APPLICATION NO: DF.4279/G  DATED  4th February 2005

AGENT: GPP Planning, Westman House, Chapel Lane, Westmancote, Nr Tewkesbury, Gloucestershire, GL20 7ER

APPLICANTS: Mr and Mrs M F Bennion, Rose Hill Farm, Dymock, Gloucestershire, GL18 2EF.

SITE: Rose Hill Farm, Dymock, Gloucestershire

PROPOSAL: Proposal for extension of on-farm green waste composting facility, with small lagoon.

PARISH OF Dymock  SITE AREA: 0.53 Hectares

GRID REF: SO 685 333

RECOMMENDED: THAT planning permission be GRANTED for the reasons set out in this report and summarised in paragraph 7.19, subject to the conditions set out in section 8 of this report, and subject to the applicants first entering into an obligation pursuant to s.106 of the Town and Country Planning Act 1990, to the reasonable satisfaction of the Planning Manager, in order to restrict the throughput of the whole site (incorporating this application site and the site relating to planning permission DF.4279/E) to 15,000 tonnes per annum.

1.0 LOCATION

1.1 The application site covers an area of 5,000 square meters, with new works totalling 3,820 square meters and the remainder being the existing access to the site. It is located in the north of the Forest of Dean, midway between Gloucester, 21 km to the south-east, Hereford, 19km to the north-west, Malvern, 16km to north-east and Cinderford, 19km to the south east. Access to the site is directly from the B4215 some 5km south-west of Ledbury.

1.2 The site is wholly owned by Mr Bennion, and the existing buildings consist of a large family farmhouse and associated out-buildings, large agricultural buildings and stores for plant and equipment. The total farm occupies 540 hectares, on heavy clay loam. The farm is predominately arable.

1.3 The existing composting operations cover an area of approximately 5,000 square meters, including the access roadway, utilising in the main an existing hard standing which was extended northwards with a 1,940 square meter concrete pad. The site is surrounded by agricultural land. The nearest dwelling, Briar Bank, is some 600 meters toward the north.
1.4 The B4215 runs adjacent to the site’s southern boundary, from which it is separated by Preston Brook, a tributary of the River Leadon. The B4215 runs north-west towards Hereford and south-east towards Newent.

2.0 THE PROPOSAL

2.1 The applicants are seeking permission for an extension of a small scale on-farm composting facility for the reception, shredding and composting of green waste and grey cardboard waste and the temporary storage of compost product prior to application to land. The green waste to be composted will be arising directly from the Forest of Dean Waste Collection Authorities green waste kerbside collections, the Household Recycling Centres in the Forest of Dean, in addition to Household recycling centres in Ledbury, Ross-on-Wye, Malvern, Bromyard and Upton-upon-Severn. All compost produced will be applied to the landholding forming part of the farm. In summary the applicant states “.

2.2 “The original composting scheme was envisaged as both a form of farm diversification, to help maintain farm income which is suffering on a number of fronts, and to improve the land without recourse to expensive imported soil conditioners and fertilizers. A farm diversification grant was awarded under the Rural Enterprise Scheme (DEFRA).

2.3 The applicant has so far been able to operate the composting process with an Exemption from the Environment Agency requirements for a Waste Management Licence. Changes to these regulations expected in 2005 means that the applicant will need a Waste Management Licence, together with operatives with WAMITAB qualifications. Additional investment in infrastructure will be required. Because of new regulatory provisions it is likely that small-scale composting becomes uneconomic because of the costs involved. Small on-farm composting operations will therefore have to expand or close.

2.4 Compost is by its nature a low-value material, and the advantages of producing it have to be assessed against the costs involved, other alternatives, and the viability of crop production. Producing compost under EA Exemption is a relatively straightforward matter, but once a Waste Management Licence is required, as will be the case in this site, there is a need for spending considerable amounts of money: on additional infrastructure, higher levels of training and technical competence, putting in place financial provisions, together with fees, charges and administrative costs. When these costs are added to the burden of additional paperwork and administration, it can be appreciated that the throughput has to increase to make the business viable. Most farmers will not be interested in taking on such a large project.

2.5 The soil is heavy clay, requiring both improvements to soil structure and additional nutrients. Better soil allows crop diversification and retention of moisture to improve the dependability and quality of current crops.
2.6 Although the scheme has only been operating for a relatively short period, the applicant considers that he can utilise the compost which would be processed from a much greater quantity of input material, on his own farm. This takes into account permitted nitrogen levels. The on-farm production of more compost is therefore desirable for agricultural purposes.

2.7 The collection of Green Waste with the purpose of recycling the material has been very successful within the District, as a result of which, larger tonnages than were at first anticipated are involved. At the same time, the available capacity for composting at Hempsted, in Gloucester, is disappearing, due to the need to use the area for landfill.

2.8 Government objectives are to extend Green Waste collection for recycling to include cardboard, (thus reducing landfill), which is in any case a beneficial addition to the composting mix. This in turn increases the tonnage available.

2.9 There is also a well-identified need for a facility to compost some Green Waste from the Hereford and Worcestershire Joint Waste Disposal Authority. This Green Waste arises from Household Waste Collection sites in the south of Worcestershire, and the south-east of Herefordshire.

