APPLICATION NO: DF.4279/J
VALIDATION DATE: 18th November 2006

AGENT: Land and Mineral Management

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

SITE: Rose Hill Farm, Dymock, Gloucestershire

PROPOSAL: Extension of existing open windrow composting operations to include in-vessel composting for the composting of green and kitchen wastes and ancillary operations.

PARISH OF Dymock SITE AREA: 1.36 Hectares
GRID REF: SO 685 333

RECOMMENDED: THAT planning permission be GRANTED for the reasons set out in this report and summarised in paragraph 8.18, and subject to the conditions set out in section 9 of this report.

1.0 LOCATION

1.1 The site covers an area of 1,360 square metres at Rose Hill Farm, Dymock, which 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 and won the Large Farm Championship in the Gloucestershire Root, Fruit and Grain Society awards in 2004 and again in 2006.

1.3 The application site lies to the north of the farm complex, on an area of gently rising ground (rising south to north). The site is surrounded by the existing farm complex to the south and south-west then to the east there is a mix of mature and new orchards with agricultural land to the north and north west. The application site currently comprises the existing green waste composting operations and an additional strip of land to the east, which has recently been planted with apple trees as an orchard. The current composting operations cover an area of approximately 5,000 square metres, including the access roadway, utilising in the main an existing hard standing, which has been extended northwards and is surrounded on three sides by a grassed bund.
with stock proof fencing (approximately 2m high) on the internal side of the bund. There is a shredder and screen on the site as part of the composting operations. The concrete pad has its own dedicated drainage system with drainage to existing tanks then a lagoon to the north. The water from the site is recirculated on the site to maintain moisture levels in the compost windrows. The nearest dwellings to the site are Briar Bank some 400 metres toward the north with the property Cropthorn 475 metres to the north west and Little Netherton 400 metres to the west.

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 proposal is for an extension of the existing open windrow composting operations to include in-vessel composting for the composting of green and kitchen wastes and ancillary operations at Rose Hill Farm.

2.2 The new elements of the proposal include:

- A reception building with a floor space of 30 x 20 metres by 7 metres high to eaves (8.8 metres high to roof ridge) constructed of brick/concrete block work on the lower walls then profiled steel sheeting (juniper green)
- Two banks of 4 composting tunnels (primary and secondary tunnels) 25 x 20 metres by 5 metres high, constructed of concrete
- A turning area between the primary and secondary tunnels of approximately 20 x 12 metres
- A turning area to the north of the secondary tunnels of approximately 20 x 10 metres
- Offices with process control centre and staff facilities, dimensions 15 x 5 metres by 3 metres high
- Tank (sunk into the ground)
- Biobed (sunk into the ground)
- Wheel wash
- Relocation of eastern bund around new site boundary and raising of boundary bund heights to approximately 5 metres.

2.3 The applicant provided the following information in support of the application;

2.4 “The application site includes the whole of the existing operational area and an area of additional land to the east. The proposal is to compost a total of 25,000 tonnes per annum (tpa), which represents an additional 10,000 tpa throughput as the site already has permission for 15,000 tpa. The waste will comprise, principally green waste (such as garden wastes) and kitchen wastes including food manufacturing/retailing wastes falling under the definition of ‘Category 3’ of Animal By Products Regulations (ABPR) 2003. To compost ‘kitchen wastes’ this has to be done in accordance with the legal requirements of the Animal By Products Regulations 2003, which require initial composting in a controlled enclosed environment. Hence the
application provides for this with the construction of a reception building and two banks of tunnels together with ancillary developments.

Tunnel Composting System

2.5 The Tunnel Composting System (TCS) is being supplied by Celtic Composting who operate a number of sites in Ireland and have recently provided the TCS for a facility in Devon which is now operational composting both green and kitchen wastes having successfully obtained planning permission, an Environment Agency waste management licence and also State Veterinary authorisation. The Devon facility provides part of Devon County Council’s network of waste management sites taking household, kitchen and green waste from a kerbside collection of households. Devon County Council has planning permission for another composting operation using the same tunnel system technology and is planning to establish another site again using the same system.

2.6 The tunnel composting system at Rose Hill Farm involves the construction of two banks of tunnels, primary and secondary, designed to meet the SVS and ABPR requirements. The tunnels are constructed of concrete (floor, sides and ceilings) with doors both ends. The primary tunnels are filled with mixed material by a loading shovel. Once the time/temperature processes have been complied with, the material is removed from the tunnel from the doors at the other end in the turning area between the primary and secondary tunnels. The material is placed directly into one of the secondary tunnels. After the second time/temperature stage the material is moved by loading shovel onto the adjacent concrete pad for the compost to mature in open windrows.

2.7 The tunnels have an aeration system which controls the air flow through the tunnels to aid the composting process. The tunnel layout is designed to maintain a dirty to clean flow through process, avoiding any potential for cross contamination of the different stages in the process. Hence the linear site layout, flowing south to north, from the waste reception area to the final compost production.

Composting of Kitchen Wastes

2.8 As mentioned above, there are very strict government regulations (the Animal By-Products Regulations 2003), implementing EC legislation, which control the way kitchen waste materials can be collected, transported, stored, handled, processed and disposed. The regulations require that, to compost kitchen wastes, the initial stages must be undertaken in an enclosed environment and meet certain specifications in terms of temperature reached, duration temperature is maintained and size of material being composted.

2.9 The Animal By-Products Regulations 2003 (ABPR) requirements for the composting process of kitchen waste have two stages which the waste must go through. The first stage requires the waste material to be treated in a closed vessel by either holding in temperatures of 70 degrees Celsius for 1 hour with no material over 6cm in size or at 60 degrees Celsius for 2 days with no material over 40 cm. The second stage is a repeat of the first stage. After the second stage the material then completes the composting process in open
windrows. The ABPR process requires authorisation to come from the State Veterinary Service (SVS) (this is in addition to the requirement for a waste management licence from the Environment Agency). The design and layout of the proposed composting operations in this application has been the result of discussions with the SVS to ensure compliance with the ABPR.

