



22 May 2012

Agenda Item:10

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 update Members in respect of the decision on the above planning application and the implications for the decision of the subsequent publication of the National Planning Policy Framework.

Background to the Report

2. Members will recall that a report was presented to them on 10 January 2012 for a planning application for on-farm composting on land to the south of the A610 at Newthorpe. The proposals sought to compost no more than 3,250 tonnes of green waste per annum with no more than 500 tonnes of material being on approximately 0.4 hectare application site at any one time. The proposals would result in approximately 300 HGVs accessing the site per annum with the compost, which would be produced in eight to ten week cycles, being taken off site and spread onto agricultural land in the applicant's ownership.
3. Members granted planning permission subject to the application being referred to the National Planning Casework Unit on behalf of the Secretary of State as a departure from the development plan in light of the application site being inappropriate development in the Green Belt. The National Planning Casework Unit confirmed that the Secretary of State did not wish to intervene and so the Corporate Director for Policy, Planning and Corporate Services is authorised to grant planning permission subject to the 37 conditions set out in the Appendix to the January 2012 report and also 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. Following lengthy discussions between the County Council, Derbyshire County Council and the applicant, the unilateral undertaking is expected to be submitted to the County

Council in the near future, after which the planning permission can be issued.

The National Planning Policy Framework

4. In the time since Members determined the application, the Government has published the 'National Planning Policy Framework' (NPPF) which sets out the Government's planning policies for England. The NPPF has replaced a whole raft of planning policy guidance, including 'Planning Policy Guidance Note 2: Green Belts' (PPG2) and 'Planning Policy Statement 7: Sustainable Development in Rural Areas' (PPS7), planning guidance which were material considerations in the determination of the composting application. Paragraph 13 of the NPPF states that the NPPF "constitutes guidance for local planning authorities as a material consideration in determining applications".

Statement of Reasons for the Decision

5. Paragraphs 106 – 108 of the January 2012 report set out the report's conclusions and the statement of reasons for the decision which would be included on any planning permission issued. It includes references to PPG2 and PPS7 and reads:

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.

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 PPS7. 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.

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.

Assessment of the proposed development against the NPPF

6. In light of the fact that the need to submit a unilateral undertaking has delayed the issuing of the planning permission until after the publication of the NPPF, and the fact that the NPPF is a material consideration in determining planning applications, it is considered important to reassess the application against the NPPF to ensure that it remains compliant with the latest Government guidance. The above statement of reasons for the decision makes reference to PPG2 and PPS7 and the NPPF considers the assessment of planning applications in respect of Green Belts and rural economies.
7. Paragraph 87 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. The January 2012 committee report identified a number of very special circumstances which were considered to outweigh the harm to the Green Belt, including the difficulty in finding a site which is far enough away from sensitive receptors in terms of bioaerosols, agricultural diversification and moving this waste stream further up the waste hierarchy.
8. It is considered that the bioaerosol issue is not affected by the NPPF and remains a material consideration. Therefore, in light of the limited amount of land available which is outside the 250 metre buffer zone which the Environment Agency insists should be between composting sites and sensitive bioaerosol receptors, it is still considered necessary to consider sites in the Green Belt for this type of development and this matter remains a very special circumstance which supports the location of this type of development in the Green Belt.
9. Regarding agricultural diversification, Paragraph 28 of the NPPF promotes “the development and diversification of agricultural and other land-based rural businesses” and the proposed development would provide for a sustainable means of improving the agricultural quality of nearby agricultural land. It is therefore considered that the proposed development is consistent with the NPPF in this respect.
10. Regarding the green waste being moved further up the waste hierarchy, the NPPF does not cover waste planning matters and ‘Planning Policy Statement 10: Planning for Sustainable Waste Management’ remains in place. It is therefore considered that the very special circumstances identified in the January 2012 report remain consistent with the new Government planning guidance in the NPPF.
11. In addition to these very special circumstances remaining valid, Paragraph 79 of the NPPF confirms that “the essential characteristics of Green Belts are their openness and their permanence” which is consistent with the previous guidance in PPG2. The January 2012 committee report highlighted a number of measures, including landscaping, restrictions on the amount of material on site at any one time, and restrictions on the height of storage mounds and windrows,

as helping to ensure that the openness of the Green Belt is maintained and so it is considered that the proposed development also accords with the NPPF in this respect.

Revised Statement of Reasons for the Decision

12. In light of the recent publication of the NPPF, it is considered that the Statement of Reasons for the Decision included in the planning permission issued should be amended from that detailed in the January 2012 committee report to the following to reflect the publication of the NPPF:

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.

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 sustainable improvement of agricultural land through the spreading of the compost and is therefore considered to accord with the National Planning Policy Framework which supports “the development and diversification of agricultural and other land-based rural businesses”. 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.

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 the National Planning Policy Framework 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.

Conclusions

13. It is considered that the revised Statement of Reasons for the Decision detailed above is consistent with the original statement in the January 2012 committee report and confirms that the decision taken by Members at that committee remains consistent with the latest Government planning guidance in the NPPF.

RECOMMENDATIONS

14. It is recommended that Members note the content of this report.

SALLY GILL

Group Manager (Planning)

Constitutional Comments

There are no further constitutional comments required as this report is for noting only.

[SHB.04.05.12]

Comments of the Service Director - Finance

The contents of this report are duly noted; there are no financial implications.

[DJK 04.05.12]

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

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

W000331 – DLGS REFERENCE
EP5336 – COMMITTEE REPORT FOLDER REFERENCE
8 May 2012 – Date Report Completed by WP Operators