2.10 The application site is located in north-west Gloucestershire. Part of the farm holding is within the County of Herefordshire. The border with Worcestershire is approximately 7 km.

2.11 At the same time, the demand for facilities for composting of green waste is increasing. The application therefore proposes an extension of the existing concrete pad at the rear of the farm buildings to allow the composting of a total of 15,000 tonnes input per annum. This would include a small proportion of source separated grey cardboard.

2.12 The concrete pad (with contained drainage) would be extended north-eastwards at an excavated level, allowing earth bunds to be erected along the edges of the pad, and planted with trees. The site activity would therefore be screened from view. To the rear of the site a small lagoon is proposed, to hold surface water drained from the concrete pad, and re-used for irrigating the windrows when necessary.

2.13 The farm has an existing weighbridge. Existing buildings would be used for the storage of plant and equipment when not in use. No further buildings are necessary.

2.14 The proposal therefore meets sustainability criteria on the following counts:

- The green waste and cardboard would be recycled, and not sent to landfill, in accordance with government objectives.
- All the waste would come from the area surrounding the farm, at a relatively short distance bearing in mind the other potential similar facilities.
• The appropriate equipment is already largely in place.
• The proposal offers employment and income to feed into the rural economy in a largely agricultural area where farm incomes have suffered years of losses or low returns.
• The product is used on the land where it is produced.

2.15 In respect of what is considered to be the major concerns over the proposal, namely the source of the waste arisings, and the environmental, highway and transportation impacts, the applicant has provided detailed information. Abstracts of this information have been included below for ease of reference, with the full information available for viewing on the planning application file. All information in italics is information provided by the applicant.

Sources of waste streams

2.16 In April 2003, following receipt of an additional grant from DEFRA, Forest of Dean District Council commenced a comprehensive Green Waste collection service for householders. Cory Environmental is thus required to provide a facility in Forest of Dean WCA area for the acceptance of Green Waste for composting. Originally a short term solution was provided by a Waste Transfer Station at Lydney, from which Green Waste was taken to Hempsted in Gloucester. The planning permission on the application site then allowed a much better environmental option for disposal and recycling. This scheme for the “bulking up” of source-separated Green Waste has been retained with some large loads being sent to Rose Hill Farm, thus minimising road trips.

2.17 Part of the current proposal relates to an increase in the amount of composting of Green Waste, and also grey cardboard which is to be collected at the kerbside, which is required to be achieved in the Forest of Dean District. Composting at Hempsted is expected to cease in 2005, as the site will not be suitable.

2.18 The requirements of the Forest of Dean for composting of Green Waste, together with cardboard, are set to increase to approximately 10,000 tonnes per annum in 2005.

2.19 Deliveries have been taking place in a variety of load sizes up to now. This is because of a number of factors:

• the process of collection/recycling of separated types of waste was untried;
• there are uncertainties due to contract renewals in 2006 discouraging investment in certain types of lorries and containers;
• operators are inexperienced in achieving economies, e.g. by compaction, trip scheduling.

2.20 It is anticipated that greater operational experience will allow more efficient use of lorries and containers, and that load weights will increase and stabilise.
2.21 On the other hand, in Hereford and Worcester Joint Waste Disposal Authority Area, kerbside collection of source-separated green waste is not planned (only Bromsgrove has decided to do this). The need of the contractors, Severn Waste Services, is for approximately 5000 tonnes per annum (2005) of Green Waste collected at Household Recycling Centres to be composted at the application site.

2.22 While home composting is actively encouraged by the WDA in order to reduce green waste arisings, there will be an increase in Green Waste deposited at HRCs as householders are educated to become more committed to recycling green waste from their gardens rather than putting it out in the rubbish.

2.23 The HRCs involved are those at Upton-upon-Severn, Ledbury, Malvern, Ross-on-Wye, and Bromyard. These collection points represent the settlements in the south part of Worcestershire and the south-east of Herefordshire. The Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire (November 2004) identifies one “central composting plant” for the area at Hill and Moor Landfill site, at Throckmorton, north of Wyre Piddle. It notes that there are plans to build a similar facility in Herefordshire. So far, however, no site has been found.

2.24 As a result of ongoing publicity about recycling, at present (early 2005) the WDA is having difficulty finding facilities for composting its Green Waste due to the intake limits at Hill and Moor. Some Green Waste is being taken out of the two counties to a number of sites in other counties. Changes to EA exemptions and WMLs will further exacerbate the shortage of capacity. This situation is to some extent temporary, in that a site in Herefordshire is being sought, which, when established, would take the surplus.

2.25 This planning application therefore envisages a scenario, typical of the shifting situation with regard to waste arisings and treatment, where there is an increasing tonnage of Green Waste and some cardboard arising from the Forest of Dean District over the next 5 years. In the short term, Severn Waste Services, acting as contractor for the Hereford and Worcestershire Joint Waste Disposal Authority, would supply more Green Waste in the immediate future from HRCs within a relatively narrow radius. When sites are found for composting in the south of that Authority area, it is likely that there would be some reduction in the amounts of Green Waste arising, with additional Forest of Dean Green Waste and cardboard taking its place.

