



20th May 2014

Agenda Item:8

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/00348/CMA

**PROPOSAL: RETAIN EXTENDED AREA OF SITE TO BE USED EXCLUSIVELY FOR
THE ADDITIONAL STORAGE OF PAS100 END PRODUCT COMPOST**

LOCATION: OXTON GRANGE, OLLERTON ROAD, OXTON

APPLICANT: TEG ENVIRONMENTAL LIMITED

Purpose of Report

1. To consider a retrospective planning application for the retention of an additional storage area for processed compost product originating from the Oxtton Grange composting facility.
2. The site lies within an area designated as Green Belt. The application has been treated as a 'departure' from the development plan on this basis. The assessment of the planning application demonstrates that there are 'very special circumstances' to justify a departure from Green Belt policy in this instance. The operation of the extended site would benefit the operation of the site and not result in significant harmful environmental effects.
3. The recommendation is to grant planning permission, subject to planning conditions.

The Site and Surroundings

4. The application site is located adjacent to the main Oxtton Grange Farm complex, approximately 2km to the north of Oxtton on the A6097, and approximately 1km south of the A614 junction at Northgate Island. (see plan 1). Oxtton Grange Farm comprises part of a larger well established arable and livestock farming business across 2,200 acres situated in the Oxtton and surrounding areas. Oxtton Grange Farm is owned by Sherbrooke Farms Estates who have a number of commercial interests in the surrounding rural area.

5. The Oxton Grange Farm complex comprises a farm house, two tenant farmers properties and various agricultural buildings. Immediately to the north of these buildings is the existing open-air composting facility. The site is within the Nottingham Green Belt.

Relevant Planning History and Existing Site Operations

6. In May 2002 planning permission was granted to operate an open-air green waste composting facility from an area of land measuring 75m x 120m, incorporating a 60m x 67m vehicle off-loading and feedstock processing area surfaced with hardcore and a 60m x 36m concrete hardstanding for laying out of 'windrows' (rows of piled compost material). A soil bund measuring 4m high by 120m long has been constructed along the western side of the processing area, to screen the operations from the A6097.
7. Planning permission was subsequently granted in July 2006 to provide a northern extension to the composting facility measuring 60m by 90m. The extension resulted in a larger waste processing/handling capacity area at the site
8. The site receives segregated green waste predominantly originating from local authority collections and household waste recycling centres in the Nottingham area. Waste deliveries to the site are made via the farm access road leading from the A6097. An average 20 vehicles a day deliver to the site at the busiest periods. All loads are visually inspected upon reception to ensure that only materials suitable for composting are received. Any unacceptable materials are removed and placed within a skip for off-site disposal.
9. Delivered green waste is deposited on the existing crushed stone operational pad, stored within stockpiles and subsequently shredded to make it suitable for composting. The processing pad is designed to handle a maximum of 5,000 tonnes per week of green waste material and manage up to 30,000 tonnes per year. Because of the seasonal nature of the green waste stream, average inputs on a yearly basis are significantly less than the maximum weekly limit.
10. Once shredded the green waste is set out within open windrows in the composting area. The pad area is sized to allow for approximately nine windrow process piles comprising approximately 550 cubic metres of material in each pile to be processed on a six week cycle. The windrow pile dimension on average is 3m wide at the base, 2.5m high and 110 metres in length. The heights of the piles vary seasonally, being larger in the winter to maintain composting temperatures.
11. The windrows are monitored during the composting process and regularly turned to ensure that oxygen levels are maintained to preclude anaerobic conditions and hence reduce the risk of unpleasant odour. The temperature is maintained within the preferred range of 43 to 65 degrees Celsius to ensure pathogens are killed (Pathogens are organisms/parasites that can cause

disease within another host organism). The moisture content is maintained at approximately 40-60%, with water added to the windrows when necessary.

