

Planning Permission Number: 26/2006

Planning Application Number: BC/CM/2005/56

Date Application Registered: 23/12/2005

District Council Area: Mid Bedfordshire District Council

Location of Site: Haynes Composting Site, off Old Main Road, Haynes

Grid Reference: 507200240200

Proposed Development: Variation of conditions 3, 8,15 and 16 of Planning Permission No. 8/2004

Applicant: Material Change Ltd

Agent (if any): G Pawson

Richard Watts
Assistant Director Growth
(Planning & Transport Policy)

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**NOTICE OF
GRANT
OF PLANNING
PERMISSION**

**Town & Country Planning
Acts**

**Town & Country Planning
General Development
Orders**

.....
signed

**Richard Watts
Assistant Director Growth
Planning & Transport
Policy**

.....
date

In pursuance of its powers under the Town & Country Planning Acts and Orders the County Council of Bedfordshire being the Local Planning Authority for the Administrative County hereby **GRANTS** planning permission for the proposed development as set out above and otherwise in accordance with the application submitted subject to the following conditions contained on the attached sheet(s).

YOUR ATTENTION IS DRAWN TO THE NOTES APPENDED

NOTES APPENDED TO DECISION NOTICE

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at 3/17 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State for Communities & Local Government can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State for Communities & Local Government need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State for Communities & Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Planning Conditions and Reasons for Planning Permission 26/2006

1. Planning permission shall extend to the area edged with a thick black line on the attached plan no. BC/CM/2005/56-1. The development shall be carried out in accordance with details submitted under planning permission number 1/2004 and 8/2004 (supplemented by 2 letters dated 20th October 2003 and 21st November 2003 with plan number B.7230b) and supporting information dated 21st December 2005 and 13th April 2006, except for minor amendments which may be agreed in writing by the County Planning Authority.
(Reason: To define the permission and allow for minor amendments.)
2. Unless otherwise approved in writing by the County Planning Authority, no operations authorised or required under this permission shall take place on site except between the hours of 08:00 to 17:00 on Monday to Friday, 10:00 to 16:00 on Saturday and 11:00 to 15:00 on Sunday and Public Holidays.
(Reason: To minimise disturbance to residential properties.)
3. No operations shall take place on site until the landscaping scheme submitted and approved under planning permission no. 1/2004, referenced BC/CS/2004/3, has been implemented in full.
(Reason: To protect the amenities of neighbouring properties and surrounding area)
4. No waste other than uncontaminated green waste for composting shall be imported into the site.
(Reason: To restrict development not authorised by this permission.)
5. No operations shall take place other than in such a way as to prevent mud and other debris being transported onto the highway.
(Reason: In the interests of highway safety.)
6. Unless and until highway improvements have been agreed by the County Planning Authority, and implemented as agreed, there shall be no more than a maximum of 10 deliveries (20 movements) of green waste per day, and 6 movements of articulated HGV's per week. Once the approved highway improvements have been implemented in agreement with the County Planning Authority, there shall be no more than a maximum of 60 movements of rigid HGV's and 2 movements of articulated HGV's per day.
(Reason: In the interests of highway safety.)
7. No operations shall take place unless a weekly record of waste and plant deliveries are kept by the operator and made available for inspection by the County Planning Authority within 7 days of a written request.
(Reason: To allow the monitoring of condition 6.)
8. All plant, machinery and equipment to be used in connection with the permitted operation shall be maintained and operated so as to prevent the transmission of noise, dust and vibration to any neighbouring premises.
(Reason: To minimise disturbance to residential properties.)
9. No surface water accumulating on the site shall be allowed to flow outside the boundaries of the site unless agreed in writing by the County Planning Authority.
(Reason: To prevent the pollution of surface and ground waters.)
10. No burning of any materials shall take place on site.

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(Reason: To prevent pollution and minimise disturbance to nearby residents.)

11. No shredding shall take place on Sundays or Public Holidays without prior approval, in writing, from the County Planning Authority.

(Reason: To minimise disturbance to residential properties.)

12. No vehicles over 7.5 tonnes leaving the site shall turn right onto the public highway and a sign indicating this must be placed at the exit of the site before development begins. Thereafter the sign shall be maintained at all times.

(Reason: In the interests of highway safety.)

13. Within 3 months of the date of this permission the limits of the waste operations shall be marked out on site in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority.

(Reason: To ensure the maintenance of boundaries and to safeguard against encroachment onto neighbouring land).

14. Unless otherwise approved in writing by the County Planning Authority all powered equipment (pumps, motors, etc) used in connection with the new aeration system shall be acoustically enclosed.