Environmental Impacts

2.26 The application is for the extension of an existing site, where Green Waste composting takes place. However, cardboard is not added at present.

2.27 The proposal involves the extension of the concrete pad by part excavation into a slight slope behind the farmyard. A small lagoon is also proposed.
2.28 The site is a working farm yard, so a variety of mechanical plant is commonly used, as well as the plant in the composting yard. Both give rise to some noise.

2.29 The current production of compost gives rise to release of bioaerosols.

2.30 The consideration of risk of additional environmental impacts, therefore, has to be made in relation to the existing activities. The potential impacts are set out, together with risk management proposals, on Table 1 (not included within this committee report). Additional comments are made below.

2.31 **Noise**

There will be an increase in hours when noise from shredding and screening arises. However, this should be considered against the use of the site and surrounding fields for intensive agriculture, using large machinery. The B4215 contributes to some background noise. There are no dwellings within 350 metres. Large buildings contribute to masking, absorbing, or diverting some noise, as do earth banks.

2.32 **Vermin and birds**

Green waste and cardboard do not attract vermin.

2.33 **Dust**

In the production of compost, it is necessary to keep the mix moist, and irrigation will take place when necessary from the tank and lagoon shown on the plans. Currently this process is undertaken using water from the existing tank. Screening generates dust. By siting the screening equipment behind buildings, dust will be minimised.

2.34 **Odours**

Green Waste windrows only generate odours if the heaps become too anaerobic. Odours are therefore avoided by regular turning to introduce air.

2.35 **Litter**

Any obvious plastic will be removed from Green Waste prior to shredding and placed in a container, which will be removed from the site on a regular basis. In the unlikely event that litter escapes from the composting material, it will be collected. Fencing will be placed round the site to prevent any blowing of material.

2.36 **Visual intrusion and impact on the landscape**

The proposed extension is at the rear of a large group of high farm buildings, which are placed against a slope. The existing concrete pad is surrounded by either buildings or earth banks. The proposed extension will be surrounded by
earth banks/retaining banks, together with tree planting. The impact on the landscape will be insignificant.

2.37 Flooding

The bunded concrete pad and lagoon storage will collect surface water run-off. There is no risk of flooding elsewhere.

2.38 Bioaerosols

The site is currently used for production of compost. Green wastes are more likely to produce dusts than bioaerosols due to the nature of the materials, but in any case, data so far available indicates that spore levels do dissipate very quickly from the point of release and this fact is substantiated in the phytopathological literature.

2.39 Wind speed and precipitation play an obvious role in the dilution rate and fall out percentage. Tree growth forms a physical barrier to dust and bioaerosols, and assists in mixing with airstreams, as well as causing most airborne particulates to be deposited in the lee of tree belts in the “shelter belt”. Although there is an increase in composting proposed, it is not considered that this would result in additional risk to sensitive receptors.

2.40 Highways impacts

Highways impacts are explained in the report attached (see Appendix 1 of this report for summary tables). It concludes that:
1. the proposals would not result in a significant increase to traffic visiting the site
2. the proposals are demonstrated to result in overall mileage totals which are less than the total to current destinations.

3.0 PLANNING HISTORY

3.1 Planning Committee granted permission for a Small Scale on Farm Composting Facility dealing with 5,000 tonnes of waste collected from the Forest of Dean Collection Authority, application reference DF/4279/E, on 13th February 2004.

4.0 PLANNING POLICY

4.1 The policies and principles contained within the development plan for the area including emerging plans which due to their advanced development have been given the same weight, and consisting of the Adopted Gloucestershire Structure Plan Second Review, the Adopted Gloucestershire Waste Local Plan, and the Forest of Dean District Local Plan Revised Deposit Draft, have been taken into account with particular regard being had to the following policies:
Gloucestershire Structure Plan Second Review Adopted Plan

4.2 **Policy WM.1** states that “Waste management facilities located within Gloucestershire should operate on the basis that waste will be treated and/or disposed of by employing the best practicable environmental option (BPEO) for management of a particular waste stream.”

4.3 **Policy WM.4** states that “provision will be made for facilities associated with the recovery of materials through recycling and composting. The following locational criteria will apply.

(a) facilities should contribute towards an integrated waste management system;
(b) facilities should be in close proximity to major concentrations of waste arisings; and
(c) industrial, redundant and “brownfield” sites or existing waste management sites should be used in preference to virgin land where appropriate.

4.4 **Policy P.1** states that “Provision will only be made for development where it does not have an unacceptable effect in terms of:

(a) the environment and local community in terms air, noise or light pollution;
(b) the quality of surface or ground water; or
(c) contamination of the land or soil.”

4.5 **Policy S.4** states that development in rural settlements should be limited in scale, and sustain and enhance the character and appearance of the social and economic well-being of local communities. It confirms that development within the open countryside will be strictly controlled.

4.6 **Policy T1** states that new development should be located to minimise the length and number of motorised journeys, and encourage the use of public transport, cycling and walking. New development should be genuinely accessible by these modes of transport as alternatives to the car.