12. All surface water is collected from the process pad area for re-circulation during the composting process or taken off site for suitable disposal. The drainage is connected to a 70,000 litre tank buried underground.
13. The original planning permission for composting operations at Oxton Grange was granted on the basis that all processed compost would be applied to the farm's own land to provide agricultural benefit. A network of 'field stores' has been established around the farm holding which are used to store the compost prior to its application to land once any standing crop has been harvested. Most of the field stores are accessed via the public highway using tractors and trailers for transport and therefore necessitate vehicle movements on the public highway.
14. In June 2011 planning permission was granted to vary the operational controls on the Oxton Grange composting site to enable the finished compost product to be used within a wider network of farms including farmland which is not owned/operated by Sherbrook Farms. The planning application identified that this wider network of farms were generally contained within a 5-10 mile radius of the Oxton site. To avoid adverse impacts on the highway controls were imposed through the planning conditions to prohibit the movement of potentially slow moving tractors and trailers on the A614 during morning and evening peak periods to ensure that haulage of compost does not compromise the free flow of vehicles on this busy road.

Proposed Development

15. Planning permission is sought to regularise the use of an extended operational area consisting of an additional area of land which is being used for the storage of finished compost product prior to it being transported off the site for use as an agricultural soil improver.
16. The extended storage area is located directly to the north of the existing site, measuring approximately 120m by 50m. The land would be used for the storage of final compost product which is mounded on the existing soil surfacing. The additional storage area does not extend the throughput of the site. Justification for the development is set out within the applicant's supporting statement which explains that:

'The requirement for the storage area and reason for the application is due to the fact that the main market for the compost produced on site is agriculture. Compost is spread on local farms to confer agricultural benefit as well as improving soil structure; it provides valuable nutrients which reduce the need to add artificial fertilizers. It is not viable to transport the compost large distances due to its volume and weight and therefore the ideal solution, both commercially and environmentally, is to use the compost as close to the production site as possible. Due to this, the demand for the product varies during the year as farmers do not generally want the product whilst the land is being cropped or after heavy rainfall when access to the

land may be a problem, unfortunately this normally means that certain times of the year the compost is not required locally but still produced and other times demand is greater than production. The additional storage area allows flexibility to store the end product until it is required by the customer, reducing the distance the compost needs to be transported to find alternative markets.'

Consultations

17. Newark & Sherwood District Council: *Raise no formal objection subject to the imposition of a planning condition restricting the height of storage to be no greater than the adjoining site so as to prevent inappropriate development in the Green Belt.*
18. Oxton Parish Council: *No representation received.*
19. NCC (Highways): *Raise no highway objections on the basis that the development does not increase vehicle movements associated with site operations.*
20. Environment Agency: *Following the receipt of a supplementary flood risk assessment the Environmental Agency raise no objections to the development.*
21. Severn Trent Water Limited, Western Power Distribution, National Grid (Gas): *No representation received.*

Publicity

22. The planning application has been publicised as a departure to the development plan by the posting of a site notice and the publication of a press notice within the Nottingham Post. Residents/tenants of the Oxton Grange Farm complex have been notified of the application by letter. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
23. Councillor Roger Jackson has been notified of the planning application.

Observations

Compliance with Waste Management Policy

24. The Nottinghamshire and Nottingham Waste Core Strategy (WCS) establishes a presumption in favour sustainable development and is therefore consistent with the National Planning Policy Framework (NPPF). Specifically WCS Policy WCS1 seeks to ensure that sustainable waste management facilities are granted planning permission unless any adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits.

25. WCS Policy WCS3 promotes the delivery of sustainable waste management by prioritising the development of new or extended recycling, composting and anaerobic digestion facilities. The policy proactively encourages the development of these facilities to assist the County meet an ambitious target to recycle/compost 70% of waste by the year 2025.
26. The composting of green waste is acknowledged as representing the most sustainable treatment option for managing this waste stream in the context of the waste hierarchy. Whilst the current proposal would not increase capacity within the existing Oxtun Grange composting facility, it would increase the efficiency of the existing operation and therefore the development is supported by WCS Policies WCS1 and WCS3 in terms of promoting sustainable waste management.

