

APPLICATION NO: 18/0032/TWMAJW **VALIDATION DATE:** 16th April 2018

DISTRICT REF: 18/00400/CM

APPLICANT: William Gilder Ltd, Teddington Hands, Evesham Road,
Toddington, Tewkesbury, Gloucestershire, GL20 8NE

SITE: Land To West Of Wingmoor Farm, Stoke Road, Bishop's Cleeve

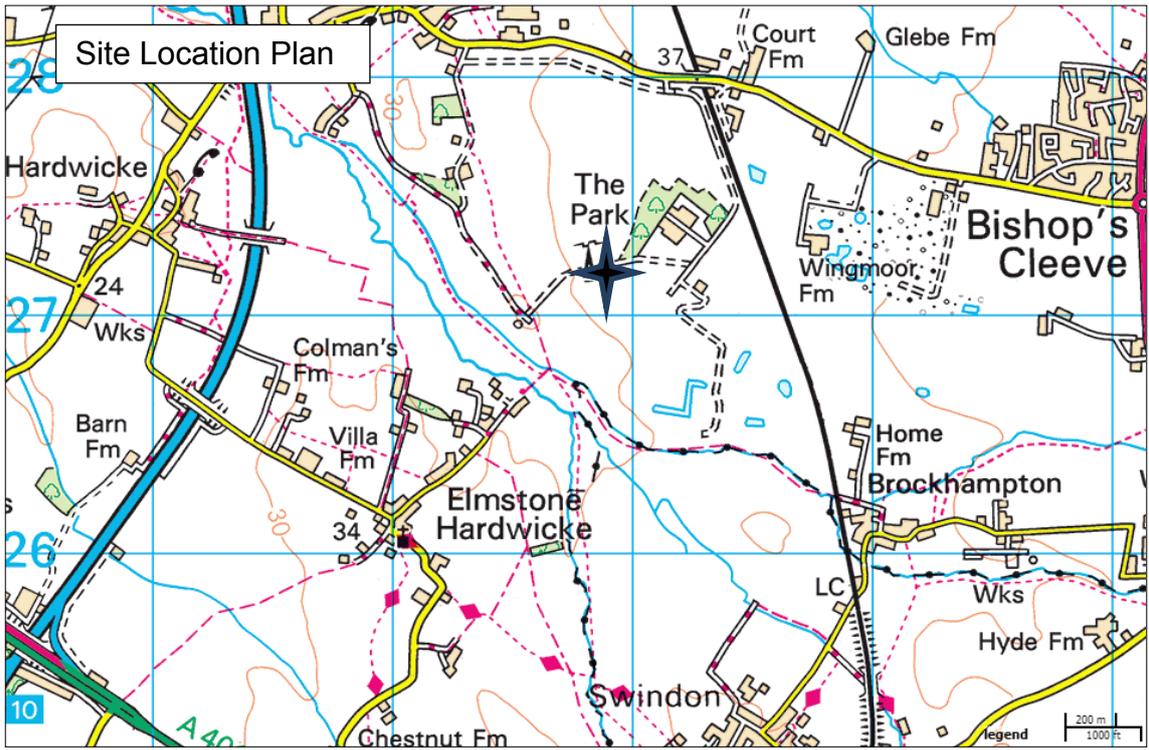
PROPOSAL: Biosolids Cake Liming Treatment for a 5 year temporary period.

PARISH OF: Stoke Orchard **SITE AREA:** 1.783 Ha **GRID REF:** 393942
227368

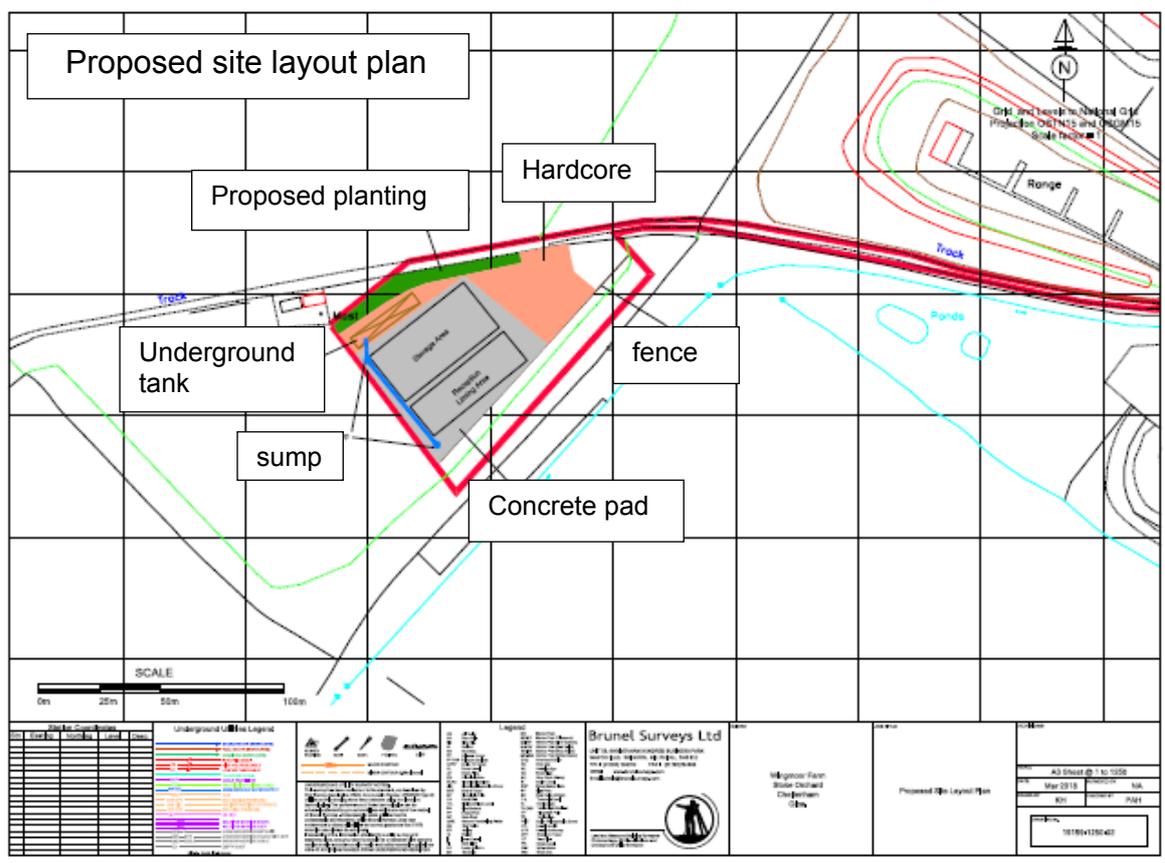
<p>RECOMMENDED: That planning permission is REFUSED for the reasons set out in this report and summarised at paragraphs 9.0-9.4</p>

1.0 LOCATION

- 1.1 The application site is located approximately 5 km to the north west of Cheltenham Town Centre, and approximately 2km west of the edge of Bishop's Cleeve and 1km south east of Stoke Orchard and lies within Tewkesbury Borough and the parish of Stoke Orchard. It is within a rural area of the county, with agricultural land on most boundaries. To the south of the proposed site boundary is located the Wingmoor Farm (Enovert) landfill and household waste processing site, with associated waste uses. The Park Industrial Estate is located approximately 150 metres to the north east of the proposed site. A rifle range and the Cheltenham & District Clay Club lie between the application site and the Park Industrial Estate.
- 1.2 The site comprises approximately 1.783 Ha of a larger triangular field in area, is bounded on one side by a tarmacked access road also serving a waste water treatment works (WWTW) south of Waterloo Farm, and the two other sides by established hedgerows and trees. A radio mast and associated derelict brick buildings and an access track runs along the western boundary. An area of woodland is located to the northeast between the site and the Park Industrial Site. The site appears to be in agricultural use.
- 1.3 The surrounding landscape is relatively flat, falling gently west to the River Swilgate. A network of footpaths and bridleways run to the south of the site; roughly paralleling the river valley and linking the settlements of Stoke Orchard, Elmstone Hardwicke and Brockhampton



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- 1.4 All vehicles would access the site from the public highway off Stoke Road and travel along a private hard surfaced access road running parallel with the railway line before reaching Wingmoor Farm Landfill and the Waste Recycling Centre site. Stoke Road provides a route to Junction 10 of the M5 Motorway which is located to the east.
- 1.5 The operational application site lies within National Landscape Character Area – Severn and Avon vales but does not have any landscape or ecological designations, although it lies within the designated Gloucester-Cheltenham Green Belt. The site is located within a low risk flood zone 1 on the Environment Agency Flood Map. Hyde and Swilgate rivers are located to the south of the site. The site is not located within a groundwater protection zone. The nearest residential property is over 650m away.

2.0 PROPOSAL

Proposed Development

- 2.1 The planning application is to undertake bio solids cake liming treatment of sludges arising from the treatment of waste at the applicant's Toddington Waste Treatment Centre, and bio-solids from waste water treatment facilities so it can be used as agricultural fertiliser and soil improver.
- 2.2 The applicant has submitted the following information in support of the application:
- Application form
 - Planning Statement (amended) dated 19/09/2018
 - Transport Statement by Cotswold Transport Planning dated March 2018. Alternative Site Search Assessment dated 19th March 2018
 - Flood Risk Assessment (including Conceptual Drainage Layout) by Amber Planning Dated April 2018
 - Lime Blending Plant details - Eco-Warrior Mobile Soil Processing Plant
 - Ecological Assessment and Mitigation by Willder Ecology dated 14 February 2018
 - Site Plan drawing number 19151-5000-03 dated March 2018
 - Site Location Plan drawing number 19151-5000-01 dated March 2018
 - Landscape Plan drawing number 19159-1250-01 dated March 2018
 - Proposed site layout plan drawing number 19159-1250-02 dated March 2018

Additional information received on:

18 Sept 2018

- E-mail associated with Environmental Noise report.
- Environmental Noise Report by Sound testing dated 16 March 2018 for Hightown Composting Ltd.L38, 5DA.

24 Sept 2018

- Amendment to Planning Application to change the application from a full permanent consent to a 5 year temporary development.