(Reason: To minimise any nuisance to nearby residents by reason of noise).

15. No more than a maximum of 10,000 tonnes of green waste material shall be processed on site in any one year, beginning on the 1st January of that year.

(Reason: To define the permission and to enable the County Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area.)

16. No heavy plant or machinery shall be stored on site, other than that required in connection with operations on site.

(Reason: To restrict development not authorised by this permission).

N.B. Where conditions include the phrase "Except as may be / unless otherwise agreed in writing by the County Planning Authority..", this is only to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.

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Reasons for grant of permission

The applicant has installed a new aeration system at the site which no longer requires the need to turn windrows. In the supporting statement of the application it states that by allowing additional time for work on site, the operator will have more opportunity to avoid carrying out operations when they may cause an odour nuisance. The applicant argues that the earlier operating hours would provide flexibility in terms of operations on site. It is the County Planning Authorities opinion that the site will be able to operate more effectively if the application were granted, allowing the potential to result in a positive outcome in terms of a reduction in nuisance related incidents from the site.

The CPA accepts that there have been operational problems at the site which have given rise to unacceptable levels of disturbance, mainly odour and noise. However, the CPA considers that the proposals, by giving the operator a greater degree of flexibility, should help to improve these.

The County Highways Officer does not object to the proposal subject to a Section 278 agreement between the applicant and the County Council to ensure that appropriate improvements are made to Old Main Road between the junction of the A6 and the entrance to the site. These improvements would be made prior to any increase in HGV's entering the site.

The application does not conflict with policies in the MWLP. The CPA considers that planning conditions can be included within any grant of planning permission that would mitigate potential impacts of the proposal. With the proposed highway improvements there would be no adverse impact on highway safety from the proposal.

Relevant development plan policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The relevant plans comprise the Bedfordshire and Luton Structure Plan 2011 (SP), the Bedfordshire and Luton Minerals and Waste Local Plan 2005 (MWLP), and Mid Beds Local Plan First Review, adopted 2005 (MBLPFR). It is also necessary to refer to Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS 10).

Structure Plan policies relating to waste facilities cover the criteria for assessing applications within the overall context of encouraging re-use and recycling. Under Policy 60, particular regard will be paid to such matters as the need for the facility, the opportunity to realise major environmental and recreational benefits, opportunities to reduce and/or recycle waste, the effect on agricultural land, the visual impact and effects on the countryside in general, wildlife and water resources, the effects on public rights of way, the access arrangements and traffic generation and the potential for nuisance, disturbance and pollution.

The Bedfordshire and Luton Minerals and Waste Local Plan (MWLP) 2005 states that any application needs to satisfy the criteria in MWLP Policy GE1 *Issues to be addressed in planning applications*, which requires information to enable the planning authority to assess various implications of a proposal. The relevant issues and specific policies are considered below.

Disturbance

Policy GE18 of the adopted Minerals and Waste Local Plan states that planning permission will only be granted for development proposals which are likely to generate disturbance from noise, vibration, dust, mud on the highway, gases, litter, illumination and odour, where the impact of

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any anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits. Policy PHS3 of the MBLPFR (2005) states that the District Council will pay close regard to expert advice from the relevant bodies and where there is a risk that there may be an unacceptable reduction in amenity through noise and odour, planning permission will not be granted.

Supporting information contained within the application states that due to the type of material delivered to the site from kerbside collections the mix of material being delivered is not as such as to maintain the correct Carbon:Nitrogen balance during the composting process. At present the operator aims to only shred the compost material between limited wind directions in order to try and reduce the potential impact of odour to local residents.

As noted in sections 5 and 6 of this report the operations of the site have resulted in a large number of malodour complaints to regulatory bodies, including the Environment Agency, District Council and County Council. As a result of these complaints the Environment Agency served a Section 59 notice on 25th July 2005, temporarily closing the site. The notice required the operator to remove all items of controlled waste, including leachate, from the site. The operator fully complied with this notice. After reopening the site, the operator installed an odour suppressant spray at the site which aims to eliminate the spread of malodours over the site boundary. These sprays have now been removed from site and replaced by a new aeration system which is designed to aid oxygen transfer within the composting windrows. The new aeration systems draws oxygen into the windrows and the exhausted air is removed through a bio filter. The main aim of the system is to reduce the malodours from the site by filtration of the exhausted air through a bio filter and by eliminating the need to turn the windrows to oxygenate them. All of the green waste that caused the particularly bad odour problem last summer has now been removed from the site.