Development within the Green Belt

27. The Newark and Sherwood Allocations & Development Management Development Plan Document incorporates land allocations within the Newark and Sherwood District. The plan identifies that the Oxtun Grange site is located within a countryside location on land designated as Green Belt.
28. Spatial Policy 4B of the Newark and Sherwood Core Strategy incorporates Green Belt policy for the district. This policy requires that all developments within the Green Belt should be judged according to national Green Belt policy.
29. National Green Belt policy is incorporated within the National Planning Policy Framework (NPPF). Paragraph 90 of the NPPF incorporates a list of developments that are considered as being appropriate within a Green Belt, subject to them preserving the openness. The operation of green waste composting facilities are not identified within this list and therefore the development must be considered as inappropriate development within the Green Belt. NPPF paragraph 87 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.
30. With regard to the County Council's Waste Core Strategy, Policy WCS4 confirms that within the Green Belt proposals for built waste management facilities constitute inappropriate development and will only be permitted where need and other material considerations amount to very special circumstances sufficient to outweigh harm to the Green Belt and any other harm identified. WCS Policy WCS7 (General Site Criteria) provides support for the green waste/composting facilities within Green Belt locations where very special circumstances can be demonstrated.
31. Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) paragraph 3 makes it clear that waste developments should seek to protect Green Belts but recognises when determining planning applications that the particular locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of

sustainable waste management are material considerations that should be given significant weight in determining whether proposals should be given planning permission. In this respect, there are a number of considerations which are relevant to the assessment of whether there are 'special circumstances' to justify inappropriate development within the Green Belt.

- a. Location Needs: Open air composting operations generate atmospheric odour and bio-aerosol emissions which have potential to cause annoyance and health effects with long term exposure. To safeguard against potential impacts the Environment Agency have adopted a precautionary 250m stand-off distance between composting facilities and human receptors (residential or commercial) to allow for dispersal of emissions. This stand-off distance means that it is practically impossible to locate open windrow facilities in built up areas due to the higher density of development. This constraint imposes a particular locational requirement to site open windrow composting facilities in rural areas where the stand-off distances can be achieved. Planning policy within Nottinghamshire designates the rural areas surrounding the Nottingham conurbation as Green Belt. It is therefore almost inevitable that any green waste composting facility which is in reasonably close proximity to waste arisings in the Nottingham area would be sited on Green Belt Land. If Green Belt policy was rigidly applied to the development of all green waste composting facilities it could effectively prohibit the development of this preferred waste management practice for the management of green waste, an approach which would be contrary to the waste hierarchy and WCS Policies WCS1 and WCS3. It is therefore concluded that open air windrow composting developments do have particular locations needs which lend support to them being located within Green Belt locations.
- b. The development has an essential requirement to be located at Oxtou Grange since it would operate as an extension to an existing facility. Since all the land surrounding the development site is within the Green Belt, it is inevitable that any extension would be located within a Green Belt location.
- c. The extended storage area would complement the agricultural production of surrounding farmland representing a quasi-agricultural use which is not out of keeping with the predominant agricultural character of the surrounding area.
- d. The facility does not incorporate new buildings or areas of hard standings which could affect the openness of the Green Belt.
- e. Visual Impacts of the development are minimal as a result of the location of the site on flat low-lying land, with higher land situated to the rear (east) of the site. Views of the site are limited to distant views. Visual impacts of these components can be minimised through the restriction in maximum storage heights to 5m.
- f. The development supports a sustainable waste management process insofar that it assists with the management of green waste at

the highest level within the waste hierarchy and ensures that waste materials are put to beneficial use on surrounding agricultural land, offsetting the use of fertilisers and preserving natural resources.

- g. WCS Policy WCS 7 lends support to the development of green waste composting facilities within Green Belt locations, whilst acknowledging such development is inappropriate within the Green Belt.
32. The development must be considered as inappropriate in the context of Green Belt policy. However, PPS10 paragraph 3 acknowledges that the particular locational needs of some waste management facilities may represent the very special circumstances necessary to outweigh any harm to Green Belt Policy. These special circumstances have been demonstrated within the preceding paragraph. On balance it is concluded that benefit derived from the development outweighs any harm due to the inappropriateness of the development in the context of Green Belt Policy.