14 Nov 2018

- Transport Statement by Cotswold Transport Planning (Revised)

5 Dec 2018

- Radar survey

- 2.3 The following is a summary of the information submitted by the applicant's agent in support of the planning application.
- 2.4 The applicant, Gilder Environmental provide a variety of specialist waste and resource management services with the aim of diverting materials from landfill, either through recovery or recycling and avoiding reliance on fossil fuel derived alternatives. The Gilder Environmental's designated waste water treatment facility at Toddington (Toddington Treatment Centre) which operates in accordance with extant planning permission 12/0021/TWMAJW dated 16th April 2013 is of relevance to this application. The facility was purposely designed to treat waste liquids, septic wastes and other leachates in order to produce environmentally compliant processed liquids and biosolids cake that can then be applied to land to provide ecological or agricultural benefit (via supply of nutrients and/or) positive changes to soil properties.
- 2.5 Pre-application advice was sought from the Waste Planning Authority (WPA) in December 2017 and indicates that the WPA deem the biosolids cake treatment to be 'inappropriate development' in terms of the National Planning Policy Framework (NPPF) policy on the Green Belt and as such there needs to be very special circumstances to justify the development.

Proposal:

- 2.6 The development proposal is for the sustainable treatment of sludges arising from the treatment of waste at the applicant's Toddington Treatment Centre, and bio-solids from local waste water treatment facilities so it can be used as fertiliser in agriculture.
- 2.7 Bio solids are recognised as being a valuable source of two major crop available nutrients - nitrogen and phosphorus (plus sulphur, potassium, magnesium and trace elements etc.), stable organic matter and lime, which can be beneficially recycled to agricultural land to improve soil quality and fertility. The recycling of bio solids to agricultural land helps to preserve the earth's natural resources (e.g. rock phosphate) and also helps to safeguard future food security in the UK and is in line with the waste hierarchy moving the treatment of this waste material up the hierarchy.
- 2.8 The Toddington Treatment Centre is approximately 12km away from the site and is currently permitted to treat 124,800 tpa of industrial and domestic sewerage and leachate effluent from the septic tanks and package treatment plants (under EP permit EPR/QP3933EM) and 30,000 tpa of slurry waste (under planning permission 10/0114/TWMAJW). The effluent is processed using biological and physical-chemical treatment systems. The process separates out water from the liquid, which meets strict quality standards before it is discharged to a watercourse. This leaves the bio solid/sludge cake

which is removed from the site in either an 8-wheeled bulker or tractor and trailer. Where the material complies with parameters it can be used directly for agricultural purposes. However, when analysis shows the parameters are not met then the material has to go to disposal at a landfill (Wingmoor Farm). A process mixing lime with the bio solid/sludge cake ensures a consistent product which can be applied for agricultural benefit.

- 2.9 There are currently no liming facilities in Gloucestershire and the development proposal is to enable Gilders to treat bio solids arising from their Toddington Treatment Centre (as there is no space at the Toddington site to undertake this) and also to provide capacity to treat biosolids from local waste water treatment facilities, such as Severn Trent Water sites at Netheridge, Hayden, Sernal, Worcester or Stroud.
- 2.10 The bio solids/sludge will be treated with lime to an enhanced standard which makes them compliant with the Code of Practice for agricultural use (thus widening the potential applications of the product). In order to be compliant with the Safe Sludge Matrix and the Sludge (Use in Agriculture) Regulations 1989 the sludges must be treated to a level 'free from Salmonella and will have been treated so as to ensure that 99.9999% pathogens have been destroyed (a 6 log reduction)'. The treated sludge will also conform to the Biosolids Assurance Scheme HACCP Plan to ensure it is suitable and safe to use as a fertiliser on agricultural land. The biosolids cake treatment facility will only accept up to 20,000 tpa of the following waste materials for lime treatment.

Overview of operations:

- 2.11 A concrete slab (measuring 3,000 square metres) with a contained drainage system will be installed at the site where the reception, treatment and storage of biosolids cake will take place. All runoff/leachate will be directed to an underground holding tank with no connection between the site drainage and any surface or ground waters. Leachate/runoff will be regularly removed from site to an appropriate treatment facility e.g. Toddington Treatment Centre, so will not pose any pollution risk to the local water environment.

Feedstock Reception

- 2.12 Delivery vehicles will deposit the feedstock onto part of the pad delineated as the reception area where the load is visually inspected by site staff to check for, and to remove any contamination or foreign materials. Any highly odorous material is covered with straw immediately or mixed with other feedstock and lime treated as a priority. All feedstock arrives at the site via direct delivery by bulk haulage, from Toddington or other local wastewater treatment works in sealed and sheeted vehicles. All vehicles entering and leaving the site will be sealed or sheeted.

Biosolids Cake Treatment

- 2.13 Delivered biosolids cake will be mixed by a loading shovel or by using a liming plant (e.g. an Eco-Warrior mobile soil processing plant or Keenan Feeder Wagon or other similar mobile plant suitable for mixing lime) prior to being discharged onto the pad in a 'storage area' in a windrow type arrangement (with a maximum windrow height of 2m). The windrows will be covered with sheeting which will be weighted down along the edges or will be covered with straw. Tractors and a loading shovel will be used in the process, equipment typically used regularly in farming operations. When the biosolids cake has reached the accepted standard, it will be removed from the site for use as fertiliser for agricultural use.

Sludge Storage

- 2.14 Delivered feedstocks that are not to be treated immediately are covered and stored in the reception area prior to liming. When the sewage sludge is to be stored, they will be stored in a windrow type arrangement and covered with sheeting that is weighted down along the edges or will be covered with straw. Typically, untreated feedstocks are processed within 24 hours, see below.

Biosolids cake Odour Management

- 2.15 It is not considered that the liming of the non-compliant sludge will present an odour risk due to distance from sensitive receptors (>650m from residential properties and >200m from workplaces) and the short time that the material is processed. The proposal will also be subject to the Environment Agency's permitting requirements. A comprehensive Odour Management Plan will be prepared as part of the Environment Agency waste permitting process. A summary of Odour Management Procedures to be implemented at the site are set out paragraph 4.14 of the Planning Statement and available to view on Public Access (GCC ref 18/0032/TWMAJW).

Neighbour Impact

- 2.16 The site is distant from any residential or commercial properties. The nearest workplace being over 250m away and the nearest residents being over 650m away, which will be sufficient to ensure that odour, dust or noise does not cause a problem to people working or living in the vicinity. The site will be screened by additional perimeter planting to the north to assist in containment and absorption of noise and dust as well as providing visual screening.

Landscape

- 2.17 Native tree planting is proposed to the north. This additional new planting will enhance local biodiversity by increasing the diversity of plant species and will almost completely screen operations from available public viewpoints from the PROW to the west and Stoke Road to the north.

Access and Traffic

- 2.18 The applicant will use the existing access onto Stoke Road as included within the application site area. The access to the site is fully constructed with visibility splays in place to provide adequate sight lines.
- 2.19 In respect of the biosolids cake treatment, at the maximum throughput of 20,000tpa this would translate to 400t/week (based on 50 working weeks per year). A maximum daily figure would be 67t/day and if taken out in loads of 20t, this would give 4 HGVs per day. There would also be a small number of staff movements associated with the operation and light vehicle movements, approximately 4-6 daily movements.

Employees

- 2.20 There will be 2 employed on the site on a full-time basis.

Recycling and Recovery

- 2.21 The applicant estimates that 90% of biosolids cake will be recovered as fertiliser. This exceptional rate of recovery will be achieved by strict and controlled acceptance procedures for waste and good site management practices.

Good Housekeeping Measures

- 2.22 In addition to the implementation of the Biosolids cake Odour Management Procedures outlined above, good housekeeping measures will be implemented by the applicant to ensure there is no adverse impact on air quality and that there is appropriate management of odour, dust and other fine particulate matter from the operations.

Hours of Operation

- 2.23 The proposed operating hours of the site are 07:00 - 18:00 Monday to Friday and 07:00 -13:00 Saturday, with no working on Sundays or Bank Holidays.

Ecology

- 2.24 An Extended Phase One Habitat Survey of site and Ecological Assessment accompanies the application which considers the potential for the habitats on site to support any European Protected Species. The application site is not within any national or local ecological designations and largely comprises semi-improved grassland and is of low conservation value for wildlife due to a lack of diversity and the regularly disturbed nature of adjacent land i.e. intensive agriculture and waste treatment. The Ecological Assessment recommends appropriate enhancements and mitigation (i.e. provision of an undeveloped buffer strip, provision of a nesting box and a bat tube, no

external lighting and the implementation of a Precautionary Newt Working Method Statement. The recommended enhancements and mitigation are fully supported by the applicant. The recommendations ensure the proposal provides appropriate protection and long-term enhancements for the local wildlife and the local landscape.

Flooding and Drainage

- 2.25 The site is located within Flood Zone 1 (low risk). A purpose built 3,000 sq. m concrete slab and associated drainage system will provide an entirely contained drainage system for the biosolids cake treatment facility. This will contain and direct all runoff/leachate to a separate underground holding tank. This leachate/runoff will be taken away (back to the waste water treatment facility / source of biosolids cake).

Environmental Impact Assessment (EIA)

- 2.26 For the purposes of the EIA Regs the proposal is for a development that falls within Schedule 2 column 1 (section 11(d) “sludge-deposition sites”) of the EIA Regs 2017 where the thresholds relate to the area of deposit or storage exceeds 0.5 Ha; or is a deposit is to be made within 100m of any controlled waters.
- 2.27 Having taken into account the selection criteria for screening Schedule 2 developments along with the criteria in Schedule 3 of the Regulations, it was concluded that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size and location. Having taken account of the above as well as the advice given in the Planning Practice Guidance (PPG) it was concluded that none of the impacts are likely to be significant either individually or collectively, such as to require EIA. It was therefore concluded that the proposed development would not have a significant impact on the environment in terms of the EIA Regs and an EIA was not required and the application was not required to be supported by an Environmental Statement (ES).