Waste Delivery

2.10 The green and kitchen waste will be picked up by a kerbside waste collection, as is presently undertaken for the green waste, with the collection vehicles bringing the material to site. An element of green waste will still arrive directly from the HRCs, and this will arrive bulked up in ‘roll on roll off’ containers of approximately 20 - 25 tonne loads. Vehicles with mixed green and kitchen waste will go straight to the reception building located at the south eastern corner of the site, turning in the turning area immediately in front of the reception building to allow them to reverse into the building. The vehicle entrance on the reception building will have an automatic rapid raising/closing mechanism to ensure the door is only opened for the minimum time necessary. Vehicles will deposit their loads onto the floor of the reception building. The vehicles will then exit the building with all vehicles using the wheel wash facility before they leave the site.

2.11 Vehicles carrying only green waste will turn onto the existing concrete pad area before reaching the reception building and turning area. As is the current practice, they will tip their loads straight onto the concrete pad at the southern end of the site. The empty vehicles will then leave the site.

Mixed Waste Composting

2.12 The material deposited in the reception building will be transferred by a front loading shovel into an electric auger mixer. The auger mixes and shreds the material before it is placed into one of the primary tunnels. All waste in the reception building will be placed into a primary tunnel on the day it arrives. No waste deposited in the reception building will remain there for more than a 24 hour period. The reception building covers the southern end of the bank of the primary tunnels and the southern doors open into the reception building allowing the transfer of the waste into the tunnels in an enclosed environment.

2.13 Once a primary tunnel is filled the doors are closed and air is fed through as necessary to raise/maintain temperatures throughout the material. The tunnels, both primary and secondary, have built in drainage and pipework to allow leachate to be collected and the air conditions to be controlled. There are fixed and moveable probes in each tunnel which allow the monitoring of conditions in the tunnels, which is undertaken in at the control panels in the site office.

2.14 The transferring of waste between the first and secondary tunnels takes place in a restricted area between the two sets of tunnels which is separated from the main concrete pad by a fence and there is a wheel wash facility for any plant or machinery going from this area to the concrete pad. The material from the primary tunnels is moved by loading shovel into a secondary tunnel, in through the southern doors, to repeat the time/temperature process. After
successfully completing the second stage the material is then removed by 
loading shovel from the northern end of the secondary tunnels onto the 
concrete pad and placed in windrow for the final maturation stages in the 
open air.

Green Waste Composting

2.15 The composting of green waste will continue as is the current practice with 
open windrows on site. The waste be shredded, as necessary, and put into 
windrows for maturation by regular turning of the windrows. The concrete pad 
will be divided into two areas of windrow materials which will be separated by 
a low concrete wall, this is to allow the separate identification of green waste 
and mixed waste windrows (a requirement of the State Veterinary Service).

Disposal of Compost

2.16 The majority of the compost will be transported to land within the applicants 
own farm holding by tractor and trailer in 12 tonne loads. In addition to the 
agricultural benefits to his land, the immediate use of the compost on the 
surrounding farmland avoids the generation of traffic movements caused by 
the transportation of compost from the site. The applicant proposes to 
continue to sell small amounts of compost to local commercial interests, as he 
is currently permitted to do, up to a maximum of 2000 tonnes per annum. As 
part this 2000 tonne per annum export, the applicant intends to bag up 
compost for public sale at the Household Recycling Centres using existing 
bagging equipment he has on his farm for his potatoes. The applicant is not 
proposing to directly retail to the public bagged compost from Rose Hill Farm. 
It is also the operator’s intention to apply for PAS 100 which is the British 
Standards Publicly Available Standard for composted materials. This certifies 
the compost produced is to a quality complying with the specification. 
PAS100 acknowledges the compost as a quality product and certification 
covers the entire composting processes, from the raw materials to production 
methods, and technical specification of the compost. A PAS100 certificate 
confirms to users of the compost, such as horticultural and agricultural users, 
that the compost is of a guaranteed quality.

Farming Benefits

2.17 Farming has seen many changes since the war and to support the agricultural 
economy the government is encouraging the diversification of activities on 
farms. The applicant’s existing composting operations demonstrate how he 
has successfully diversified his operations at Rose Hill. The composting 
operations supply an alternative income source which helps supplement the 
agricultural activities of the farm.

2.18 Not only do the composting operations bring additional income to the farm but 
the compost product provides a direct benefit to the actual farmland as it is 
mainly used on its own land to improve the soils. Rose Hill Farm soils benefit 
from the application of the compost in terms of nutrients and structure. 
Appendix 3 has a letter from the applicant’s agricultural consultant outlining 
the benefits the application of the compost to the farm soils. The use of 
compost on the land at Rose Hill Farm has seen a decrease in the quantities 
of chemical fertilizers used on the farm.
2.19 The application of compost provides the essential primary and trace element nutrients to the poor soil quality on the farm. These nutrients include Nitrogen (N), Phosphorus (P) and Potassium (K). Secondary nutrients include Calcium (CA), Sulphur (S) and Magnesium (Mg), all of which are essential to plant growth.

2.20 The use of compost on the soils introduces organic matter which is much-needed at Rose Hill as the soils comprise mainly heavy clay. The organic matter improves the pore structure of the soil which can be destroyed by modern agricultural practices. The compost helps keep pore structure open. Clay soils are very susceptible to loss of structure due to compaction of the small particles. In addition to its structural benefits, organic matter is able to hold nutrients in a manner that is readily available to plants, especially if compost is rotavated into the soil and is in direct contact with the roots. Drainage is improved and there is a benefit to soil organisms and micro-organisms which aids soil aggregation, nutrient recycling and disease suppression. The produce from the applicant’s farm is sold as organic produce by a major supermarket.