**Adopted Gloucestershire Waste Local Plan**

4.7 **Policy 1 Best Practicable Environmental Option** states that “proposals for waste development will only be permitted where it is shown by Best Practicable Environmental Option Analysis to make a positive contribution to an integrated and sustainable waste management system for Gloucestershire.”

4.8 **Policy 2 - Regional self-sufficiency** states that proposals for waste development which are likely to involve transportation beyond the County boundary movements will only be permitted where they are necessary to achieve regional self sufficiency unless they comprise the BPEO for the waste stream.
4.9 **Policy 3 Proximity Principle** states that “As a general principle waste should be dealt with as near as practicable to where it is generated. This principle is subject to environmental, social, economic and transport considerations which are appropriate to the waste management facilities and processes being proposed and which would contribute to the analysis of the BPEO for the facility.”

4.10 **Policy 6 – Waste Management Facilities for Other Sites** states that proposals for the development of waste management facilities not included in Schedules 1 and 2 will be permitted where it is demonstrated that: the facility is essential to support sustainable waste management subject to the demonstration of BPEO for that waste stream; and the facility meets the relevant policies and criteria of this and other parts of the development plan; and if it is a strategic facility, it is essential for sustainable waste management. Applicants for new facilities will need to demonstrate that their proposals are likely to be a better option than those waste management methods and sites identified in Schedules 1 and 2.

4.11 **Policy 9 – Composting** – states “Proposals for the development of:
A. Indoor composting schemes will be permitted in appropriate locations, and may be permitted as a re-use of appropriate rural buildings or as part of an integrated waste management facility
B. Composting schemes which do not require new buildings or structures, will only be permitted in appropriate locations where the scale of the operation does not materially conflict with surrounding land uses.”

4.12 **Policy 11 – Waste Collection Facilities** – states that “Permission will be granted for waste management facilities that assist waste collection authorities to collect, recover, recycle, divert and dispose of waste in an efficient and sustainable way”.

4.13 **Policy 22 – Landspreading** – states that the spreading of untreated or treated liquids, sludge discards, sewage sludge, soils or any derivative thereof will not be permitted unless it can be shown that it will benefit the fertility of the land concerned and will not:
1. Give rise to pollution of water resources, malodorous emissions or unacceptable highway impact (including traffic movements).
2. Endanger human health or cause harm to the environment, in particular without:
   • Risk to water, air, soils, plants or animals;
   • Causing nuisance through noise or odours;
   • Adversely affecting the countryside or places of special interest.

4.14 **Policy 33 - Water Resources Pollution Control** – states that “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.”
4.15 **Policy 37 - Proximity to other Land Uses** – states 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.

4.16 **Policy 38 – Hours of Operation** – states that the Waste Planning Authority will, where appropriate, impose a condition restricting hours of operation on waste management facilities to protect amenity.

4.17 **Policy 40 – Traffic** – states “Proposals for waste development will only be permitted where the site access and the adjacent highway network can safely accommodate the traffic associated with the development, or where the required highway improvements would not cause unacceptable harm to the local environment. A transport assessment will be required to address the traffic impact of the proposed development.”

Forest of Dean District Local Plan, Revised Deposit Draft

4.18 **Policy (RF)Strategy 2 – Sustainable Development Requirements** states that “Proposals for development will be required to take account of the principles of sustainability, with respect to:

1. Minimising the energy demands arising from the need to travel
2. Making the best use of existing or proposed infrastructure and services
3. Ensuring the conservation or enhancement of the natural and man-made environment
4. Minimising the use of natural resources
5. Minimising the demands and impacts upon energy and water, and with respect to waste, arising from the construction and occupation of new development
6. Providing for mixed land uses where appropriate.

4.19 **Policy (RF)FBE.20 - Environmental Pollution** - states that “proposals for development will not be permitted where they would give rise to loss of amenity by way of pollution likely to cause harm to air, water or land.”
5.0 REPRESENTATIONS

5.1 A site notice was erected on 15th February 2005 and expired on 8th March 2005. A newspaper advert was placed in a locally circulating newspaper on 24th February 2005. Near neighbour notification letters were sent to properties in the vicinity of the site. One letter of representation was received following publicity of the proposals. The respondent states that if the proposal is for green waste only, they have no objection. They do however express concerns of “appalling smells” and state that if the existing facility is the cause of such smells then they would object strongly. They state that they have no proof of where the “suffocating smells” originate, and go on to state that portions of fowls are often dropped in their garden and it appears that animal carcases are being inadequately disposed of somewhere in the vicinity.

6.0 CONSULTATIONS

6.1 Forest of Dean District Council – wish to maintain its objection to the development, which being in the open countryside and divorced from any major settlements would be unsustainable in that it would be contrary to Policy (R)F.STRATEGY.2 of the District Local Plan Review and Policy T.1 of the Gloucestershire Structure Plan.

6.2 Dymock Parish Council – No reply.

6.3 The County Highways Representative – no highway objection is raised subject to the following conditions being attached to any permission granted:-

Before the development hereby authorised is brought into use the vehicular manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

Reason: To ensure adequate lorry turning facilities are available in the interests of highway safety.