3.0 PLANNING HISTORY

- 3.1 The planning history includes the following applications relevant to the site;

Planning Ref	Development	Decision
T.04/6821/0839/FUL	Change of use to compost up to 30,000 tonnes pa of bio degradable organic waste materials	Refused 12/11/2004 (GCC Decision)
94/6821/0769/FUL	Erection of 30m radio tower mast (replacement)	Approved 20.09.94 (TBC Decision)

90T/6821/01/02	Change of use of existing buildings to provide two cell buildings for telecommunications purposes.	Approved 30.08.90 (TBC Decision)
T6821/B	Change of use of land and buildings for controlled tipping	Refused 03/06/1987 (GCC Decision)
T6821/A	Change of use of existing buildings and land to recreational	Approved 24.12.86 (TBC Decision)

4.0 PLANNING POLICY

National Planning Policy Framework (NPPF)

- 4.1 The NPPF originally published in March 2012 has been revised and replaces the original NPPF as of July 2018. This revised document sets out the Government's planning policies and how these should be applied with immediate effect. The NPPF is a material consideration in planning decisions and must be taken into account.
- 4.2 Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development means that 3 overarching objectives of building a strong and competitive economy, maintaining healthy and vibrant communities and protecting the environment need to be pursued.
- 4.3 Paragraph 11 advises that decision takers should apply a presumption in favour of sustainable development by: approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development or any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 4.4 Paragraph 83 supports the rural economy allowing for sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings, as well as the diversification of agricultural and other land based rural businesses.
- 4.5 Paragraph 108 advises in assessing proposals for development it should be ensured that a safe and suitable access to the site can be achieved for all users, while paragraph 109 requires development should not be refused on highway grounds unless there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 4.6 Paragraph 133 stresses that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 134 states:
- “Green Belt serves five purposes:*
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 4.7 Paragraph 143 states that *“inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*
- 4.8 Paragraph 144 states that *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 4.9 Paragraph 145 states *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”* and goes on to list the exceptions.
- 4.10 Paragraph 146 states that *“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
- a) mineral extraction;*
 - b) engineering operations;*
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
 - f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*
- 4.11 Paragraph 175 requires the protection and enhancement of biodiversity and geodiversity and in determining applications should avoid significant harm through locating on an alternative site with less harmful impacts, mitigate or as a last resort compensated otherwise permission should be refused.
- 4.12 Paragraph 180 (previously 123) advises that planning *“decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider*

area to impacts that could arise from the development. In so doing they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impact on health and the quality of life.”

- 4.13 Paragraph 183 states *“The focus of planning decisions should be on whether the proposed development is an acceptable use of land rather than the control of processes or emissions where these are subject to separate pollution control regimes. Planning decisions should assume that these regimes will operate effectively”.*
- 4.14 The NPPF does not contain specific waste policies as these are published in the National Planning Policy for Waste (Oct 2014) as part of the National Waste Management Plan for England.

National Planning Policy for Waste (NPPW)

- 4.15 The NPPW was issued in October 2014 and has not yet been subject to review like the NPPF. The Government expects that decisions on waste applications should have regard to policies in the NPPF so far as they are relevant. When determining waste planning applications, WPA should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up to date Local Plan. In such cases, WPA should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.
- 4.16 The NPPW states that the Government is seeking a more sustainable and efficient approach to resource use and management and identifies positive planning as playing a pivotal role in achieving this. In testing the suitability of sites in determining planning applications, WPA is asked to consider 12 locational factors set out in Appendix B of the document. WPA should ensure that waste management facilities are well designed so that they contribute positively to the character and quality of the area in which they are located. They are also urged to bear in mind the type and scale of the waste management facility. The 12 locational considerations are:
- a) Protection of water quality and resources and flood risk management;
 - b) Land instability;
 - c) Landscape and visual impacts;
 - d) Nature conservation;
 - e) Conserving the historic environment;
 - f) Traffic and access;
 - g) Air emissions including dust;
 - h) Odours
 - i) Vermin and birds;
 - j) Noise, light and vibration;
 - k) Litter and
 - l) Potential land use conflict.

Development Plan Policies for Gloucestershire

- 4.17 Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relevant to this planning application comprises the Gloucestershire Waste Core Strategy (adopted Nov 2012); Gloucestershire Waste Local Plan (adopted Oct 2004), Tewkesbury Borough Local Plan to 2011 saved policies and Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted December 2017).

Gloucestershire Waste Core Strategy (Adopted November 2012)

- 4.18 Gloucestershire's Waste Core Strategy (WCS), adopted 21st November 2012, and provides the planning framework for waste management development in the county for the period 2012 - 2027. The following policies from the WCS are considered to be most relevant to the proposal:

WCS1- Presumption in favour of sustainable development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in the WCS (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- Specific policies in that Framework indicate that development should be restricted.*

WCS3- Recycling and Composting

In order to achieve the Gloucestershire local authorities' household recycling and composting target of at least 60% by 2020, and diversion of an additional 91,000 – 111,000 tonnes per year of commercial and industrial waste (C&I waste) from landfill, the Council will support in principle, proposals relating to

the development of new and expanded recycling and composting facilities including businesses that process recyclates and re-use waste.

Planning permission will be granted subject to the following criteria being met:

- 1. It can be demonstrated that the impact on the environment and neighbouring land uses is acceptable. Proposals for composting generally must be at least 250m from sensitive land uses such as housing unless it can be demonstrated that it can operate in closer proximity without adverse impact.*
- 2. The highway access is suitable for the proposed vehicle movements.*
- 3. The proposal contributes towards providing a sustainable waste management system for Gloucestershire.*
- 4. If the proposal is of a 'strategic' scale (>50,000 tonnes/year) it is located in the area defined as 'Zone C' (see Key Diagram).*

Particular support will be given to proposals that:

- Are located within or close to an urban area; and/or*
- Involve the re-use of previously developed land, vacant or underutilised employment land and/or redundant rural buildings including farm diversification opportunities; and/or*
- Involve co-location with an existing operation of a similar or complimentary nature; and/or*
- Incorporate alternatives to the transport of waste by road (rail, water etc.), and/or*
- Are well located to allow employees to reach the site by foot, cycle or public transport.*

Proposals for the development of markets for recycled materials, in particular initiatives to assist small to medium-sized businesses to re-use/recycle their discarded waste materials will be supported and encouraged through partnership working including the Gloucestershire Waste Partnership.

WCS7 – Waste Water

The development or expansion of waste water treatment facilities will be permitted, either where needed to serve existing or proposed development in accordance with the provisions of the development plan, or in the interests of Gloucestershire's waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impact, that any such adverse impacts can be satisfactorily mitigated and that the proposal would be consistent with the objectives of the Water Framework Directive (WFD).

Particular support will be given to any appropriate proposals that involve the development and utilisation of Anaerobic Digestion (AD) in order to provide heat and/or power that may be used locally or exported to the national grid.

WCS13 – Green Belt

There will be a presumption against proposals for waste management that amounts to inappropriate development within the Gloucester – Cheltenham Green Belt except where it can be demonstrated that there are ‘very special circumstances’.

‘Very special circumstances’ to justify inappropriate waste development proposals will not exist unless the totality of the harm to the Green Belt and any other harm can be clearly outweighed by other considerations.

Where the proposal involves the re-use of an existing building in the Green Belt:

- *It must not have a materially greater impact than the existing building on the openness of the Green Belt and the purpose of including land within it; and*
- *The building must be of permanent and substantial construction and be capable of conversion without major or complete reconstruction; and*
- *The form, bulk and design of the buildings is in keeping with its surroundings; and*
- *The proposal would be consistent with other relevant development plan policies.*

Other relevant WCS policies (in summary) are:

WCS10 – Cumulative Impact, which indicates that due regard shall be given to the cumulative effects of waste facilities alongside the potential benefits of co-locating complimentary facilities together and that planning permission will be granted where the proposal would not have an unacceptable cumulative impact with particular regard to the scale and nature of the proposal, noise, odour, traffic, dust, health and visual impacts and:

1. Environmental quality;
2. Social cohesion and inclusion; and
3. Economic potential.

WCS12 – Flood Risk, which sets out the general presumption that all waste-related development will be located in areas of low flood risk, (Flood Zone 1) and requires a Flood Risk Assessment (FRA) for development with an area above 1 hectare.

WCS14 – Landscape which prohibits waste developments which have a significant adverse effect on the local landscape, unless the impact can be mitigated.

WCS15 – Nature Conservation (Biodiversity & Geodiversity) requires development proposals to assess the impact on the natural environment.

WCS17 – Design, which seeks a high standard of design which contributes positively to the character and quality of the area in which the proposal is located.

WCS 18 – Bulking and Transfer will be granted subject to an acceptable impact on the environment and neighbouring land uses; suitable highway access; and contributes to a sustainable waste management system for Gloucestershire.

WCS19 – Sustainable Transport which prohibits development that would have an adverse impact on the highway network unless it can be mitigated.

Gloucestershire Waste Local Plan (Adopted October 2004) Saved Policies

- 4.19 The Gloucestershire Waste Local Plan (WLP) was adopted in October 2004. However, following the Secretary of State for Communities and Local Government's Direction (dated 5 October 2007) the following WLP policies are 'saved' until replaced by Development Plan Documents contained in the Minerals and Waste Development Frameworks. The following 'saved' policies are considered compliant with the NPPF and relevant to the determination of this proposal:

Policy 33 – Water Resources - Pollution Control

Proposals for waste development will only be permitted where there would be no unacceptable risk of contamination to surface watercourses, bodies of water or groundwater resources.

Policy 37 – Proximity to Other Land Uses

Proposals for waste development will be determined taking into account such matters as the effect on the environment, occupants' and users' amenity and health, the countryside, the traditional landscape character of Gloucestershire, the local highway network, any hazardous installation or substance and any adverse cumulative effect in combination with other development in the area. Where appropriate, suitable ameliorative measures shall be incorporated in the proposals to mitigate, attenuate and control noise, dust, litter, odour, landfill gas, vermin, leachate and flue emissions.

Policy 38 – Hours of Operation

The Waste Planning Authority will where appropriate impose a condition restricting hours of operation on waste management facilities to protect amenity.