Traffic Numbers

2.21 There was a traffic assessment undertaken with the 2005 planning application when the throughput of the site was increased by 10,000 tonnes per annum, from the original 5,000 tonnes to 15,000 tonnes. This proposal will increase the site throughput by a further 10,000 tonnes to 25,000 tonnes per annum. In essence it will be a doubling from 10,000 to 20,000 tonnes per annum of the Forest of Dean kerbside collection element, when the existing kerbside collection is expanded to include kitchen wastes. The pattern of deliveries is therefore anticipated to remain similar to the figures produced in the 2005 application and the traffic generation figures have been based on the 2005 application figures.

2.22 The figures for additional traffic that will be generated over and above the existing permission levels show that the traffic increase will only result in less than an additional 4 lorry movements per day on a working week (equating to an extra lorry every four hours on a working day). The overall levels of vehicle movements generated from the site is considered to be low and the additional traffic impact on the B4215 is not considered to be material.

2.23 The proposed operations will continue to collect wastes from the same areas as outlined in the previous applications. The site is located within the collection area for the Forest of Dean kerbside collection. There are no alternative composting sites in the Forest of Dean and only three other composting operations taking green waste. The nearest composting operation is at Hempstead in Gloucester. Hempstead also takes the main kerbside collection of household waste from the Forest of Dean. The Transport Assessment of the previous application (2005), taking account of Hempstead, noted that the movement of the waste to Rose Hill would not represent an increase in vehicle mileage and was therefore the most sustainable option.
Composting Sites

2.24 Existing Sites
There are only a very limited number of permitted composting facilities in Gloucestershire and only for green waste composting. The application site at Rose Hill Farm is one of the four sites in Gloucestershire which have permission for green waste composting. The other sites are Cory’s Wingmoor site in Cheltenham District, Cory’s Hempsted site in Gloucester, Agricultural Supplies Limited at Sunhill in the Cotswolds. Between the four sites there is a total capacity of approximately 60,000 tpa however over half of this is only ‘temporary’ provision’ as two of the sites will close in the short to medium term; at Hempsted as the composting area will be required for landfilling operations and at Sunhill the planning permission is a temporary permission for only two years.

2.25 The County Council, reaching only half its target for composting of household waste, would need a further 60,000 tpa to meet its target.

2.26 WLP Sites
The WLP identifies a number of sites across the County as suitable for composting in Schedule 1 and Schedule 2. Schedule 1 sites are for ‘strategic’ waste management facilities dealing with over 50,000 tpa. Schedule 2 sites are ‘local’ sites which deal with less than 50,000 tpa. Rose Hill farm is not proposed as a ‘strategic’ facility even with the additional tonnage proposed by this application the maximum throughput of the site is 25,000 tpa, therefore it is not appropriate to consider Rose Hill Farm against these sites. Notwithstanding this, of the 5 Schedule 1 sites identified for composting, none are located within the Forest of Dean District, with the nearest being at Hempsted in Gloucester.

2.27 The WLP identifies 10 ‘local’ Schedule 2 sites for composting. Eight of these sites have been discounted as they are located outside the Forest of Dean and are not considered to be proximate to the source of waste arisings that this application is proposing to deal with. The two sites identified in the Forest of Dean are at Lydney Industrial Estate and Wilderness Quarry, Mitcheldean. Rose Hill Farm was not put forward as a possible composting site at the time of the preparation of the WLP and so was not formally considered as a possible Schedule 2 site.

2.28 The policies of the WLP, through policy 6, allows for the development of other sites. In considering this site it must be noted that it is an existing site already composting green waste from the Forest of Dean and its recent planning permissions have accepted this site as suitable to provide sustainable waste management facilities. This proposal represents a logical expansion of its composting operations, developing in vessel capabilities to enable the acceptance of kitchen waste, with the Forest of Dean planning to introduce a combined green and kitchen waste collection in the near future. Appendix 5 has a letter from the Forest of Dean Contracts Manager outlining support for this application and the intention to use the facility for the Forest’s extended
green and kitchen waste kerbside collection. Therefore this proposal will see a continuation of the current operations which will source the additional waste streams from the same sources it already deals with.

2.29 Rose Hill Farm has an advantage over the other two sites identified in the WLP as the operator is able to utilise the compost product on his own farmland surrounding the site, avoiding the need for further transportation as he in effect has his own local market to use the material. Neither Lydney Industrial Estate or Wilderness Quarry have the capability to do this and would have to develop their own new markets for the compost product. Therefore noting the existing composting operations, the nature of the additional proposed composting operations and the established local market for the compost product, it is considered that the proposal does represent a sustainable option when compared to the other Schedule 2 sites in the Forest of Dean.

2.30 Other Proposed Sites
As mentioned there are no sites in the County which have permission to compost kitchen wastes although the policy drive is to secure such sites to assist with meeting targets and moving away from landfilling. There are two outstanding applications for in-vessel composting proposals which if permitted would see an increase in composting and be able to take kitchen wastes. These sites are both located in other parts of the County, at Sharpness in Stroud District and at Sunhill in Cotswold District. If permission were to be granted for these sites the total new production capacity would be 73,000 tpa but noting the loss of green waste capacity (para 5.6) this would only represent an extra 33,000 tpa in terms of additional capacity over the current situation. The shortfall of the 60,000 tpa identified in paragraph 5.23 would not be fully met by the granting of these two sites and a further 27,000 tpa capacity would still be needed. These figures are based on solely providing for household waste and do not address the provision of any facilities for composting of commercial wastes such as those generated in food production or by restaurants. (*The Sharpness application proposes to take commercial wastes and therefore the shortfall in capacity to compost household wastes would be greater.)