From the date of this permission the operators shall maintain records of their monthly input and production and shall make them available to the Planning Manager at any time upon request. All records shall be kept for at least 24 months.

Reason: In order that the Planning Manager can monitor the throughput of the site.

The total amount of material imported into the site shall not exceed a level of 15000 tonnes per annum unless otherwise agreed in writing by the Planning Manager.
**Reason:** To define the scope of the application in the interests of highway safety and to accord with Policy 40 of Gloucestershire Waste Local Plan 2002-2012.

NOTE TO PLANNING MANAGER: It would be expedient to define a monthly input figure as well, to be agreed with the applicant.

No works shall commence on site until such time as a signing and lining scheme to improve and enhance the existing junction between the B4215 and the access road serving Rose Hill Farm has been submitted to and agreed by the Planning Manager. These details so approved shall be implemented in full prior to commencement of the beneficial use of the development hereby authorised.

**Reason:** In the interests of highway safety and to accord with Policy 40 of the Gloucestershire Waste Local Plan 2002-2012.

No works shall commence on site until such time as a signing schedule to give prior notification and enhanced warning of the existence of a Public Right of Way which is coincidental with the access serving the site, has been submitted to and agreed in writing by the Planning Manager. These details so approved shall be implemented in full prior to the commencement of beneficial use of the development hereby authorised.

**Reason:** In the interests of highway safety in accordance with Policies 40 & 41 of Gloucestershire Waste Local Plan 2002-2012.

The site shall only accept waste from the approved Local Authority collection contractor and shall not accept waste direct from the public or other sources.

**Reason:** To define the scope of the application, and to control the number of vehicular movements in the interests of highway safety and to accord with Policy 40 of the Gloucestershire Waste Local Plan 2002-2012.

NOTE: In the interests of highway safety, the public footpaths on the site must not be obstructed or encroached upon, their surfaces damaged or made dangerous during or after works. The Highway Authority may seek to recover extraordinary maintenance payments in accordance with the provisions of Section 59 of the Highways Act 1980 to maintain the integrity of the Public Rights of Way.

These conditions are basically those of the original application DF:4279/E, updated by the adoption of the Waste Local Plan. I believe that signing details for the access and footpath may have been already agreed but I need to seek further information on this from my colleagues.

6.4 **The Environment Agency** has no objections to the proposed development but wishes to make the following comments.
The site currently operates under a paragraph 12 exemption from Waste Management Licensing Regulations 1994. This activity is registered with the Agency.

The proposal to extend the activities and increase annual tonnages will require the applicant to hold a Waste Management Licence. The applicant has discussed the proposals with the Agency and has submitted an application for a Waste Management Licence.

A Waste Management Licence will control the following:-

- Waste types and activities
- Annual quantities
- Infrastructure
- Amenity monitoring (dust, mud, litter, pests etc)
- Record keeping.

6.5 **English Nature** has no comment to make on this application.

6.6 **DEFRA** – No comments regarding the application.

7.0 **OBSERVATIONS OF THE PLANNING MANAGER**

7.1 **Archaeology** – It is advised that a previous phase of this scheme prompted a programme of archaeological investigation, since the former alignment of a Roman Road is thought to be present in this locality. This work revealed no significant archaeology, and it is considered that the newly proposed area of development is similarly low in archaeological potential. Therefore there are no observations concerning this scheme.

7.2 **Landscaping & Ecology** – Concern is expressed at the location of the proposed lagoon, being uphill of the composting facility and whether this will work.

7.3 The proposed new embankment surrounding the concrete pad will be visible from the southbound traffic on the B4125. As a green, horizontal line, it will impose an artificial looking structure into the field. This can be disguised by planting a native species hedgerow in front of it, to reduce its visual impact on the landscape.

**Planning**

7.4 The proposal is for the extension of a small scale on farm composting facility for the reception, shredding and composting of green waste and grey cardboard waste deriving from the waste collection and disposal authorities and the temporary storage of compost product prior to application to land. The applicant has provided detailed information in support of the application, its compliance with the relevant policies of the development plan, environmental and amenity concerns and methods for the mitigation of any adverse effects
including noise, dust, bio-aerosols, odour, visual impact, litter and surface and groundwater. The application also includes a detailed transport assessment.

7.5 With regards to the issue of traffic, highway safety and sustainability in terms of the sites location in the northern sector of the Forest of Dean’s administrative boundary, both the County Highways representative and the District Council raised concern. The applicant provided detailed supporting information regarding the transportation implications of the proposal and the benefits of the proposed site above and beyond the current situations of dealing with the waste arisings. As part of the original application for the existing facility, the applicant had indicated that a full survey of potential sites within the Forest of Dean had been carried out, and that this site had represented the most appropriate location in terms of the full range of requirements of such a site, including the necessary standoff distances from such sites to the nearest 3rd party sensitive receptors of 250m required by the Environment Agency, the necessary facilities for the efficient operation of the site including a weighbridge, area of hard standing, separate drainage system for effluent, distance to receptors, visual impacts, ecology, noise, vibrations, geology and hydrogeology, bio-aerosols and odour. A detailed traffic assessment was included with the application to extend the facility, which compared the existing arrangements for dealing with the waste arisings as compared with dealing with them at the application site. The County Highways Representative based on this information recommended that with appropriate conditions attached to any permission, there was no objection. It is considered in this respect that the proposal complies with policy 40 - Traffic of the Gloucestershire Waste Local Plan, as well as part compliance with policy 1- BPEO and compliance with policy 3 – Proximity Principle.