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (GCTJCS) (Adopted December 2017).

- 4.20 The most relevant policies of the GCT JCS are:

Policy SD3 – Sustainable Design and Construction, which promote waste minimisation and recycling;

Policy SD5 Green Belt
Policy SD6 General Landscape
Policy SD9 Wildlife Habitat - Biodiversity

Tewkesbury District Local Plan 2001-2011, April 2006 (TDLP)

- 4.21 The following relevant TDLP saved policies are superseded by the up to date GCTJCS:

GRB1 Green Belt
TPT1 Access for Development
ENV2 Light Pollution
EVT3 Noise Pollution
LND4 Landscape and countryside protection
LND7 Landscaping of new development
NCN5 Protection of important natural features/biodiversity
ARG4 Agricultural Diversification.

5.0 REPRESENTATIONS

- 5.1 The application was advertised by site notice on 3/05/18 and 11/10/18, by press notice on 2/04/18 and 11/10/18 in the Gloucestershire Echo and by neighbour notification letters on 26/04/18. No representations to date have been received following the publicity undertaken.

6.0 CONSULTATIONS

Tewkesbury Borough Council

- 6.1 Tewkesbury Borough Council (TBC) provided responses from Planning and Environmental Health which are referred to below.

The latest consultation (September 2018) related to additional noise information and the change to a 5 year temporary permission from a full permanent permission as originally submitted.

Environmental Health Officer (EHO)

Odour – Initial comments advised that the applicant should submit an odour dispersion model and assessment in line with the Environment Agency’s H4 odour management guidance for comment and approval. However, following reconsideration given the proposed remote location the EHO confirms that an odour dispersion model does not need to be submitted. The EHO final consultation response states “*Odour: The applicant has stated that the Environment Agency (EA) would not normally require an odour dispersion model (as part of an EA permit application) for this type of activity and therefore in light of this information and the remote location of the activity I would not now require an odour dispersion model to support the application and have no objection to the application in terms of potential odour nuisance.*”

Noise – Initially the EHO requested the submission of a noise assessment in line with BS4142:2014 along with noise data for the proposed mobile processing plant for comment.

Regarding the additional noise information the EHO concluded that noise from the proposed activity would not adversely impact on the closest noise sensitive receptor(s) having provided the following response; *“Noise: The submitted noise assessment indicates that noise from the proposed activity would not adversely impact the nearest sensitive receptor, therefore I no longer require a BS4142 noise assessment to be submitted to support the application and have no objection to the application in terms of potential noise nuisance.”*

Dust – The EHO has requested a comprehensive dust management plan for comment and approval.

Planning

TBC’s Planning Department initially provided the following comments; *“The site is located in the Green Belt. The Council do not consider the proposed development to fall within one of the exceptions listed in paragraphs 89 and 90 of the NPPF and the proposal is therefore deemed to constitute inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF makes clear ‘very special circumstances’ will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy SD5 of the Joint Core Strategy (JCS) (December 2017) is consistent with the NPPF and supersedes Policy GRB1 of the Tewkesbury Borough Local Plan to 2011 (March 2006).*

Having read the supporting Planning Statement, it is understood that the applicant has put forward a case for ‘very special circumstances’ and has also undertaken an alternative site search within a 12km radius of Toddington Treatment Centre which would be where the proposal’s main source of waste would originate from. The Council does not wish to comment on the validity of the case for ‘very special circumstances’ but would like to iterate that the assessment of such case is fundamental to determining the appropriateness of the proposal in this location. Indeed, the proposal is for the material change of use of the land (not an engineering operation) and the extent of hard standing required as part of the proposal would fail to maintain the openness of the Green Belt contrary to JCS Policy SD5 and the NPPF. Thus, the ‘very special circumstances’ must clearly outweigh this harm to the Green Belt, alongside any other harms resulting from the proposal.

Aside from the site’s inclusion in the Green Belt, the application site is not subject to any landscape designations. JCS Policy SD6 relates to the general landscape and supersedes Policy LND4 of Tewkesbury Borough Local Plan to 2011 (March 2006). It states proposals should protect landscape character for its own intrinsic beauty and benefit to economic, environmental and social well-being and requires appropriate mitigation and enhancement measures to

accompany applications. The Landscaping Plan (drawing no: 19159-1250-01) shows the existing hedgerow and trees along the south-east boundary would be retained while a native hedgerow and tree belt would be planted along the northern site boundary. Both are welcomed not only for landscape enhancement reasons in line with JCS Policy SD6 but also biodiversity in the interests of providing wildlife habitat in accordance with JCS Policy SD9. Furthermore, the additional hedgerow would afford the proposal some screening when viewed in the wider landscape. It is noted that very little information has been provided about the proposed planting (in terms of species mix and number) and future maintenance although it is acknowledged that these details could be secured by way of a suitably worded condition."

Following further submission of information relating to noise and the change in the application from a full to a temporary 5 year period TBC's Planning Department provided the following response:

"With regard to the temporary 5 year permission, I would comment that this does not overcome the proposal's harm to the Green Belt by reason of its inappropriateness and there would still be harm to the openness of the Green Belt albeit a short-term impact on the basis that the land would be restored to its former condition at the end of this period. Again, I do not wish to comment on the validity of the applicant's case for 'very special circumstances' but consider the temporary nature of the proposal would need to weigh in the planning balance."

Environment Agency (EA)

- 6.2 The EA have confirmed that the non-hazardous biological, chemical and physical treatment are waste management activities that require authorisation under an Environmental Permit (EP) which is likely to be a Standard Rules Permit (SRP) for the proposed activity.

The EA also confirm that the EP would regulate and control matters such as the following:

- General Management of the site,
- Permitted activities e.g. operations,
- Waste Acceptance (quantity and type of waste),
- Emissions to land, water and air (including Odour, Noise and Vibration relevant to the "operational area").
- Monitoring, Records and Reporting.

Regarding odour and noise the EA acknowledge that the nearest sensitive receptors are located 650m and 250m away (from residential and workplace respectively). The EA acknowledge that such sites will be odorous owing to the type and nature of wastes involved and there is a significant potential for offsite odour. Regardless of operator preventative measures it is possible that residual odours may cause impact off site and result in complaints.

As part of the SRP the EA do not normally require the applicant to carry out odour or noise modelling. Whilst an Odour (OMP) and Noise Management

Plan (NMP) should help reduce emissions from the site it will not necessarily completely prevent all odour and noise. The EA do not directly control any issues arising from activities outside the permit installation boundary.

The EA raised no further comments following consideration of further information.

Natural England

- 6.3 Natural England (NE) is a non-departmental public body whose statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

NE have not assessed this application and associated documents for impacts on protected species. NE has published Standing Advice on protected species.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) then the planning authority should ensure it has sufficient information to fully understand the impact of the proposal on local sites before it determines the application.

Natural England raised “no comments” following re-consultation of additional information.

Uckington Parish Council

- 6.4 Uckington Parish Council is concerned about noise, odour, air quality and traffic issues surrounding this application.

Elmstone Hardwicke Parish Council

- 6.5 Looking at the proposal, we would agree with Stoke Orchard's comments on increased traffic on a site that is already at capacity and the fact that a similar application was thrown out in the past. The "Eco-Warrior" processing plant appears to be mobile, so why base it here?

Gotherington Parish Council

6.6 Has confirmed that they will not be providing a response.

Bishop's Cleeve Parish Council

6.7 Objects to the application. The site is in the Green Belt and there are no special circumstances which justify development of this nature; the location is inappropriate. The access road is inadequate for the proposed tanker traffic. The increased traffic movement, particularly of heavy vehicles, through Bishop's Cleeve and along Stoke Road, which is a narrow and congested country road, is unacceptable. It is considered that odour and dust issues arising from the proposed usage would cause significant loss of amenity to local residents. The Parish Council also has concerns about effects on land drainage and potential pollution and flooding issues.

Stoke Orchard and Tredington Parish Council

6.8 Members of Stoke Orchard and Tredington Parish Council strongly object to the Application on the following grounds:

- Contrary to development within Green Belt
- Planning history of refusals for biodegradable waste on the site;
- Other suitable sites within vicinity;
- Odour and noise relating to existing and proposed residential receptors;
- Air quality impact;
- Traffic impact;
- Flood risk and pollution.

Highway Authority (HA)

6.9 The HA initially raised an objection to the proposed development based on insufficient information regarding access details from the track onto the access road to the Household Waste Recycling Centre. Following further information submitted in November and December 2018 the HA has provided the following response and withdrawn the objection subject to appropriate planning conditions.

HA representations received 17 Dec 2018

"I refer to the previous consultation response dated 17th May 2018 and the additional information received on 14th November and 5th December 2018 including updated Transport Statement and speed survey results.

Access junction-

The primary previous concern was that no details had been submitted as to how the junction of the access track with the access road to the Household Recycling centre both in terms of layout and visibility.

The development will result in the increased use of an access that has restricted visibility. In order to determine the exact visibility requirements from this access it is necessary to determine the actual speed of vehicles as they approach the access. This

has been undertaken and the results show that when adjusted for wet weather the 85th percentile approach speeds are 18.6 mph northbound and 20.6 mph southbound. These approach speeds give emerging visibility requirements of 22m to the south and 25m to the north. The corresponding forward visibility would be 24m and 28m respectively.

In order to achieve the required visibility it would appear that land outside of the applicant's current ownership would be required. The fact that some vegetation clearance has been undertaken in this area previously and the adjacent land owner does not appear to be an objector and has a complementary land use it would appear that coming to a suitable agreement would be possible.

Access track -

The site is accessed via a narrow track that does not allow for two way movements of vehicles however from the additional information it can be seen that vehicles would be able to pass before meeting the access road to the Household Recycling Centre and therefore whilst this is a less than ideal arrangement it does not cause a significant risk to the public.

The access track is also crossed by an ancient highway that is not visible on the ground but is recorded within the highway records. Whilst it is highly unlikely that this route would ever be reopened this development would not preclude it from doing so."

The HA recommend that no highway objection be raised subject to conditions being attached to any permission granted substantially in the format below.