2.31 Consideration of Policy
As referred to above, there are considerable policy drivers seeking sustainable waste management in the County and there are few existing composting facilities in the County that can help. More sites are needed, not just to address household biodegradable wastes but also to deal with other biodegradable waste streams. Clearly this proposal will help move waste up the waste hierarchy and divert it from landfilling. The site is proximate to the waste arisings, and already is dealing with wastes from the same sources, and the site has the additional benefit of being able to utilise the compost on the surrounding farmland. The development also contributes to government policy aims of farm diversification. The proposal clearly demonstrates that it is a sustainable waste development.
2.32 Whilst not an ‘allocated’ site identified in the WLP it is considered that under policy 6 it does represent a better option than the sites identified in the WLP. In addition the new government advice in PPS10, subsequent to the WLP, does make it clear that such ‘unallocated’ sites should be given favourable consideration where they help provide sustainable waste management. Policy 9 of the WLP does specify that composting proposals should be developed in ‘appropriate locations’. The site has already been accepted as an appropriate location for composting. The proposal will entail an element of new built development but this will be assimilated into the background of existing agricultural buildings and, with the screening measures proposed for the site, it is not considered that the development will materially conflict with the scale of its surroundings.

2.33 Locational/Operational Policies
The proposal accords with the locational criteria of PPS10 (these are dealt with in greater detail in other sections of this statement), and the main relevant detailed policies of the WLP such as Policies 33, 37, 38 and 40, and are briefly recapped below. As the proposal is the extension of an existing operation it must be borne in mind that there are already successfully in place measures to negate and control aspects relating to the criteria of PPS10 and also the detailed WLP polices.

2.34 Measures for water protection exist with a contained drainage system across the current site which will be expanded to cover the new operations and it should be noted that the new activities will be enclosed which will also further prevent pollution of local water resources. Similarly the enclosure of the new composting operations, which together with strict operational controls will minimize and avoid issues relating to air emissions, dust, odour, vermin, birds and litter. In terms of noise and vibration, it is not proposed to introduce any new or different items of mobile plant to that which is currently already used on site and most of the additional activity will be enclosed in the reception building.

2.35 There have been no issues of land instability, nature conservation historic environment and built heritage interests. The existing operations cause minimal visual impact and the assimilation of the additional development into the surrounding landscape will not cause an unacceptable visual intrusion. There have been no issues with highway safety at the site, the proposed extension of activities will only generation a very low level of additional traffic and the existing site access has already been improved to meet highways requirements. Additionally the site is relatively remote from any other properties or land uses which avoid any potential conflict of uses and further restricts any possible operation impacts.

2.36 Noting that the proposal accords with PPS10 in terms of providing sustainable waste management and meeting the locational criteria it should be noted that the proposal does not need to justify a ‘need’ for the development. However as noted, there is a need for this type of facility in the County for household waste and noting the absence of any facilities geared to the non household biodegradable waste stream it is considered there is an additional need for a
facility such as this to make a contribution towards dealing with commercial biodegradable waste in the County.

Water Protection

2.37 The site is not located on a protected aquifer and the nearest surface water is found in the Preston Brook which is located some 80 metres to the south at its closest point. As the site is located on a small hillock there is no direct drainage onto the site from the surrounding land.

2.38 The existing operations have an impermeable concrete pad with drainage to a sealed system with its own tank and lagoon storage. This prevents any water leaving the site and avoids pollution to either ground or surface water and also avoids any additional off site flooding potential.

2.39 The new part of the site, the area taking mixed waste, will have a separate contained drainage system for the tunnels, turning areas and buildings. The water collected from the site drainage system is stored in a separate tank and reused in the tunnel composting process to maintain suitable moisture levels to ensure the composting process is as effective as possible.

2.40 Odour
The composting of waste has the potential to generate odours which can cause nuisance. Odours can be generated from the processing of the mixed material and from the open windrows of maturing materials.

2.41 Open Windrows
Odours tend to be generated when conditions in the windrows become anaerobic (i.e. there is an absence of air flowing through the materials) and to avoid this the windrows are turned regularly. This practice is the current practice on site and will continue with all the external windrows with the new proposals.

2.42 Mixed Material
Mixed waste has a greater potential than the green waste to generate nuisance odours due to the higher protein levels (nitrogen) in the materials. The initial stages, when the potential to generate odour are high, are all undertaken in an enclosed environment. Loads containing mixed material will arrive in sealed containers and will be directly deposited in the enclosed area of the reception hall. The material will be mixed and put straight into the compost vessels without exposure to the atmosphere. No waste will be left in the reception building overnight. This material will not be exposed to the atmosphere until the final stage of composting, the maturation of the compost in open windrows. By this time the material will have been broken down and ‘pasteurised’ by the heat stages of the composting vessels and at this stage the potential of the material to generate smells has been reduced.

2.43 Bio-Filtration
As mentioned previously the tunnels operate by providing a strict temperature controlled environment for the microbiological activities of decomposition of the material to take place. This controlled environment involves the regulation
of the air flow through the tunnels. The air extracted from the tunnels will not be released directly to the atmosphere but will go through a bio-filter first to reduce odour emissions. The bio-filter is a simple technological treatment whereby the air is passed through a porous materials where the activities microbial communities breakdown odorous chemicals. In this instance there will be a bio-bed comprising wood chipping waste in which will support the live microbial organisms which break down odorous chemicals. The pipework to the bio-bed will be below ground and the bio-bed itself appears similar in appearance to farm slurry beds. The material in the bio-bed is replaced approximately every 18 months to two years to maintain its effectiveness.

2.44 Dust
The initial composting stages of the mixed green and kitchen waste will take place in an enclosed area which will avoid the potential to generate dust outside the building. The main potential source of dust is from the compost when it is in open windrows. However composting is a process which requires certain moisture levels to be present to ensure effective and efficient composting takes place. By maintaining moisture levels in the windrows this should avoid the potential to generate dust. The existing concrete pad has sprinklers located on the boundary of the concrete pad which are used to maintain moisture levels in the windrows.

2.45 The screening of the compost can also generate dust. As is the current practices on site, all screening is undertaken with the screening machinery located next to existing buildings to minimize the potential for windblown material. There have been no complaints from the current operations due to dust.

2.46 Dust can also be generated by the movement of vehicles and plant. At Rose Hill all surfaces are concreted over and kept clean which minimizes the potential to create dust. In considering the impact of dust it should be noted that the nearest residential properties who could be affected by dust are over 400metres away from the nearest part of the site boundary and further away from the activities with the potential to create dust, such as screening and vehicle movements.