7.6 The principal planning policy that needs to be considered in relation to the proposal is Policy 9 - Composting, Part B of the Gloucestershire Waste Local Plan.

7.7 Paragraph 5.41 of the Waste Local Plan supports on-farm composting where the compost is used on that site. As the proposal is an extension to an existing site and all of the composted material will be used on site, the proposal is supported, however the other policies in the Plan still apply and need to be considered.

Appropriate Location and Scale

7.8 The applicant considered the location of the proposal site against the taking the waste to the composting facility at Sudmeadow, Hempsted where the waste used to be dealt with, as part of the original application. The extension to the existing permitted development, whilst increasing the amount of material going into the site threefold is still aimed at dealing with principally the green waste arising from the Forest of Dean district in addition to an element of cardboard waste. There will be an element of waste arising from outside of Gloucestershire, however the location of these arisings is still considered to accord with the proximity principle, and the applicant has considered the transport impact of transporting this element of the arisings to the facility at Rose Hill as opposed to its current destination, and identified the net benefits.
The facility would be limited to a maximum amount of 15,000 tonnes per annum. It is considered that the proposal therefore accords with the criteria.

**Use of existing hard standing and buildings**

7.9 Paragraph 5.37 of the Waste Local Plan supports proposals whereby existing areas of hard standing or buildings are used and this proposal, being an extension to an existing operation which will utilise existing farm buildings, areas of hard standing and other infrastructure already installed at the site, is considered to accord with this criteria.

**Farm diversification**

7.10 Paragraph 5.37 of the Plan supports small-scale composting proposals which assist the diversification of farms. The composting scheme represents successful farm diversification, and now the applicant is also seeking to diversify in terms of agricultural production. The improvement of the farms soil, a heavy clay, forms part of this process and the extension to the facility would allow an increased amount of compost to be added to the land to provide the required nutrients and soil structure, within permitted nitrogen levels. The applicant secured a DEFRA diversification grant under the Rural Enterprise Scheme to assist in the setting up of the operation.

7.11 In terms of Policies 1 and 3 of the Waste Local Plan, with regards to Best Practicable Environmental Option (BPEO), which includes the consideration of the proximity principle and a comparison of other potential and existing waste facility locations, the original proposal appeared not be in the best location to serve green waste arising in the Forest of Dean district, although the principle of on farm composting is clearly supported in the Plan.

7.12 Waste originates from the Forest of Dean via Oak Quarry Civic Amenity Site outside Coleford, Lydney waste transfer station and directly via the green waste kerbside collection service provided by the Forest of Dean WCA. The site is situated in the north of the Forest of Dean District proximate to Newent, but is some distance from the three other main settlements in the south of the Forest of Dean (i.e. Lydney, Cinderford and Coleford). The applicant indicated that the green waste being handled at Lydney would be transferred to the facility at Dymock for composting which would be preferable than it being composted outside the district. All green waste collected from the Forest of Dean prior to the opening of the facility at Dymock was transported to Hempsted to be composted. The information provided by the applicant identified the benefits in terms of both distance carried and number of loads between that situation and the facility at Dymock, indicating that the proposal would result in a reduction of the road miles over which the waste is transported and also the number of journeys undertaken. In addition the time taken to transport the waste to the facility was to be less.

7.13 In terms of the extension to the facility therefore, account has to be taken of the fact that the material collected from the Forest of Dean collection authority is already taken to the site. An extension to the facility is required partly due to the success of this scheme in terms of the amount of green waste being collected, and partly due to the requirement to take an element of grey
cardboard, which will be source separated, and can also be composted with the green waste material. With regards to the material originating from outside the county, this is originating from specific household recycling centres, bordering Gloucestershire, and again under the control of the relevant disposal authority. A comparison of utilising the facility at Dymock as opposed to this materials current outlet has been carried out and again indicates the net benefits in terms of both frequency and length of journeys.

7.14 By virtue of the proposal utilising all of the composted material on site, in this respect it accords with BPEO principles.

7.15 As the compost is to be applied on to farmland it will represent a land spreading activity, which must be registered with the Environment Agency. If the application exceeds 250 tonnes of waste per hectare per annum, the activity would require a waste management license, as set out within the Waste Management Licensing Regulations 1994. With regards to Policy 22 of the Waste Local Plan there have been no objections from the Environment Agency, English Nature nor the County Highways representative with respect to this aspect of the proposed development.