The application states that a reserve of “woody” material is stored on site to allow the high concentrations of grass cuttings received from kerbside collections to be mixed with the woodier waste to achieve the right Carbon:Nitrogen mix. It also states that by applying for additional operating hours the operator will have more opportunity to avoid carrying out operations when they may cause an odour nuisance.

I am of the opinion that the measures taken by the operator, including the new aeration system, will help to reduce malodours emanating from the site. One of the main sources of odour from the site appears to be when vehicles deliver green waste from kerbside collections. The operator would like the flexibility to be able to accept these deliveries earlier, when the winds are usually calmer, therefore reducing the risk of causing an odour nuisance. Also, other operations such as shredding, the formation of the windrows and screening, would benefit by having greater flexibility in the hours of operation. In my opinion there would be a benefit in terms of reducing odour nuisance by allowing the operator greater flexibility to start earlier.

The Waste Management Licence permitted by the Environment Agency requires the erection of litter fencing around the perimeter of the site. The site manager puts litter fencing up when conditions are such that a nuisance may be caused by the movement of litter from site. I consider that any adverse impact caused by litter from the site is being reduced as far as practicable.

Mid Beds Environmental Health Officer does not object to the application in terms of disturbance to local residents. The composting site is adjacent to the A6 and an industrial depot, both of which produce noise. Local residents raised concerns in their letters of objection that the noise problem caused by machinery on site would be prolonged if longer hours were permitted. Prior to the application being received by the County Planning Authority, no complaints regarding noise from the site were received by regulatory bodies. A complaint was received by the District Council on 21st April regarding noise coming from reversing beepers on site. This was addressed by the applicant who is now using “white noise” reversing warnings

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on site vehicles. Further complaints regarding noise have been received by Mid Beds Environmental Health Officer, however, none of these complaints have been substantiated.

I am of the opinion that the applicant is working towards reducing adverse impacts from the site and that allowing a small increase to operating hours and increase in HGV's permitted to enter the site will allow flexibility in the management of the site, which should result in a reduction of odour from the site. Taking into account the information above concerning odour, noise and litter, and the comments from technical bodies, I do not consider that the application is in conflict with Policy GE18 of the MWLP and Policy PHS3 of the MBLPFR.

A liaison group was established on 28th April 2006, to provide a forum of open discussion between regulatory authorities, the site operator, and representatives of local residents.

Working Plan

Due to the applicant gaining a waste management licence for the site they have now withdrawn the inclusion of the Working Plan from the planning application. Therefore, any objections to the application on this basis can no longer be considered as a reason for refusing the planning application.

Highway Impact

Policy GE23 of the MWLP states that planning permission will only be granted for waste development where the material is capable of being transported to and from sites via the strategic highway network, taking into account the suitability and capacity of available access routes. The site access lies off Old Main Road which adjoins the A6 (part of the strategic highway network).

Currently the site has planning permission for the delivery of 10 green waste vehicles per working day. In addition to this 6 articulated HGV movements are permitted per week to deliver necessary machinery to the site. The application requests to vary conditions 8, 15 and 16 relating to vehicle movements at the site. The accompanying traffic statement states that the removal of the above conditions will allow the operator the flexibility to use larger vehicles, which in turn will reduce the number of deliveries and vehicle movements to the site. In the traffic statement it also shows that the average load over 3 months (Feb, Mar, Apr) was only 3 tonnes. These two statements conflict with each other so further clarification was produced by the applicant on 13th March 2006. The further information stated that it was the applicant's intention to increase vehicle movements to 62 movements per day, contrary to statements in the original application. Subsequently the County Highways Officer was given the opportunity to review his previous comments.

Within the further information submitted by the Applicant a number of plans were provided which show that HGV's (including articulated) can manoeuvre around the junction if some minor improvements are made. These include the widening of part of Old Main Road and the entrance to the site.

The County Highways Officer states that, subject to improvements made to Old Main Road, there will be adequate space to allow two HGV's or an articulated HGV and a HGV to pass between the junction of the A6 and the entrance to the site. If the improvements are made, subject to a Section 278 agreement with the County Council, the County Highways Officer does not consider that any restriction on operations would be necessary from a highway safety aspect.

A number of objections to an increase in vehicle movements at the site were received by the Council. The main concerns of local residents are congestion at the junction between Old Main Road and the A6, and slow moving vehicles entering onto the A6, which could be hazardous. Accidents statistics for the past three years (2003-2005) showed that there had been one accident, classified as "slight", at the junction of Old Main Road and the A6. The A6 is part of

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the strategic highway network, and therefore, the proximity of the site to the A6 is supported by Policy GE23 of MWLP.

If the improvements to the highway are made I do not consider the application to be contrary to highway safety and Policy 23 of the MWLP.