Assessment of Environment Considerations

33. Chapter 3 of the Nottinghamshire and Nottingham Waste Local Plan (WLP) incorporates a series of environmental protection policies that are used to judge the main environmental issues associated with waste proposals. These policies are considered below.
34. WLP Policies W3.3 and W3.4 seek to minimise the visual impact of waste developments by siting them in non-intrusive locations, keeping development at a low level, minimising impacts from buildings and using appropriate screening. The preceding section of the report has identified that impacts to the openness of the Green Belt are minimal due to the location of the site on flat low-lying land and the backdrop of higher land to the rear (east) of the site. Views of the site are limited to distant views and visual impacts of the development can be minimised through the restriction in maximum storage heights to 5m. The visual and landscape impacts of the development are therefore minimal and the development is compliant with WLP Policies W3.3 and W3.4.
35. WLP Policies W3.5 and W3.6 seek to protect water resources by minimising risks from flooding and pollution. The applicant has supplied a supplementary flood risk assessment which identifies that the site is not within a flood risk area. The development has potential to alter run-off from the site during periods of heavy rainfall, particularly if the underlying ground or compost were to become compacted. The applicant's flood risk assessment incorporates measures to protect the surrounding area from increased surface water flows through the development of a catchment drain and raised berm of land along the edge of the extended storage area to capture flows of water and sediment, and through the management of compost storage piles to ensure they maintain permeability. The compost stored within the extended storage area is the final product which is compliant with industry standard PAS100 and therefore suitable for agricultural/horticultural use. The storage of this material on land therefore does not raise any potential groundwater pollution issues.

36. Adverse impacts relating to odour and noise discharges are not anticipated thus ensuring compliance with WLP Policies W3.7 and W3.9. The remoteness of the site means that any dust emissions from the stored compost would not result in significant harmful impacts to sensitive receptors, thus ensuring compliance with WLP Policy W3.10.
37. The additional storage area sought planning permission would not increase the current 30,000 tonnes per year waste processing capacity of the site. It does, however, provide additional operational flexibility by enabling the applicant to stockpile compost product prior to it being transported to agricultural land either within the Oxton Grange farm holding or to the network of local farms currently served by the facility. The main benefit derived from this is that compost could be stored at times when agricultural land has standing crops and distributed at times to coincide with those periods when fields do not have crops and compost can be spread. As a result, the extended storage area would do away with the necessity to set aside potentially productive agricultural land as compost 'field stores' thereby assisting with maximising the agricultural productivity of land. A planning condition is recommended to limit the maximum capacity of the extended site to 30,000tpa to ensure there is no incremental enlargement of processing capacity of the site as a result of this development.
38. Since there is no increase in site capacity, additional vehicle movements associated with the collection and delivery of material to and from the site are not anticipated. Current site operations result in some fluctuations in vehicle movement numbers throughout the calendar year due to the seasonal characteristics of green waste production. Daily average movements during peak periods are identified at 14 vehicles per day, with a maximum 20 per day. Additionally up to 10 daily tractor and trailer loads of compost are transported off the composting pad. These levels of traffic movements have previously been assessed as acceptable subject to controls being in place to ensure that potentially slow moving tractors and trailers used to transport the finished compost product are restricted from driving along the A614 at peak periods (weekdays 7-9am & 4-6pm) when they have most potential to affect the free flow of traffic on this strategically important road. To ensure that these controls are maintained it is recommended to re-impose this restriction to the operation of this extended compost storage area.

Conclusions

39. The Oxton Grange site provides a valuable green waste processing facility for the greater Nottingham area, using these waste materials to produce quality compost that add benefit to the local agricultural land. The extension to the storage area would not cause any adverse visual or environmental impacts to the local area. Whilst it is acknowledged that the development represents inappropriate development within the Green Belt, PPS 10 acknowledges that particular locational needs of some waste management facilities may represent the very special circumstances necessary to outweigh any harm to Green Belt Policy. In this case the benefits that are derived from the development do outweigh any harm due to the inappropriateness of the

development in the context of Green Belt Policy and therefore very special circumstances do exist to justify the development within the Green Belt.