2.47 Noise
Although the proposal is to increase the throughput at the site it still represents a low overall level of activity compared to other waste operations and the composting operations are essential low key in nature. In considering the noise impact of the operations it should be noted that the operations are set against an existing agricultural operation and the nearest property to the boundary of the site is over 400metres away.

2.48 The external noise sources of the proposed development will be the same as the current operations. These include a front low loading shovel moving material and plant to shredding and screen. The Forest of Dean Environmental Health Department raised some initial concerns about noise with the original 2004 application. After monitoring noise level on site and assessing the machinery and proposed operations it was not considered that
there would be an unacceptable impact due to noise. There have been no complaints or issues raised regarding the current operations and noise.

2.49 The additional new activities with the proposed composting operations relate to the initial processing of the mixed waste. The initial processing of this waste will take place enclosed within the reception building and the new processing element is the mixing of this material in an electrically driven auger mixer before it is transferred into the primary tunnels. As the mixer generates lower levels of noise than the shredding element, which does not raise any noise nuisance, and the mixer will be within a building it is not considered that this will give rise to additional noise impacts.

2.50 The proposed development will see an increase in the throughput of waste to the site which will mean additional vehicle movements. However there will only be an additional 4 lorry movements during a working day and it is not considered that these additional lorry movements will result in any noticeable increase in noise from the site.

2.51 Litter
Composting operations do not typically give rise to litter problems due to the nature of the material. The current practices on site involve the inspection of all loads on arrival to identify and remove unsuitable materials which could not be composted, this includes the likes of materials such as plastic, and these are the materials which have the potential to cause litter. These materials are stored in a skip which is removed off site when full. This practice will continue with the new proposals in respect of the green waste operations. For vehicles with mixed wastes the inspection of the load will take place within the reception building and any unsuitable material removed from these loads will be stored in a sealed container in the reception building until it is removed from site.

2.52 Although there is permission for the composting of grey cardboard at the site no cardboard is being brought to site at present. When cardboard is brought onto site for composting the practice is to shred it immediately, mix it with green waste and place in a windrow. This avoids any problems of litter from cardboard being left unprocessed on site.

2.53 The operator, as part of his existing operations, regularly inspects the composting areas to check for any litter (which if found is collected). Again this practice will continue with the new operations. The whole of the current compost site is fenced which prevents any escape of litter off site. Therefore it is not considered that there is a risk of litter pollution from the proposed operations.
2.54 **Vermin**
Green waste operations do not attract vermin (birds, rats or flies) as the material has little food value for them. The current site has had no vermin problems. The mixed waste does have the potential to attract vermin however the proposals are designed to minimise any potential to attract vermin with the enclosure of all bar the final windrow maturation stages of composting process. Notwithstanding this the operator will check the site on a daily for any possible signs of vermin, any signs of vermin will be investigated and appropriate pest control measures employed if necessary.

2.55 **Bioaerosols**
The current operations already see the open air windrowing of 15,000 tpa of waste. The proposed operations will increase the total throughput of the site to 25,000 tpa. In terms of bioaerosols the new proposals will see the initial stages of processing of 15,000 tpa enclosed with air filtration provision and this will prevent the direct release of bioaerosols to the atmosphere for a large part of the composting operations.

2.56 Much research has been done into bioaerosols and levels of bioaerosols drop quickly from their source of release. Bioaerosols are very small biological particles suspended in air. There are many factors such as wind speed and precipitation which play a role in the dilution rate and fall out percentage. Although the proposal is increasing the level of composting at the site, noting that a large part of the composting process will be conducted in an enclosed area and the distance of the nearest properties to the farm it is not considered that there is any additional risk from bioaerosols of the proposals.

2.57 Environment Agency advice is that, to prevent any risk to human health from bioaerosols arising from compost operations, such operations should be sited at least 250 metres from the nearest third party sensitive receptor. The EA do not take into account the location of the operator as this is covered by the Health and Safety at Work and COSHH Regulations. The operator for this application is applicant, Mr Bennion, and, excluding his residence, the nearest receptor is some 400 metres away. This is well outside the figure of 250 metres at which the advice of the Environment Agency seeks bioaerosol assessments.

2.58 **Visual Impact and Landscaping**
The existing operation has fitted into the surrounding landscape well due to the topography, existing built elements of the farm complex, the mature orchards around the site and the success of mitigation features. In terms of mitigation the boundary grass bund provides successful screening helping to assimilate the existing operations into the surrounding landscape. The bund has a gentle gradient on its outside slope which blends into the existing slopes of the surrounding fields and appears as a natural continuation of the ground. It is proposed to extend this bund round the extension area and raise its height to 5 metres which is the height of the new tunnel structures and which will hide all of the site operations with the exception of the top part of the reception building.
2.59 The reception building is the largest part of the new development. It is proposed to be of a similar construction and materials to the existing large farm barns so whilst it will represent a new built element it is designed to be perceived as part of the complex of farm buildings. (None of the existing farm building were available to be used hence the need for a new building.)

2.60 The proposed mitigation measures in terms of visual impacts and landscaping include:
- the location of the reception building as close to the existing complex of farm storage barns as possible
- the use of construction style, materials and external finishes to the reception building to match those of the existing farm buildings
- All site fencing to be located on the compound side (i.e. inside) of the bund
- the extension of the bund round the extension area and the raising of the height bund round the rest of the site to approximately 5 metres.
- All external slopes of the bund to be gently graded and grass seeded
- No external windrows or compost storage piles to exceed 4 metres
- All external pipework associated to be buried below ground or into the bund
- Trees removed on extension area to be replanted on north western boundary
- Hedge to be planted along south eastern boundary, alongside offices and reception hall.
- Biobed and tank to be sunk into ground.

2.61 A visual assessment of the site and the proposed development has been undertaken. Photographs are included of the main viewpoints round the composting operations at Rose Hill Farm. The existing composting operation has been successfully incorporated into the surrounding landscape with minimal impact. The new proposal do extend the site area and introduce a new building, areas of tunnels and associated developments, however the proposal has been designed to minimise the overall visual impact of the new elements. The main visual impact of the proposal is considered to be slight.

