to Friday and 0900 – 1700 on Saturdays. The site shall not be operated at all on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the CPA.

Reason

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

**Noise**

14. Prior to its use on site details of all plant and machinery to be used in connection with the development hereby permitted shall be submitted to the CPA for its written approval. No other plant or machinery shall be operated on the site without the CPA's prior written approval.

Reason

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

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

Reason

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

16. All plant, machinery and vehicles involved in on site green waste composting operations under the applicant's control shall incorporate reversing warning devices which shall have been previously approved in writing by the CPA.

Reason

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

17. Measures shall be employed to ensure that the development hereby permitted does not give rise to noise levels in excess of 10dBA above background noise level measured over 1 hour at the nearest boundary of any noise sensitive property in accordance with BS 4142 (1997). Measurements shall be provided to the WPA within two weeks of a written request.

Reason

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

**Odour**

18. The operator shall ensure that measures are taken to prevent, or where that is not practicable to reduce, odour emissions from the site, by:
- a) controlling operational activities including the optimum turning regime to minimise the generation of odour;
  - b) limiting the volume of odorous materials;
  - c) restricting odorous activities;
  - d) controlling the storage conditions of odorous materials;
  - e) optimising the performance of odour abatement systems;
  - f) timely monitoring, inspection and maintenance.

In the event that the above measures are considered by the CPA to be ineffective in controlling odour impacts the operator shall within two months of a request from the CPA submit an Odour Management Plan to the CPA for its written approval. The development shall thereafter be undertaken in accordance with the approved details.

Reason

*To minimise the risk of odour nuisance in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

19. No manure shall be added to the green waste.

Reason

*To minimise the risk of odour nuisance in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

**Operational Controls**

20. Unless otherwise agreed in writing by the CPA only green waste generated from local authority collections, private landscape contractors and waste wood arising from the adjacent sawmill operations shall be accepted for composting at the site.

Reason

*To control pollution from the site in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.*

21. 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 public safety.*

22. Unless otherwise agreed in writing by the CPA the development hereby permitted shall receive a maximum of 10,000 tonnes per annum of imported green waste and no more than 1500 cubic metres of green waste, material under composting or composted material shall be stored on the site as edged in red on Drawing Fosseway 2 received by the CPA on the 17 January 2006 at any one time. The operator shall keep a record of all imported green waste a copy of which shall be made available to the CPA within 5 days of a request.

Reason

*To minimise the risk of odour nuisance in accordance with Policy W3.7 of the Nottingham and Nottinghamshire Waste Local Plan and in the interests of highway safety.*

23. The compost windrows/compost heaps shall be monitored daily and written records shall be maintained of each inspection, which shall provide the following information:
- the date the compost windrow/heap was constructed;
  - the approximate dimensions of the compost windrow/heap upon formation;
  - the dates on which the compost windrow/heap is turned;
  - the temperature of the compost windrow/heap;
  - an assessment of the moisture content of the windrow/heap including dates when additional water is added to the windrow/heap;
  - the date when compost is transferred to agricultural land for spreading;
  - the general condition of the compost windrow/heap;
  - any odour generation.

Within 1 week of a written request from the CPA, the operator shall make available to the CPA a copy of the monitoring records requested for inspection.

Reason

*To ensure satisfactory green waste management.*

24. All composting of green waste shall be restricted to the surfaced and drained parts of the areas as approved under Conditions 11 and 12.

Reason

*In the interests of visual amenity and to protect the character of the open countryside.*

25. The height of the compost processing windrows/heaps and stored green waste shall not exceed 3m above the adjacent ground level.

Reason

*In the interests of visual amenity and to protect the character of the open countryside.*

26. Vehicles shall not be parked or stored at the site overnight.

Reason

*To minimise the impact on the character of the open countryside.*

**Dust**

27. 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:

- The use of water bowzers and/or spray systems to dampen green waste stockpiles and composting windrows and internal haul roads;
- Upon the request of the CPA the temporary cessation of importation, shredding and movement of materials 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.*

**Highways and Access**

28. Prior to the commencement of the development hereby permitted signs shall be erected in accordance with details previously agreed in writing by the CPA informing drivers associated with the deposit of green waste or collection of compost to exit the site by means of a left turn manoeuvre on to the A46. Such signage shall thereafter be maintained in good condition for the duration of the development. All drivers accessing the site shall be issued with instructions informing them to exit and enter the site by means of left turn manoeuvres only.

Reason

*In the interests of highway safety.*

29. Unless otherwise agreed in writing by the CPA the number of HGVs accessing the site for the deposit of green waste shall not exceed 5 per day.

Reason

*In the interests of highway safety.*

30. All possible measures shall be employed to prevent the deposit of mud, clay and other deleterious materials upon the public highway. These measures shall include wheel washing facilities and the sweeping and cleaning of the access, internal haul roads and storage areas. In the event that these measures prove inadequate, then within two weeks of a request from the CPA a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of such materials upon the public highway shall be submitted to the CPA for approval in writing. The approved steps for the protection of the adjacent public highway shall be implemented within seven days of approval by the CPA and at all times thereafter.

Reason

*In the interests of highway safety and in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.*

31. Vehicular collections of compost for spreading shall not be undertaken by tractor and trailer.

Reason

*In the interests of highway safety.*

32. Prior to the spreading of compost on land edged pink on Drawing Fosseway 4 Rev.A received by the CPA on 23 February 2006 which lies within the applicant's control, details of the soils over which the compost is to be spread and an analysis of the proposed application rates shall be submitted to the CPA for its written approval in order to achieve good soil structure and nutrient status. The development shall thereafter be undertaken in accordance with the approved details.

Reason

*In the interests of avoiding over-enrichment of soils.*

**Temporary cessation of working**

33. 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 twelve months the operator shall, within three months of the written request of the CPA, submit a scheme for the restoration of the site, including the removal of waste materials, compost,



structures, plant and machinery associated with the development. The restoration scheme shall be implemented within six months of approval by the CPA.

Reason

*In the interests of visual amenity and to ensure compliance with Policy W4.7 of the Nottinghamshire and Nottingham Waste Local Plan.*

Notes to Applicant:

1. The applicant is advised that all plant material to be used in the landscaping scheme should be of guaranteed native genetic origin and ideally of local provenance. For further advice on this contact 0115 977 4557.
2. The applicant is advised to ensure that any contractual agreements entered into for the receipt of green waste from local authority collection schemes includes provisions requiring all HGVs associated with such deliveries to enter and exit the site by means of a left turn manoeuvre only.
3. The applicant is advised to monitor the application rates of compost on the land on which it is to be spread to ensure that potential over-enrichment of the soils is avoided. For further advice on this contact 0115 977 4557.

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