Other Options Considered

40. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

41. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.
42. There are no service user implications, financial implications, equalities implications, safeguarding of children implications or implications to human resources. The bulky and low value character of compost storage means that the use of land as proposed raises no crime and disorder issues. The development would have benefit in terms of sustainability and the environment through the management of green waste to manufacture compost for beneficial use on surrounding agricultural land.
43. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life)/Article 1 of the First Protocol (Protection of Property)/Article 6 (Right to a Fair Trial) 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.

Statement of Positive and Proactive Engagement

44. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATION

45. It is RECOMMENDED that planning permission be granted 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.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

The Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 7.05.14]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from this report. [SEM 7.05.14].

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

Farnsfield and Lowdham - Councillor Roger Jackson.

Report Author / Case Officer

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

W001268.DOC – DLGS REFERENCE

– COMMITTEE REPORT FOLDER REFERENCE

25th April 2014 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

1. Planning permission is granted for the regularisation of the extended storage area for end product compost at the Oxtan Grange composting facility, as identified on the following documents:
 - a. Oxtan Composting Site Plan received by the Waste Planning Authority on 22nd January 2014,
 - b. Oxtan Composting Supporting Statement (Ref: Oz-SS-01/14) received by the WPA on 22nd January 2014.
 - c. Oxtan Grange Flood Risk Assessment and supporting swale & berm plan received by the WPA on 22nd April 2014.

Reason: To define the scope of the planning permission.

2. Within three months of the date of this planning permission the measures to prevent surface water run-off including the construction of the swale and berm field drainage system detailed in section 3 of the flood risk assessment document and supporting plan shall be constructed and implemented in full. The flood risk mitigation measures shall thereafter be maintained throughout the operational life of the site.

Reason: To manage surface water drainage within the development in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.5.

3. The extended storage area hereby approved (as outlined in red on the site plan) shall only be used for the storage of processed compost which has achieved PAS100 certification. No green waste processing activities shall be undertaken from this part of the site.

Reason: The storage area does not incorporate any hard surfacing or pollution control drainage systems and is not suitable for the storage and processing of potentially contaminated waste materials. These measures ensure satisfactory pollution control in accordance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.6.

4. The height of compost stored on the site shall not exceed 5m in height.

Reason: In the interest of visual amenity, to protect the openness of the Green Belt and to ensure compliance with Nottinghamshire and Nottingham Waste Local Plan Policy W3.3.

5. No plant or machinery shall be operated within the site, or deliveries be undertaken to and from the site, except between the hours of 0700 hours and 1800 hours Monday to Friday, and 0700 hours to 1300 hours Saturday, and not at all on Sundays and Bank and Public Holidays. Movement of finished compost off the site by tractor and trailer which requires transport along the A614 public highway to any agricultural field shall not be permitted to leave the Grange Farm composting facility between 0700hrs – 0900hrs and 1600hrs – 1800hrs on any weekday (Monday – Friday).

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan and to protect the free flow of traffic along the A614 at peak periods in compliance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.15 & Newark and Sherwood Core Strategy Spatial Policy 7.

6. No more than 30,000 tonnes of waste shall be imported to the site (as outlined in red and blue on the Oxtun Composting Site Plan received by the Waste Planning Authority on 22nd January 2014) in any one calendar year. Records shall be kept by the operator of all imports of waste to the site, which shall be made available to the WPA within seven days of a request.

Reason: To ensure that vehicle movements are limited to an appropriate level and ensure site activities do not adversely affect the free flow of traffic on surrounding roads in compliance with the requirements of Nottinghamshire and Nottingham Waste Local Plan Policy W3.15 & Newark and Sherwood Core Strategy Spatial Policy 7.