- 1) No works shall commence on site on the development hereby permitted until details of a scheme to set back the frontage boundaries to the Household Recycling Centre access road so as to provide suitable visibility for the junction and measures to maintain as such for the duration of the development have been submitted to and approved in writing by the Waste Planning Authority.*

Reason:- To ensure that safe and suitable access to the site is provided in accordance with paragraph 108 of the National Planning Policy Framework.

- 2) The waste use hereby permitted shall not be brought into use until space has been laid out within the site for two cars to be parked, and for all vehicles to be able to turn so as to enter and leave the site in forward gear, and such provision shall be maintained thereafter.*

Reason: To reduce potential highway safety impact by ensuring that vehicles do not have to reverse to or from the public highway and to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

GCC Lead Local Flood Authority

- 6.10 The Lead Local Flood Authority (LLFA) provided the following comment:
“The LLFA is a statutory consultee for surface water flood risk and management since April 2015, and has made the following observations and recommendation.

The LLFA has assessed the drainage proposal and has no objection to the surface water management strategy.”

County Ecological Advisor (CEA)

- 6.11 The CEA advises that to make the development a real enhancement in this Green Belt location, prior to the determination of the application agreement to new hedgerow planting on the western boundary of the development footprint should be sought from the applicant. No objections subject to conditions to secure compliance with the Newt Precautionary Method Statement, the submission of a Landscape and Aftercare Management Scheme, and to prevent the installation of external lighting without prior approval from the WPA and informatives to ensure compliance with the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992 and to ensure that the ecological information recorded by the applicant should be passed to the Gloucestershire Centre for Environmental Records (GCER).

Significant adverse ecological effects should not occur although this is subject to satisfactory containments of waste and water which is proposed. This would be covered by the EA’s permitting requirements.

The Ecological Assessment carried out searches using the MAGIC website but did not include data from a biological records search with the Gloucestershire Environmental Records Centre (as recommended in pre-application advice). However as the ecological potential for impacts from the development as described are quite limited the ecologist has instead as a precaution carried out a search with GCER. The results of this search have informed his observations herewith and can be provided on request.

It is the view of the CEA that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England’s Standing Advice, and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

County Landscape Advisor (CLA)

- 6.12 Initial comments were received on 27/04/18. In summary the comments identify the sensitivity of the setting stating that there are a number of areas within the application that have the potential to adversely impact on views from Stoke Orchard (where there is significant new residential development along the northern side of Stoke Orchard Road, and Waterloo Farm who have open views over the flat agricultural landscape. Further detailed information requested as stated below:

- *“Size and frequency of delivery & collection vehicles*
- *Size and colour of lime/solids mixing vehicle and frequency/location of use*
- *Proposed type/colour of windrow sheeting and methodology for ensuring no wind blow if straw is used*
- *Details of proposed planting to the east and west boundaries (contrary to para 4.19 of the support statement, drg. 19159-1250-01 doesn't provide this detail)*
- *Consideration of a bund to the western boundary to provide ‘day 1’ screening of the windrows*
- *Information on welfare and other structures to provide for the site operations and for the welfare of the two fulltime staff noted under Para 4.23 of the support statement*
- *Advice on any visual emissions arising from the process*
- *Details of slab construction, particularly edge upstands to contain pollutants*
- *Details of any works required to bring the access up to an appropriate standard (I was unable to inspect this as the gates to the track were locked)*
- *Details of any site lighting and operation times (in respect of vehicle lights)”*

Further response 23/08/18. Following a response from the agent, the CLA comments *“that whilst the Green Belt is primarily a spatial concept and not a landscape designation, the Courts have determined that openness also has a visual dimension. As such it is relevant to consider the visual impact of the application on the wider Green Belt in the assessment of the effect on openness.”*

Comments are made regarding size, frequency and movement of vehicles, bund screening and windrows height and visibility from Stoke Orchard, visibility of other structures, slab construction details, lighting, other nearby development and justification of the scheme in terms of overall area. These are referred to in greater detail in the planning consideration below.

Further response dated 22/10/18. The revised documents do not appear to have been updated to reflect the intervening correspondence and commitments from the Applicant e.g. bunding.

The CLA remains concerned that no evidence has been submitted to justify the size of the concrete pad and windrowing operation. As such the size may be arbitrary and larger than required for the current output from the current operation and collected from other authorities.

Whilst the CLA appreciates the change to a temporary application will reduce the period of impact, the impact on the openness of the Green Belt will remain for the period it is operational. The applicant hasn't set out a pressing need for the operation, so it is assumed his current treatment and disposal methods could continue for the period, set out as justification for the temporary application, of identifying an alternative suitable site for a permanent operation (para 3.5 of the amendment dated 24/09/18).

The applicant recognises the potential for impacts from fugitive dust and odour within the Planning Statement and has listed certain site procedures to mitigate the effects of dust and odour.

County Air Quality Advisor

- 6.13 Following a detailed review of the Planning Statement and associated documents, the nature of the proposed development has the potential to result in negative air quality impacts in terms of fugitive dust and more particularly odour.

There are a number of potentially sensitive receptors to dust and odour within the vicinity of the proposed development, including;

- the Park Industrial Estate (containing offices) approximately 200 m north east;
- residential properties on Lowdilow Lane approximately 650 m south west; and
- residential properties on Stoke Road approximately 850 m to the north, north west.

County Dust Advisor

- 6.14 The potential for dust arising from the proposed development is limited to re-suspension of dusty material on roads when vehicles access and egress the site. It is recognised that the feedstock has a low dust release potential as it is wet in nature. The following measures are listed in the Planning Statement which act as a means of minimising the release of dust from the proposed development during operations:

- Waste imported to the site will be limited to sludges from the treatment of urban waste water, which by nature is wet and therefore has a low potential to release dust;
- All vehicles accessing or egressing the site will be sealed or covered;

County Odour Advisor

- 6.15 The acceptance and processing of a potentially odorous waste at the proposed development has the potential to cause a nuisance for nearby residential receptors. As such, the site will be subject to the Environment Agency's permitting regime, which would require a comprehensive Odour Management Plan (OMP) to be submitted prior to operation.

Details of this OMP are presented in the Planning Statement (paragraph 4.14). The management techniques to minimise the potential for odorous release are considered suitable and proportionate to the type of activity proposed at the site. Whilst it is recognised that existing land uses near to the site include potentially odorous activities (e.g. agriculture and anaerobic digestion), given the proximity and orientation of the site to the nearby Park Industrial Estate and the prevailing wind direction, the potential for nuisance is

unlikely to be fully mitigated by the management techniques proposed in the Planning Statement, particularly given that untreated feedstock could be uncovered for a period of 24 hours.

It is recommended that the administrative management techniques proposed to control odour are supplemented by engineered solutions to be made available for use as required, e.g. if a particularly odorous consignment was accepted at the site, or prevailing wind direction was toward potentially sensitive receptors. It is recommended that these engineering solutions should be either fixed masts with sprays heads on the perimeter of the site or a mobile unit for use around the site as required. Odour masking agents or counteractants are not recommended as they are generally ineffective. An appropriate technology would be an absorption technique, such as a fine spray of aqueous surfactant solution.

County Noise Advisor

- 6.16 The site sits in a predominately rural setting and that noise is dominated by adjacent recycling facilities during the operating times of those businesses, and is a quiet rural area outside of those business hours. Noise Sensitive Receptors (NSR) are present within a few hundred metres in each direction.

Although noise from the proposed biosolids cake treatment works is unlikely to differ significantly from noise from adjacent businesses it would still be expected that the applicant provides a report compliant to BS4142:2014 to:

- identify NSRs,
- measure the existing background sound climate at those locations during the proposed operational hours,
- provide detail of any attention attracting characteristics of the proposed plant, and apply appropriate penalties,
- predict the resultant operational noise levels at the NSRs, and
- assess the potential impact of the works.

If the proposed operational hours for the plant are:

- 07:00 – 18:00 Monday – Friday,
- 07:00 – 13:00 Saturday, and
- no work on Sundays or Bank Holidays.

If these hours exceed those of the operations of surrounding businesses then an additional assessment of the proposed operations during these extra hours should also be required.

Following reconsideration of the additional information provided by the applicant and having considered the District EHO response the County Noise Advisor does not require a BS4142:2014 report to be submitted and is now satisfied with the detail submitted as part of the application documents.

7.0 PLANNING CONSIDERATION

7.1 The proposal is to undertake bio solids cake liming treatment of sludges arising from the treatment of waste at the applicant's Toddington Waste Treatment Centre, and bio-solids from other waste water treatment facilities so it can be used as agricultural fertiliser and soil improver. The application site lies wholly within the Gloucester-Cheltenham Green Belt as designated in the Tewkesbury Local Plan to 2011 and the GCTJCS (Adopted December 2017). The planning issues considered are the impact on the Green Belt, highway concerns, odour and potential noise impact. The main material planning issues in this case is the impact that the proposed development would have upon the Green Belt and Highway Authority concerns.

7.2. In particular the main issues are considered to be:

- Whether it is inappropriate development within the Green Belt as identified in the NPPF and development plan policy;
- The effect on the openness of the Green Belt;
- If it is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development;
- Amenity - The effect on the living and working conditions of occupiers of the nearest residential and commercial/industrial properties, particularly in relation to noise, dust and odour; and
- Highway Authority concerns.

Green Belt - Whether inappropriate development

7.3 The Government attaches great importance to Green Belts, the fundamental aim of which is to keep land permanently open. Paragraph 143 states that *"inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* Development within the Green Belt is inappropriate unless it falls within the defined list of exceptions set out within paragraphs 145 and 146 of the NPPF which are reproduced below.

Paragraph 145 states *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt"* and goes on to list the exceptions:

"a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

The WPA does not consider that the proposed development falls under any of the exceptions stated above.

Paragraph 146 states that “Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”

It should be noted that paragraph 146 (e) was added to the revision of the NPPF published in July 2018 and therefore after the submission of the planning application in April 2018.