Concluding

2.62 The development is a logical expansion of the current successful composting operations undertaken at Rose Hill Farm. The existing operations fit well into its surroundings and the farmland provides an immediate destination for the use of the compost product. The additional throughput at the site can be accommodated by a logical extension of the site which will general not generate any perceptible additional environmental impacts. The main visual impact of the development will be slight and the additional lorry movements will be less than 4 lorry movements per day.

2.63 The proposals provide for the economic diversification of activities helping to sustain the agricultural practices at Rose Hill Farm by generating an independent income stream.

2.64 The site is established as an appropriate location for a composting facility, treating waste without the need for landfill. The site represents a more
sustainable waste management option when compared to the sites in the WLP. The proposal will assist further with providing a system of sustainable waste management in the County and meeting landfill diversion targets. The proposal is considered to be in line with national and local planning policies promoting sustainable waste development, diverting the treatment of biodegradable waste streams up the waste hierarchy.”

Environmental Impact Assessment (EIA)

2.65 As the proposed development falls into Schedule 2 of the EIA Regulations 1999 whereby an EIA may be required to accompany a planning application due to the potential significant effects of the development and an environmental statement did not accompany the application, a screening opinion on the need for an EIA was carried out. In determining whether or not a development may have significant effects and require EIA, consideration has to be made to the scale, location and nature of the development. Following consultation with the appropriate consultees, it would not, in the opinion of this Authority, be likely that the scheme would have a significant effect on the environment in terms of the requirement for an Environmental Impact Assessment (EIA). An environmental statement was therefore not requested.

3.0 PLANNING HISTORY

3.1 Table 1 below outlines the planning permissions granted for composting operations at Rose Hill. The site is currently operated under the terms of the most recent planning permission DF/4279/H.

<table>
<thead>
<tr>
<th>Planning Permission</th>
<th>Development</th>
<th>Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>DF/4279/E</td>
<td>Small scale on-farm composting facility</td>
<td>13th February 2004</td>
</tr>
<tr>
<td>DF/4279/G</td>
<td>Extension of on-farm green waste composting facility, with small lagoon</td>
<td>28th October 2005</td>
</tr>
<tr>
<td>DF/4279/H</td>
<td>Variation of Conditions 6, 8 and 11 of permission DF.4279/G, to accept non-hazardous liquid waste and apple pumice and apple ‘green waste’, to receive green waste from commercial operators and to sell up to 2000 tonnes of compost per annum</td>
<td>29th June 2006</td>
</tr>
</tbody>
</table>

4.0 LAW

4.1 The Town and Country Planning act 1990 requires the County Council (as Waste Planning Authority) to have regard to the provisions of the development plan so far as material to the application and any other material consideration.
4.2 Section 54A of the 1990 Act requires that where regard is to be had to development plan, the determination should be made in accordance with the development plan unless material considerations indicate otherwise.

4.3 The Town and Country Planning Act 1990 is in the process of being replaced by the Planning and Compulsory Purchase Act 2004. Section 38(6) of the 2004 Act provides that where regard is to be had to the development plan for the purpose of any determination made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.4 Questions over whether something is a material consideration is a matter of law. The weight to be attached to that material consideration is a matter for the planning authority who determines the application. This report sets out the relevant material considerations that need to be taken into account in determining the application. Officers have also indicated the weight be attached to the material considerations in making their recommendations concerning the application.

5.0 PLANNING POLICY

5.1 Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) 2004
PPS7 seeks to help secure sustainable economic growth and diversification in the Countryside. PPS7 states that the planning system should be supportive of farm diversification proposals which contribute to sustainable development and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.

The government’s overall policy objective for waste is for sustainable waste management by moving the management of waste up the ‘waste hierarchy’ of reduction, reuse, recycling and composting, using waste as a source of energy, and only disposing (landfilling) as a last resort. PPS10 seeks planning authorities to deliver on a number of key planning objectives which include strategies that

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;
- provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994;
• help secure the recovery or disposal of waste without endangering human health and without harming the environment and enable waste to be disposed of in one of the nearest appropriate installations;

• reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;

5.3 PPS10 requires planning authorities to make decisions which are in line with up-to-date development plans, the development plans should take account of national policy and, where a plan pre-dates new national policy, then the decisions should be consistent with national policy.

PPS10 states that planning authorities should give favourable consideration to unallocated sites where they are consistent with the key planning objectives of PPS10, they meet the locational criteria for consideration of sites in Annex E of PPS10 and they are consistent with the core strategy of the planning authority. Applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. Where proposals are consistent with PPS10 and the core strategy there is no need to demonstrate ‘need’.

5.4 Regional Planning Guidance for the South West (RPG 10) 2001

RPG 10 interprets the national planning policy framework at the South West regional level and is part of the statutory development plan. Policy RE5 sets down regional targets for recycling and composting and reducing the landfilling of biodegradable waste.

5.5 Draft Regional Spatial Strategy for the South West (DRSS) 2006

The DRSS provides the broad development strategy for the region for the next twenty years. In its final form it will replace the policies of the Structure Plans of the Region. The DRSS is therefore a material consideration, although the weight attached to this has to reflect its early stage of production.

The DRSS aims for a stiffer target of only landfilling 20% of our waste by 2020 and states that the provision for new waste management capacity should take account of the need to meet targets for recycling and composting, recovery and disposal. The policies for waste are W1 and W2.

• Policy W1 covers the provision of waste facilities to meet indicative capacity allocations.

• Policy W2 takes into account the waste hierarchy and the spatial and locational aspects of providing waste facilities

Development Plan Documents
5.6 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 Review, Adopted November 2005, have been taken into account with particular regard being had to the following policies:

**Gloucestershire Structure Plan Second Review Adopted Plan**

5.7 **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.”