7.16 There is one outstanding objection to the proposal from the Forest of Dean District Council, which expressed concern over the location of the site in the open countryside, situated some distance from any major settlement. The applicant has provided supporting information in relation to the proposal and the relative benefits between the proposed site and the current situation in terms of highway safety and sustainability implications, environmental benefits, and economical benefits to the farm holding and hence rural economy all of which have been outlined above in detail. It is considered that the proposal is not therefore contrary to either policy (R)F.STRATEGY.2 of the Forest of Dean District Local Plan Revised Deposit Draft nor Policy T.1 of the Gloucestershire Structure Plan, as indicated in its response.

7.17 There has been one representation received from a member of the public who has no objections to the proposal provided only green waste is utilised. The site currently only composts green waste, with no kitchen or fowl waste, and it is not considered that this site is the source of either the odour or fowl carcass problems which the respondent referred to. The proposal to extend the site also includes the acceptance of an element of grey cardboard waste. This will be composted with the green waste and it is not considered that this will cause an odour issue. Based on this evidence it is therefore considered that the respondent has no objections to the proposal.

7.18 The need for the applicant to first enter into a legal agreement to restrict the whole of the sites intake to 15,000 tonnes throughput of waste per annum, arises due to the application site only representing the proposed extended site area. As the application is to intake 15,000 tonnes throughput of waste per annum, and the site area does not include the site area of the original application, the original application still remains valid for the area it covers. The original application allows the applicant to intake 5,000 tonnes per annum throughput of waste. If the permission now sought were to be granted without
a legal agreement to restrict the throughput, although not the intention of the applicant, there would be two valid permissions at the site, one allowing 5,000 tonnes throughput of waste per annum, and one allowing 15,000 tonnes throughput of waste per annum i.e. the whole site would end up with valid permissions to intake 20,000 tonnes throughput of waste per annum. As stated this was and is not the intention of the applicant, more a quirk of planning.

Conclusion and Summary Reason for Grant of Planning Permission

7.19 Taking all considerations carefully into account, on balance, the proposal is considered to generally accord with the policies and principles as set out in the development plan for the area, including emerging plans which due to their advanced development have been given the same weight. These consist of the Adopted Gloucestershire Structure Plan Second Review with particular regard to policies WM.1, WM.4, P.1 and S.4, the Adopted Gloucestershire Waste Local Plan with particular regard to policies 1, 2, 3, 6, 9, 11, 22, 33, 37, 38, 40, and the Forest of Dean District Local Plan Revised Deposit Draft with particular regard to policies (R)F.STRATEGY.2 and (R)FBE.20. With the use of conditions to mitigate any potentially adverse effects of the development, particularly with regards to the effects on amenity and the environment, including traffic, transport and highway safety and noise, no reason can be seen to refuse the application.

7.20 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. Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life, and Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions. However this proposal has been widely consulted upon and no objections have been received although there have been concerns raised by the District Council. I am of the opinion that the proposal does not represent undue interference with such rights and in any case since these rights are qualified, and have to be set against other considerations, any interference that there may be, is considered to be justified.

8.0 RECOMMENDATION

8.1 On balance, taking careful consideration of all the issues involved, it is therefore recommended THAT planning permission be GRANTED for the reasons set out in this report and summarised in paragraph 7.19, subject to the following conditions, and subject to the applicants first entering into an obligation pursuant to s.106 of the Town and Country Planning Act 1990, to the reasonable satisfaction of the Planning Manager, in order to restrict the throughput of the whole site (incorporating this application site and the site relating to planning permission DF.4279/E) to 15,000 tonnes per annum.
Conditions

Commencement

1. The development hereby approved shall begin not later than 3 years beginning with the date of this permission. Written notification of the commencement of development shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: In order to comply with section 91 of the Town and Country Planning Act 1990.

Working Programme

2. This planning permission shall only relate to the site edged red on drawing number RF0007 Revision 1 (dated 25-01-05) (‘the site’), and the development shall only be carried out within the site in accordance with the details set out in the submitted application, supporting statement and plans, and additional information unless otherwise varied by another condition attached to this consent.

Reason: To ensure that the permission is implemented in all respects in accordance with the submitted details.

Hours of Working

3. No development shall take place except between the following hours:
For the reception of green waste and grey cardboard waste:

0700 to 2000 hours Monday to Friday.
0730 to 1800 hours Saturday
0800 to 1300 hours Sundays and Statutory Bank Holidays.

Shredding, Screening and Turning of Windrows:

0800 to 1800 hours Monday to Friday
0800 to 1200 hours Saturdays.
Materials will not be screened or shredded or windrows turned on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenity of the area in accordance with Policy 38 of the Gloucestershire Waste Local Plan.

Operating Conditions

4. The total amount of material imported into the site shall not exceed a level of 15,000 tonnes per calendar year (January to December) and shall not exceed a rate of 1875 tonnes per calendar month unless otherwise agreed in writing by the Waste Planning Authority.
Reason: To define the scope of the application in the interests of highway safety and to accord with Policy 40 of Gloucestershire Waste Local Plan.

5. From the date of this permission the operators shall maintain records of their monthly importation of materials, both tonnage and the number of vehicular movements and shall make them available to the Waste Planning Authority within 7 days of written request. All records shall be kept for at least 24 months.