- 7.4 In the policy section of the supporting statement the applicant makes a case that the proposed use is similar to that typically associated with agriculture and would include engineering operations which are not considered inappropriate and would therefore fall to be considered under paragraph 146(b) of the NPPF. Notwithstanding this assertion the applicant chose to make the planning application to the WPA as a County Matter and not to the District Council as an engineering operation because of the waste component of the application. The applicant also considers that the new category, paragraph 146(e), referring to the material change of use to a waste use is applicable in this case. This was originally asserted in the planning application supporting information (submitted April 2018) and prior to the issuing of the replacement for the 2012 NPPF in July 2018.
- 7.5 The WPA do not dispute that the proposed development includes the creation of the concrete pad and drainage. However, it is considered that this aspect of the proposed development is ancillary to the overall proposed waste use. Similarly, the WPA considers that the proposed waste use (composting) is a material change of use. However, the WPA does not accept that proposed waste use can be considered solely or in combination as an engineering operation satisfying NPPF paragraph 146 (b) or a material change of use satisfying NPPF paragraph 146 (e) for the following reasons. The engineering operation is ancillary to the waste use and is necessary because of it. Without the waste use it would not be necessary. The waste use does not fall into the types of material changes of use envisaged as satisfying 146 (e) such as those identified namely, “...changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);” The characteristics of these types of uses differ significantly from a waste use in the Green Belt. Therefore, the WPA does not consider that the proposal falls within an exception as defined in NPPF paragraph 146.
- 7.6 However, without prejudice to the above position, if the WPA were to consider, as put forward by the applicant, that the proposed development is a combination of a material change of use - part which includes “operational development“ (in the form of an engineering operation in the construction of the concrete pad and drainage), and as such, it might be considered to fall under paragraph 146 ((b) and (e)). If for the purposes of the case made by the applicant then it needs to be established if the proposed waste use (material change of use under NPPF para 146 (e)) and the concrete slab/drainage works as “operational development” (NPPF para 146 (b) – engineering operation) preserves the openness and does not conflict with the purposes of including land within the Green Belt.
- 7.7 If it is considered that the openness of the Green Belt and the purposes of including land within the Green Belt are not preserved by the proposed

development then NPPF paragraph 146 (b) and (e) are not satisfied and as such the engineering operation and waste material change of use will be considered inappropriate development in the Green Belt.

- 7.8 It therefore falls to determine whether the development proposed affects the openness and purposes of the Green Belt designation. Consideration of such follows.

Openness of the Green Belt

- 7.9 Adjoining the site near to the access track serving the Severn Trent Waste Water Treatment facility is a disused brick building and telecom tower/facility as well as further north a mature hedge. The nearby existing development inevitably reduces openness. This would be further reduced by the addition of the proposed windrows (covered and uncovered at 2m tall), stockpile(s), mobile plant (screening and vehicular plant) and the concreting over of part of the site as well as operator's vehicular parking.
- 7.10 The applicant states that the site has not always been an open field as it was previously used in connection with the air industry and forming part of the airfield¹. However no further details have been provided so it is not known to what extent the site was used for this purpose or the effect this had on openness. In any event this application is being considered based on current circumstances on site. The applicant has further offered that a landscape screening bund can be introduced so as to screen the development from views into the site. This in itself however, would also impact on openness.
- 7.11 Green Belt is considered to be primarily a spatial concept and not a landscape designation. The Courts have determined that openness also has a visual dimension. As such it is relevant to consider the visual impact of the application on the wider Green Belt in the assessment of the effect on openness.
- 7.12 Regarding the size and vehicle frequency, it is noted that whilst the numbers are relatively small, it will still represent a visual intrusion into the Green Belt. Vehicle movement in an otherwise still landscape attracts attention. As well as the actual movement, HGVs/tankers will be stationary and visible on the site whilst they are loaded and unloaded; the machine adding lime will be on site for one to two days, or longer depending on need, and vehicles working on the windrows will be seen. It is also noted that some mitigation will be provided by proposed screen bunding and this and planting will over time provide additional visual screening. It is also noted that the track is also used by other vehicles accessing the sewage plant further to the east and therefore the area is already subject to infrequent vehicle movements.

¹ Brief internet research by officers suggests that the Stoke Orchard Airfield was used until approximately 1945, after which time it quickly fell into disuse and, with the exception of some former hangers mostly reverted to agriculture, prior to the designation of the Cheltenham and Gloucester Green Belt in 1958.

- 7.13 The application states that windrows and storage bunds would be up to 2m in height. The land rises very gently from the Stoke Orchard direction, where the main visual receptors are located. The exact height of the proposed bund required to screen the windrows without itself becoming an incongruous element in the landscape is unclear at this stage. Should windrows still be visible, e.g. in views from upper storeys, then it would be important to ensure that plastic coverings were non-reflective and appropriately coloured. In any event the windrows and machinery are not typical agricultural activities and are considered to adversely impact on the openness of the Green Belt.
- 7.14 Information on welfare or other structures is not clear with the provision of such facilities likely to further impact on the openness of the Green Belt.
- 7.15 The concrete slab construction will be generally flush to the ground discharging to an underground tank. Visually this will appear similar to any agricultural slab. The drainage capacity will need to ensure the slab doesn't overtop in times of storm and that the tank capacity can provide for both drainage from the sludge and storm water drainage. This is a matter that would be controlled by the EA through the waste permit.
- 7.16 The applicant has confirmed the site will not be lit, operational hours currently proposed mean that between October and February, when sunrise and sunset occur within the proposed hours, it is likely vehicle lights will contribute to the visual impact of the site. Dependant on weather, there will be days when this period will be extended. Whilst the WPA accepts agricultural machinery also works outside daylight hours with lights, the proposed scheme will potentially concentrate this effect.
- 7.17 There is existing, small scale development on the edge of the application red line boundary. The brick buildings appear to relate to the RAF Stoke Orchard development during the Second World War (The Gloucestershire and Cheltenham Green Belt was designated in 1958). The radio mast, connected via overhead lines on telegraph poles that run along the edge of the access track, was granted planning approval in 1994, though it is noted that the applicant has indicated that this was a replacement mast. Other than this and the small area of scrub hedgerow/vegetation associated with it; the application area and adjoining land south of the track visually reads as part of the larger field and more open landscape to the northwest. Whilst it is recognised that the Wingmoor farm landfill site mounds to the south of the application site, there is a well-defined and established vegetation margin to this and the adjacent development in the WW II hangers. These are not in themselves reasons to consider that the proposed development would not affect the openness of the Green Belt. The potential mitigation discussed would in itself add to that impact. The applicant has argued in the Supporting Statement that the use is analogous to agricultural use e.g. storage of agricultural waste, animal feed or machinery, however all these are considered to be less intensive than the operation proposed. The applicant suggests that the only physical works are the slab, hardcore and drainage, all of which are at or below existing ground level, the proposed development will have no impact on the openness of the Green Belt.

- 7.18 Alternatively, the WPA is of the opinion that the application is, as set out in 4.1 of the Supporting Statement, for the sustainable treatment of waste sludges. As such it is considered the operational development is only required to prevent pollution from the waste sludge treatment. It would not necessarily be required for agricultural use and the substantive effect on openness will come from the windrows, bunds and associated vehicle movements. The inference from the response in respect of vehicle movements that the bio solid/sludge cake will be removed once a month is that all or part of the area will constantly be in use for windrows and as such openness will be affected. Also, it is recommended that as part of any odour dispersion that odour spray masts are used. These will also affect the openness of the Green Belt.
- 7.19 The application details suggests that the material will be coming from the applicant's Toddington works however there is also reference to material from other sites from further afield (Severn Trent Waste Water Treatment sites at Netheridge, Hayden, Spernel, Worcester or Stroud). Limited calculations that relate the overall size of the area to the amount of material to be processed and the size of the windrows has been provided. It is therefore unclear as to the justification for the size of the scheme in terms of overall area.
- 7.20 Overall therefore based on the evidence, observations of officers and the County Council Landscape advisor the WPA considers that the development has the effect of reducing the openness of the Green Belt, resulting in material harm. As openness is an essential characteristic of the Green Belt, the WPA consider this harm is material and, taken together with the harm arising from inappropriate development, carries substantial weight in the determination of the proposal in accordance with paragraph 144 of the NPPF. For the avoidance of doubt the WPA do not consider that the proposal falls within the exception of NPPF paragraph 146. Even if it were the WPA considers that the proposed development does not preserve openness and therefore conflict with the purposes of developing this land in the Green Belt.

If it is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

- 7.21 The proposal site is located within the Gloucester-Cheltenham Green Belt near to a number of permitted waste management developments associated with the Wingmoor Farm (east and west) landfills. No obvious, evidenced link exists between the proposal and the other waste developments in the locality although the applicant does state that the material would normally travel to the Wingmoor landfill site for disposal.
- 7.22 WCS Policy WCS 13 states that there will be a presumption against waste development in the Green Belt that amounts to inappropriate development except where it can be demonstrated that there are 'very special circumstances'. It also states that 'very special circumstances' to justify

inappropriate waste development will not exist unless the totality of the harm to the Green Belt and any other harm can be clearly outweighed by other considerations.

- 7.23 Whether the proposed development is considered to be “inappropriate development” or not is considered above in light of paragraph 146 (b) and 146 (e) of the NPPF. The applicant has presented arguments that the proposal could fit into either or both categories. The WPA disagrees with this for the reasons referred to above.

Very special circumstances

- 7.24 Given that the WPA considers that the development is considered as “inappropriate development” then it falls to consider whether any “very special circumstances” exist to justify the totality of the harm to the Green Belt.
- 7.25 The applicant considers that negligible or no harm will occur to the Green Belt and states “the level of harm caused would be very small if any at all.” It appears that the applicant does not consider the threshold for demonstrating harm outweighing benefits needs to be particularly high.
- 7.26 The applicant has argued that very special circumstances exist to justify inappropriate development in the Green Belt as follows:
- removal of the management of this material out of the waste hierarchy, or further up the hierarchy;
 - an additional amendment to a 5 year temporary use of the site;
 - lack of suitable, available, alternative non-Green Belt sites;
 - restrictions at existing sites make the management of this material difficult;
 - support for local agricultural businesses and the local economy;
 - reduced reliance on fertilizers and man-made soil improver;
 - generation of two part time jobs;
 - manufacture a renewable soil improver/fertiliser; and
 - management of material that arising from within the County contributes to self sufficiency.
- 7.27 The type of waste development proposed and its wider sustainability credentials is acknowledged and it is agreed that undertaking this type of activity has benefits to the current solution of disposal to landfill. However, the extent to which this circumstance represents a substantial factor to clearly outweigh harm is not well founded by the applicant.