5.8 **Policy WM.2** states that “…Secondary [waste management] facilities should be appropriately located in other parts of the county to serve the primary facilities…” and provides that consideration be taken of how proposal contribute towards an integrated waste management system; the transportation of waste; amenity; reclamation and aftercare; impact upon landscape, nature conservation and archaeology and impact on natural resources.

5.9 **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.

5.10 **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.”

5.11 **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.

5.12 **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.
5.13 **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.”

Following the publication of Planning Policy Statement 10 (Sustainable Waste Management) There is no formal requirement for applicants to undertake a BPEO analysis. However proposals should be fully consistent with PPS10, and as such many of the aspects of BPEO analysis will still be need to be demonstrated. The analysis or ‘test’ required of applicants is a test against the key planning objectives of PPS10 with the aim of achieving sustainable waste management.

5.14 **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.

5.15 **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.”

5.16 **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.

5.17 **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.”
5.18 **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”.

5.19 **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.

5.20 **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.”

5.21 **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.

5.22 **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.

5.23 **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.”

5.24 **Policy 41 – Public Rights of Way** – states “Proposals for waste development should include, where appropriate, proposals to create new public rights of way and should safeguard existing public rights of way by incorporating measures to segregate or divert them, prior to commencing development....”

Forest of Dean District Local Plan, Review Adopted November 2005
5.25 **Policy (R)F.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.”

5.26 **Policy (R)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.”

6.0 **REPRESENTATIONS**

6.1 A site notice was erected on 1st December 2006 and expired on 28th December 2006. A newspaper advert was placed in a locally circulating newspaper on 7th December 2006. Near neighbour notification letters were sent to properties in the vicinity of the site.

6.2 As a result of the publicity one letter of representation has been received from a near neighbour to the site whom states “The smell of this compost has been terrible, you had to close the windows to keep the smell out of the house. People visiting say ‘what’s that awful smell?’. Plus we have had more flies than usual.”

7.0 **CONSULTATIONS**

7.1 **Forest of Dean District Council** – Whilst the District Council acknowledge that the proposal involves the extension of an existing facility, they remain concerned that the location is not suitable and therefore object to the proposal which is located in open countryside divorced from any settlements.

7.2 **Dymock Parish Council** – no response at the time of writing the report.

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

1. No part of the development shall commence until Public Footpath QDY 27 has been diverted onto a new route that will not be obstructed by the development, all in accordance with details which shall have been
submitted to and approved in writing beforehand by the Head of Planning. The new route of the path shall then be kept free from obstruction thereafter.

**REASON:** The Public Footpath passes through parts of the site on which structures are to be erected as part of the development. Provision for its diversion must therefore be made in accordance with Policy 41 of The Waste local plan.

**NOTE:** The formal public footpath through the farmyard is already partially obstructed and diversion will probably be necessary under s.116 of the Highways Act 1980. It is a criminal offence for the path to be obstructed before the necessary diversion order has been obtained.

2. 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. There shall be no retail sales of compost from the site.

**REASON:** To define the scope of the application and to control the number and type of vehicle movements in the interests of highway safety and to accord with policy 40 of the Waste Local Plan.

3. Impose the usual limit on production in accordance with the application and require records to be kept in order to limit the application to that described in the TA. I note that the application is for 25,000 tonnes per annum and suggest that it also be restricted to 3,000 tonnes/month.

4. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent materials being deposited on the highway.

**REASON:** In the interests of highway safety and to prevent mud and detritus getting on the highway.

**NOTE:** In the interests of highway safety, the public footpath must not be obstructed or encroached upon, the surface damaged or made dangerous during or after works.

7.4 **The Environment Agency** – do not object to the proposal.

7.5 **The State Veterinary Service** – do not object to the proposal stating “No one may use a composting plant for the disposal of animal by-products unless the plant is approved for that use in the above Regulations (Regulation (EC) No. 1774/2002 of the European Parliament of the Council laying down health rules concerning animal by-products not intended for human consumption. The Animal By-Products Regulations 2005). This means that Rose Hill Recycling require an approval under the above regulations to compost animal by-products. This approval is in addition to and separate from any planning approval granted by your department. Any application received by this...
7.6 Natural England – Based on the information provided has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The reason for this view is that they consider that the proposal:

- Will not have a significant effect on the interest features of any Sites of Special Scientific Interest in the vicinity
- Are not aware that any legally protected species are likely to be adversely affected by the proposal.

However if any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of circular 06/2005. **If the application is amended with this additional information, Natural England should be re-consulted for a further 21 days in accordance with circular 08/2005.** The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system. Paragraph 98 of the Circular states that “the presence of a protected species is a **material consideration** when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.”

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

8.0 OBSERVATIONS OF THE HEAD OF PLANNING

8.1 Archaeology - The County Archaeologist has no observations concerning the planning application.

8.2 Landscaping – The buildings of Rose Hill Farm already constitute a considerable building mass. Sat on a rise above a loop in Preston Brook to the north of the B4215 road, it comprises the original brick farm house with, behind and to the sides a range of some 9 large concrete block and dark green metal clad barns approximately 8m to the ridgeline. Planning permission was granted in 2004 for the current composting operation.

The existing farm complex lies on the western side of a gently sloping ridge between the Preston Brook and River Leadon; the land rising from 35m AOD at the road to 45m AOD at the back of the farm and to approx. 70m AOD to the north. The existing landscape is arable and pasture with significant areas of old and new orchard planting.
There are relatively few properties overlooking the site, those to the north at Tillputschend Cott, having the more open views looking down onto the site. There is an extensive network of footpaths in the area including part of the circular Poets Path 2 route. The footpaths offer the main public viewpoint and are less than 50m from the buildings at their closest. There are views of the buildings from the B4215 though these are generally oblique.

The application provided a comprehensive support statement including a Landscape and Visual Impact Assessment. We would not disagree with its assessment of the visual impact as being low for the majority of receptors and the new buildings in keeping with those existing. As the report notes, the visual impact will be greatest for those using the footpaths on the eastern side of the buildings, including those on the Poets Path 2 however, for those using these paths, the existing views already include a substantial grouping of farm buildings and operations within the immediate influence and, as such, the context of the views will not change significantly.