Reason: In order that the Waste Planning Authority can monitor the input and output of the site and to accord with Policy 40 of Gloucestershire Waste Local Plan.

6. No material other than green garden and parks waste and grey cardboard waste and no kitchen waste or animal waste shall be imported to the site.

Reason: To define the scope of the planning permission in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

7. The heights of any stockpiled, deposited or windrowed green waste whether in a processed or unprocessed state or any composted materials shall not exceed a height of 3 metres above the concrete floor of the site.

Reason: In the interests of amenity of the local area and to reduce the impact of the development on the locality in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

8. No composted material shall be exported from the site other than to be utilised on the farmstead shown edged blue on the attached plan no.

Reason: To define the scope of the planning permission in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

Traffic, Transport and Highway Safety

9. Within 1 month of the date of commencement of development as notified in condition 1, a signing and lining scheme to improve and enhance the existing Junction between the B4215 and the access road serving Rose Hill Farm shall be submitted to the Waste Planning Authority for written approval. These details so approved shall be implemented in full prior to any composting operations being undertaken in any extended area herby authorised.

Reason: In the interests of highway safety and to accord with Policy 40 of the Gloucestershire Waste Local Plan.

10. Within 1 month of the date of commencement of development as notified in condition 1 of this permission a signing schedule to give prior notification and
enhanced warning of the existence of a Public Right of Way which is coincidental with the access serving the site, shall be submitted to the Waste Planning Authority for written approval. These details so approved shall be implemented in full prior to any composting operations being undertaken in any extended area hereby authorised.

**Reason:** In the interests of highway safety in accordance with Policy 40 of Gloucestershire Waste Local Plan.

11. The site shall only accept waste from the approved Local Authority collection contractor and/or County Authority Disposal Contractor and shall not accept waste direct from the public or other sources.

**Reason:** To define the scope of the application, and to control the number of vehicular movements in the interests of highway safety in accordance with Policy 40 of the Gloucestershire Waste Local Plan.

12. Prior to any composting operations being undertaken in any extended area hereby authorised, the vehicular manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

**Reason:** To ensure adequate lorry turning facilities are available in the interests of highway safety in accordance with Policy 39 of the Gloucestershire Waste Local Plan.

**Noise**

13. All plant and machinery shall operate only in the permitted hours, except in emergency (which shall be notified to the Waste Planning Authority as soon as practicable), and shall be silenced at all times in accordance with the manufacturer’s recommendations. The shredder shall only operate with an acoustic hood attached, details of which shall be submitted to and approved in writing by the Waste Planning authority within 1 month of the date of commencement as notified in condition 1 of this consent unless otherwise agreed in writing by the Waste Planning Authority.

**Reason:** In the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

14. Within 1 month of the date of commencement of the development as notified in condition 1, details for the construction of the earth bund to provide noise attenuation shall be submitted to the Waste Planning Authority for written approval. The bund shall then be constructed as approved prior to any composting operations being undertaken in any extended area hereby authorised and maintained thereafter for the duration of the use.

**Reason:** In the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.
Landscaping

15. Within 3 months of the date of commencement of development as notified in condition 1 a scheme of landscaping shall be submitted to the Waste Planning Authority for written approval. The scheme shall include details of the position, height and type of all trees, shrubs and seeding to be planted and the location size and condition of all existing trees and hedgerows, together with measures for their protection. It shall also include details of a hedge to be planted in front of the bunding so as to screen it from views from the B4215 to south west. The approved scheme shall be implemented in the first season following approval of the scheme. Should any trees, shrubs or seeding die or become diseased they shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

NOTES

1. The Road Traffic Act 1988, Section 34, makes it an offence to drive a motor vehicle without lawful authority on any footpath or bridleway. The applicant is advised that they need to be able to demonstrate they have an existing private vehicular right and therefore have "lawful authority". If the applicant is unable to prove an existing private vehicular right they must gain the written consent of the landowner and then apply to the Highway Authority for a licence to permit them to drive motor vehicles on the footpath or the bridleway.

2. In the interests of highway safety, the public footpath (F/P GDY 27) must not be obstructed or encroached upon, the surface damaged or made dangerous during or after works.

3. The applicant should be advised to consult with the Local Highway Authority regarding the enhanced signing /lining condition and for the improvements to the Public Right of Way Signage before details are submitted for approval with respect to discharge any of these conditions.

4. The Highway Authority will seek to recover extraordinary maintenance payments in accordance with the provisions of Section 59 of the Highways Act 1980 to maintain the integrity of the Public Right of Way F/P GDY 27.

5. The waste management activities described in the planning application are likely to require a waste management licence. The applicant is advised to contact the Waste Regulation Team who can provide further information on the requirements of the application process for a waste management licence.

BACKGROUND PAPERS:
Planning Application Forms and accompanying plans
Consultation Responses
Additional Information

**CONTACT OFFICERS:**
David Pitt, Senior Planning Officer.
Gloucester 426063

Jane Murtagh, Legal and Democratic Services
Gloucester 425212

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**Time taken (to Committee).** 18 Weeks 6 Days