- 7.28 An amendment was made to the proposal for a 5 year temporary use to justify the further weighing of the impact of the development in the Green Belt. This allows the use to be considered as a temporary not a permanent use of the land. Arguably this is in the proposed development's favour since a permanent adverse impact on the openness and purposes of the Green Belt would be limited to those 5 years with the land restored to agricultural use after this time period. In theory this would allow the applicant more time to consider other more suitable sites outside the Green Belt to relocate to.
- 7.30 However, the WPA has limited control to resist the right of an applicant under S73 of the Town and Country Planning Act 1990 (as amended) to apply to "vary" and or "remove" a planning condition which is attached to an extant planning permission submitted to vary a planning condition. Such an application would be dealt with on its own merits at the time.
- 7.31 A material consideration is whether the type of waste operation is critically dependent upon being located at the proposal site within the Green Belt. The applicant has attempted to make a case including an "alternative site search assessment". This is considered further below. In summary, the WPA in this case does not consider it to be so critical that the proposed development has to be located at this site.
- 7.32 The siting of the proposal within a comparable distance to the main waste source is also noted and acknowledged, at least as a neutral point. It would involve transporting waste for treatment and the distance involved does not appear to be much different to the current disposal arrangements. Having said this it is noted that the proposed waste source does not appear to be fixed to a single location and references to possible additional sources in Stroud and Worcester could in fact turn this into a negative point given the distances travelled.
- 7.33 A material consideration is whether the proposed location of waste operation clearly represents a benefit compared to the status-quo or indeed could a more advantageous location by way of distance from the waste source, exist outside of the Green Belt? The alternative site search assessment submitted by the applicant attempts to justify the proposed location as being most appropriate within the distance to alternative sites considered.
- 7.34 The potential beneficial circumstances regarding being located near to existing waste businesses and other businesses (Wingmoor landfill, recycling site and nearby business uses) as opposed to being close to residential properties near to the location are acknowledged. Such uses themselves have an amenity impact on residential property. The presence of these waste and other business uses does not represent a very special circumstance for allowing another inappropriate waste use within the Green Belt. As such it is not considered that the nearby waste and other business uses are supportive of new inappropriate development in the Green Belt.

- 7.35 It is questionable whether the location here of the existing waste businesses and other nearby businesses are genuinely unique to the Green Belt and not replicable outside of the designation. A locality that is at some distance from potential sensitivity receptors, where mitigation can be employed, is accessible and not at an excess distance from the main source of waste, are not deemed to be characteristics that could not be achieved outside of the Green Belt. The alternative Site Search Assessment submitted by the applicant, referred to below, attempts to justify the proposed location as being most appropriate within the distance to alternative sites considered.
- 7.36 The lack of availability of alternative sites from the search activities undertaken by the applicant's agent are noted but the methodology applied seems unduly restrictive.
- 7.37 The alternative site search assessment does not appear to have considered whether there are any suitable sites outside of the Green Belt that are available, which could accommodate this development. If there are, what are the comparative disadvantages of these sites in relation to the proposal site? It is considered that a more comprehensive alternative site search assessment should have been undertaken to support the very special circumstances claimed.
- 7.38 In addition and on balance, if it were possible to construct a strong argument concerning co-location benefits (something that does not appear to have been explored in detail by the applicant) then any permission that could result would need to be strictly time limited to finish in line with the other previously permitted and supported waste operations. It is noted that the application has been changed from an application from a permanent consent to a 5 year temporary permission. This would allow the applicant further time to look for more suitable sites outside of the Green Belt. However, on balance, the temporary impact of the waste use including the construction of the concrete slab and underground drainage tank as well as the screen bunding along the access track adjoining the site and its subsequent removal and restoration to agriculture would harm the openness of the Green Belt and it is not something that the WPA considers acceptable in the short term. This is a view shared by Tewksbury Borough Council.

Alternative Site Search Assessment

- 7.39 The applicant has justified the site location following an analysis of available sites outside of the Green Belt. As part of the suite of planning documents submitted in support of the application is an "Alternative Site Search Assessment". The purpose of the document is to provide an up to date comparative analysis of potential alternative sites to determine whether the site to the west of Wingmoor Farm, is the most appropriate site for the facility and whether there are any better sites, including sites outside the Green Belt, which could provide an alternative. The site search area comprised sites within a 7 mile (12 km) radius of the Toddington works, other criteria included site area being a minimum of 0.5 Ha to accommodate the 3000 sq. m concrete pad and circulation space, review of adopted development plan

documents and agricultural land for sale (at the time of the research). Following this a comparative analysis of retained sites considering issues including land availability, site deliverability, distance from housing, existence of Green Belt, landscape and nature conservation designations, location of listed buildings, heritage assets and site access.

- 7.40 The assessment identified 73 potential sites of which 58 were discounted as being outside the search area or were duplicates entries. 14 sites were shortlisted and subject to a more detailed appraisal as referred to above. The appraisal identified three sites as scoring positive attributes. Two sites were discounted as they were prime commercial sites and near to residential properties. This left the application site being the most suitable site available within the analysis.
- 7.41 The applicant states that the findings of the assessment reflect the situation that there is a shortage of identifiable sites which are unconstrained, located away from people so as not to be a source of nuisance, but near enough to waste arisings. On this basis the applicant considers, along with the sustainable benefits of the recovery operation and the impact that the development will have on the openness of the Green Belt provides the very special circumstances necessary to allow such a waste change of use within the Green Belt.
- 7.42 The “Site Search Assessment” is considered to be limited in scope by the reasoning above and particularly the 7 mile site radius used and as such does not truly represent “very special circumstances” as required by paragraph 144 of the NPPF and WCS Policy 13.
- 7.43 The benefits of the proposal as outlined by the applicant can be considered to carry a degree of weight in planning terms. These are stated to be:
- support for local agricultural businesses and the local economy;
 - temporary use;
 - reduced reliance on fertilizers and man-made soil improver;
 - generation of two part time jobs; and
 - manufacture a renewable soil improver/fertiliser.

In particular the environmental benefits in that it converts what is essentially a by-product of waste water treatment into a product that can be used on agricultural land to enhance soil quality as a fertiliser as well as providing two full time jobs. Also, the fact that the application has, since the original submission, been changed from a permanent use to that of a temporary use. This would allow the applicant to try and source an alternative site outside the Green Belt and to restore the site to agriculture upon expiry of such a 5 year temporary permission. However, this does not alter the fact that this is a

waste use which represents in this case an inappropriate use in the Green Belt for the duration of the operation.

- 7.44 The applicant has not submitted a landscape assessment to demonstrate that the proposal will not result in a landscape or visual impact albeit a full Landscape Visual Impact Assessment was not recommended as being required. The operation requires a concrete hardstanding on agricultural land to allow the operation of the required plant and machinery and storage of processed and unprocessed waste material. It also includes the stockpiling of imported waste, and windrows of various stored/processed waste materials which need to be turned regularly to ensure that the liming process is effective. The plant and equipment required for this operation to take place on the site is considered to adversely impact on the openness and visual amenities of the Green Belt and is not, as suggested by the applicant's agent, akin to usual agricultural operation(s). This is referred to above in Openness of Green Belt consideration.

Amenity - The effect on the living and working conditions of occupiers of the nearest residential and commercial/industrial properties, particularly in relation to noise, dust and odour

- 7.45 The site is south west of an existing commercial / industrial site, rifle range and wooded area. To the east is Wingmoor landfill site (part restored) as well as a household waste recycling centre. To the north and west are agricultural fields along with to the south west a water treatment facility. Previously developed land and buildings formed part of the former Stoke Orchard airfield.
- 7.46 There is a large open space to the north, west and south. The nearest residential properties are in excess of 600m to the north west and south west of the site.
- 7.47 WCS Policy 10 relating to cumulative impact seeks, amongst other things, that development respects the amenity of occupiers of neighbouring buildings including in relation to noise and disturbance and seeks that development is assessed against adverse effects on the amenities of residential areas by reason of such factors as noise, smell and odours.
- 7.48 The operation of a waste processing activity is an inherently dusty, noisy activity and there is also potential for the use to result in unacceptable odours if the operation is not managed correctly. The applicant has submitted further noise information details of measures to mitigate odours generated by the operation which are also subject up to site boundary, by an environmental permit issued by the EA. The EHO and County Council advisers have raised no objections regarding noise, odour and dust.

Dust

- 7.49 The potential for dust arising from the proposed development is limited to re-suspension of dusty material on roads when vehicles access and egress the site. It is recognised that the feedstock has a low dust release potential as it is

wet in nature. The following measures are listed in the Planning Statement which acts as a means of minimising the release of dust from the proposed development during operations:

- Waste imported to the site will be limited to sludges from the treatment of urban waste water, which by nature is wet and therefore has a low potential to release dust;
- All vehicles accessing or egressing the site will be sealed or covered.

The EHO has requested a dust management plan for comment and approval. This is a matter that can be controlled via planning condition.

Noise

- 7.50 The NPPF seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings and the PPG recognises that noise exposure can have an adverse effect on health and quality of life for local residents and therefore seeks to minimise this.
- 7.51 The applicant has stated that they are willing to undertake a noise report to support the application if the principle of the development in the Green Belt is considered acceptable.
- 7.52 At this stage, the applicant has provided further desk based information regarding noise impact. The District EHO has stated *“The submitted noise assessment indicates that noise from the proposed activity would not adversely impact the nearest sensitive receptor, therefore I no longer require a BS4142 noise assessment to be submitted to support the application and have no objection to the application in terms of potential noise nuisance.”* The County Noise advisor has also raised no objection.
- 7.53 It is therefore concluded that noise is not a matter that would adversely affect amenity to residents or nearby employees and a noise report to support the application is not considered necessary.

Odour

- 7.54 In relation to odour, it is noted that the applicant proposes an odour management plan (OMP) to be put in place for the business operation on site. Also, the EA has clarified that the proposed development is likely to be considered for a Standard Rules Permit rather than a bespoke permit. This being the case the EA is satisfied that the impacts are not so significant to warrant special environmental permit consideration.
- 7.55 The EHO has commented *“The applicant has stated that the Environment Agency would not normally require an odour dispersion model (as part of an EA permit application) for this type of activity and therefore in light of this information and the remote location of the activity I would not now require an odour dispersion model to support the application and have no objection to the application in terms of potential odour nuisance.”*

- 7.56 It is therefore concluded that odour is not a matter that would adversely affect amenity to residents or nearby employees.
- 7.57 Consequently it is concluded that sufficient noise and odour related information has been submitted to demonstrate that the proposed development is in accordance with the development plan and can be ruled out that there would be any material harm to the living conditions of the occupants of neighbouring and proposed employment properties. It therefore is not considered to be contrary to Policy 10 of the WCS or Policy 37 of the Waste Local Plan.

Other Issues

Highway matters

- 7.58 The HA initially objected to the application raising concerns regarding the access alignment. Further information was submitted by the applicant's transport consultant in November and December 2018 in an attempt to address the concerns of the HA.
- 7.59 The applicant has commented that these are matters that can be agreed via planning condition such that the use will not result in an unacceptable impact in highways terms. Further to this the applicant has stated that – *“deliveries and collection vehicles will be infrequent. Deliveries will be managed so that only one vehicle will deliver to site at a time and therefore will not encounter any other vehicles entering site. Should they encounter vehicles; vehicles leaving the site will be required to reverse back to the application site so as not to interfere with the shared access to the recycling centre access road. The access track to the site which spurs off the shared access road to the HRC site is a private track and is not used by the public so if vehicles reverse back along it is not a matter of highway safety as there are no other highway users, cars or cyclist etc. using it.”* This is further supported by the following comment, *“We have demonstrated that the access onto Stoke Road is suitable in visibility terms and also that two HGVs vehicles can pass each other at the access, from the public highway, the roads managed by GCC. We have therefore demonstrated that access to the public highway is safe and suitable. The matters raised are on private roads and are not within the remit of the highway authority. The NPPF states that applications should only be refused on highway grounds where there will be an unacceptable impact on highway safety, this would clearly not be the case with the proposal, given the extremely low level of traffic being generated by the development and the fact the issues raised relate to private roads, a significant distance from the public highway.”*
- 7.60 Following the initial HA objection to the proposed development relating to insufficient information regarding access details from the track onto the access road to the Household Waste Recycling Centre further information was submitted in November and December 2018. The HA has withdrawn the

objection and provided the following revised response subject to appropriate planning conditions.

HA representations received 17 Dec 2018

“I refer to the previous consultation response dated 17th May 2018 and the additional information received on 14th November and 5th December 2018 including updated Transport Statement and speed survey results.

Access junction-

The primary previous concern was that no details had been submitted as to how the junction of the access track with the access road to the Household Recycling centre both in terms of layout and visibility.

The development will result in the increased use of an access that has restricted visibility. In order to determine the exact visibility requirements from this access it is necessary to determine the actual speed of vehicles as they approach the access. This has been undertaken and the results show that when adjusted for wet weather the 85th percentile approach speeds are 18.6 mph northbound and 20.6 mph southbound. These approach speeds give emerging visibility requirements of 22m to the south and 25m to the north. The corresponding forward visibility would be 24m and 28m respectively.

In order to achieve the required visibility it would appear that land outside of the applicant's current ownership would be required. The fact that some vegetation clearance has been undertaken in this area previously and the adjacent land owner does not appear to be an objector and has a complementary land use it would appear that coming to a suitable agreement would be possible.

Access track -

The site is accessed via a narrow track that does not allow for two way movements of vehicles however from the additional information it can be seen that vehicles would be able to pass before meeting the access road to the Household Recycling Centre and therefore whilst this is a less than ideal arrangement it does not cause a significant risk to the public.

The access track is also crossed by an ancient highway that is not visible on the ground but is recorded within the highway records. Whilst it is highly unlikely that this route would ever be reopened this development would not preclude it from doing so.”

- 7.61 Following consideration of the further submitted information the HA recommend that no highway objection be raised subject to conditions being attached to any permission relating to provision of appropriate visibility requirements near to the Household Waste Recycling Centre entrance and on site parking and turning arrangements.
- 7.62 It is noted that the visibility splay requirements would require works to land not in the applicant's ownership or control. In order to achieve this (assuming the application is granted subject to conditions) then the applicant would first have to enter into an

appropriate agreement under S106 of The Town and Country Planning Act 1990 (as amended) before any planning permission could be issued.

8.0 Human Rights

- 8.1 From 2nd October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Under 6(1) of the Act, it is unlawful for a public authority to act in a way, which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1), and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.
- 8.2 The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol (the peaceful enjoyment of property) and Article 8 (the right to a private and family life). Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions and Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life. Article 8 also provides that there shall be no interference by a public authority with the exercise of this right except in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.
- 8.3 No representations arising from the publicity undertaken have been received regarding the proposal. Some of the local Parish Councils have raised concerns and objections relating to policy for development within Green Belt; planning history of refusals for biodegradable waste on the site; other suitable sites within vicinity; odour and noise relating to existing and proposed residential receptors; air quality impact; highways/traffic impact; flood risk and pollution. Tewkesbury Borough Council (Planning) raises concerns regarding the appropriateness of the development in the Green Belt.
- 8.4 These issues are considered in respect of any impact on individual's human rights. At present the WPA does not consider that further information is required to confirm that any such impact can be mitigated and or qualified.

Positive and Proactive Statement

- 8.5 In determining this planning application, the WPA has worked with the Applicant in a positive and proactive manner by liaising with consultees, respondents and the Applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion

- 9.0 This application proposes the importation of biosolids for on site lime treatment within windrows prior to being exported for use as a fertilizer. The planning issues considered are the impact on the Green Belt, highway concerns, odour and potential noise impact. The applicant has provided supporting information regarding noise, alternative site search assessment, and offered a temporary use for 5 years and landscape screening.
- 9.1 The main material planning issue in this case is whether there are any material planning considerations that outweigh the harm caused by the waste development within the Green Belt, and any other harm, which are sufficient to justify the proposal on the grounds of 'very special circumstances'. This proposal is a balance of whether the overall benefit gained through the temporary waste processing of the biosolids material outweighs very special circumstances to allow inappropriate development within the Green Belt including preserving its openness alongside environmental impacts relating to noise, odour and visual.
- 9.2 There are objections to the proposal from Statutory Consultees which include the surrounding Parish Councils and the District Council (Planning) as well as the County Council landscape advisor. These relate to the principle of a waste development in the Green Belt including its openness, visual impact and highway safety concerns (from the Parish Councils).
- 9.3 The NPPF requires substantial weight to be attributed to any harm to the Green Belt whether caused through inappropriate development or by any other means. The harm by the proposed temporary waste use and the harm to the openness and visual amenities of the Green Belt are not considered insignificant and the benefits of the proposal, as well as its scale, temporary nature, as outlined by the applicant are not considered, on balance, so material to overcome the harm to the openness and the purpose of the Green Belt. It is considered that the argument put forward by the applicant does not represent "very special circumstances" to justify outweighing the harm to the Green Belt.
- 9.4 In summary, the proposal is a waste use that is considered to represent an inappropriate change of use in the Green Belt. The applicant has not demonstrated that "very special circumstances" exist in this case to justify what is considered to be an inappropriate development in this location. The nature of the use involving the siting of the 2m high windrows, screen bunding, temporary structures, requirement for a significant concrete hardstanding and drainage works, the presence and operation of plant and the external storage of plant and materials will be detrimental to the openness and visual amenities of the Green Belt.

10.0 RECOMMENDATION

That planning permission is REFUSED for the following reasons.

The reasons for refusal are:

1. The Waste Planning Authority (WPA) considers that the proposed waste use represents inappropriate development in the Green Belt contrary to NPPF paragraphs 145 and 146 (b) and (e). Very special circumstances have not been demonstrated that outweigh the harm to the Green Belt. Therefore the nature of the use involving the siting of the 2m high windrows, screen bunding, temporary structures, requirement for a significant concrete hardstanding, drainage, the presence and operation of plant and the external storage of plant and materials will be detrimental to the openness and visual amenities of the Green Belt resulting in an unacceptable impact on the environment and neighbouring land use; thereby contrary to Policies WCS Policy 3, WCS Policy 7 and WCS Policy 13 of the Gloucestershire WCS and the GCTJCS Green Belt Policy SD5 and NPPF paragraphs 144, 145 and 146.
2. The WPA considers that the applicant has not demonstrated that the potential harm to the Green Belt by way of inappropriateness and detriment to the openness are clearly outweighed by any other considerations. This includes the submission within the alternative site search assessment as outlined in the report. Therefore very special circumstances do not exist to justify making an exception and the proposed development is therefore contrary to NPPF paragraphs 143 and 144, WCS Policy 13 of the Gloucestershire WCS and the GCTJCS Green Belt Policy SD5.

Advice Note

Approval of the waste use is considered to depart from Green Belt development plan policies (WCS Policy 13 and GCTJCS Policy SD5). As such, if Members are minded to approve the application then it will first need to be advertised as a departure from WCS 13 of the GCC WCS development plan and policy SD5 of the GCTJCS and referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009.

Should the application not be called in by the Secretary of State then the applicant will need to satisfy the highway splay requirements requested by the Highway Authority either by way of condition or planning obligation whichever is considered appropriate. If satisfactorily agreed and executed then planning permission could be issued subject to appropriately worded planning conditions.

Background Papers: Planning application 18/0032/TWMAJW, accompanying plans/supporting information and consultation responses. Copies of these documents can be viewed at <http://planning.gloucestershire.gov.uk/publicaccess>

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