Whilst the impact would have been lessened by grouping the reception building with the existing barns, it is understood that public health legislation requires the separation shown. This will increase the spread of the farm buildings complex in views from the south and north but in most views will be seen obliquely against or behind the existing barns.

There will be an increase in the movement of vehicles. In the context of the submitted figures this should not be significant however this may need to be reassessed if the disposal of compost changes significantly from on-farm to off site sales.

The proposed mitigation includes higher bunding, new orchard planting and new hedgerow planting. Subject to detail this should provide an appropriate level of visual mitigation without significantly changing the landscape character of the area.

There will be no significant impact on the existing landscape. The work will involve the loss of one row of cider trees on the east as a result of the bund being moved over, however these are recent plantings and could be transplanted. The loss of orchard area is relatively insignificant within the context of the overall farm holding. Increasing the height of the bunds will result in the loss, as a result of the construction works, of some pasture but this will be replaced once the bunds are complete and reseeded.

8.3 Ecology – The County Ecologist has reviewed the supporting information to the application (dated November 2006) and notes that:

- “Young trees removed from the extension area will be replanted on the NW boundary (paragraph 6.35).
- A hedge is to be planted along the SE boundary, alongside offices and reception hall (paragraph 6.35)
The overall impact of this proposal on biodiversity is considered to be neutral. A landscaping scheme will be required as a condition to cover details of tree translocation, hedge planting and grass establishment on new bund. Done well, there could be some small gains for biodiversity in the long-term."

Planning

8.4 The proposal is for an extension of the existing open windrow composting operations to include in-vessel composting for the composting of green and kitchen wastes and ancillary operations at Rose Hill Farm.

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

Appropriate Location and Scale

8.6 Paragraph 5.40 of the Gloucestershire Waste Local Plan supports proposals for composting at locations where the composted materials are to be utilised on the site, taking account of the quality of the compost which is being produced, with paragraph 5.41 supporting on-farm composting also where the compost is to be utilised on that site. The site is an existing on-farm composting facility, which currently composes up to 15,000 tonnes per annum of mainly green and grey cardboard wastes arising from the Forest of Dean’s kerbside collection scheme in open windrows at the site. The proposal will be an extension to the current operations on site, providing the opportunity to extend the kerbside collection scheme to include the collection of kitchen wastes. The proposal involves the construction of a large reception building and concrete tunnels for the composting of the wastes, however the building will be of a similar scale and design to existing buildings on the site used for agricultural purposes and the tunnels will be largely screened by bunding. The operations involve the increase of the throughput of the site by 10,000 tonnes per annum to make the facility’s total operating capacity 25,000 tonnes per annum in total. The majority of the compost is still to be applied to the farmland forming part of Rose Hill Farm. The proposal is considered to therefore accord with the criteria.

Use of existing hard standing and buildings

8.7 Paragraph 5.41 of the Waste Local Plan also supports proposals whereby existing areas of hard standing or buildings are used and this proposal, being a variation 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

8.8 Paragraph 5.41 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 variations to the permission would lead to an increased amount of compost produced. This in turn would lead to an increased amount of composted material 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, and is looking at obtaining further DEFRA funding for the extension of the operations now applied for.

8.9 As the majority of compost is still 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 or the County Highways representative with respect to this aspect of the proposed development.

8.10 With regards to the issue of traffic, highway safety and sustainability in terms of the sites location, as part of the original application for the existing facility, the applicant 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. This included the advisory standoff distances from such sites to the nearest third party sensitive receptors of 250m required by the Environment Agency and the necessary facilities for the efficient operation of the site including; a weighbridge; areas 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.

8.11 All of these issues are still pertinent to the proposal now being considered, and have to be taken into account, along with the fact that the site is now a well-established and well run facility, the waste will be coming from the same source as at present in the form of an extension to the Forest of Dean District Council recycling scheme to include kitchen wastes (with the application being supported by the Forest of Dean District Council as Waste Collection Authority in this regard), along with the benefits of the utilisation of the composted material upon the farmland belonging to Rose Hill Farm.

8.12 The objection of the Forest of Dean District Council as Local Planning Authority with regards to the location of the site being unsustainable has to be assessed against this context, and it is considered that taking the above into account, the location is appropriate for the development now being proposed. The County Highways Representative has 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.
8.13 There has been one representation received from a member of the public who has objections to the proposal around the issues of odour, the attraction of flies and vermin, and potential for an increase in traffic movements.

8.14 In relation to odour, good management of the site will ensure odours are kept to a minimum. Whilst mention is made of odours currently arising from the site, the County Council have not received any complaints regarding the facility to date, and the site is operated with excellent management of both the site and process, with the applicant also having undertaken professional examinations in respect of running waste management facilities obtaining a ‘Certificate of Technical Competence’ to level 4 in Waste Management Operations from the Waste Management Industry Training and Advisory Board (WAMITAB). The objector lives some 1.5 kilometres from the site. The proposed operations will also require good management, due to the change in the nature of the waste. All of the initial stages of the processing of the mixed waste will be undertaken internally within and an enclosed environment. The reception shed where the waste will be delivered is fitted with a rapid closing door and the waste will be delivered in enclosed containers. The air passed through the waste to assist in the composting process is then passed through a bio-filter to remove any potential odorous elements. With these measures in place, and with good site management, the potential for odour to become a nuisance is significantly reduced.

8.15 With regards to vermin being attracted to the site, again, good site management should minimise any potential issues associated with vermin, in addition to the operations primarily being in an enclosed environment.

8.16 With regards to an increase in traffic movements, the proposal will inevitably lead to an increase, due to the increase in the amount of waste to be processed at the facility. However, the increase in waste is due to the addition of kitchen wastes to the Forest of Deans existing kerbside collection, and therefore should lead to a decrease of wastes being taken to landfill currently in Gloucester, and thereby an overall decrease in vehicular mileage over which the waste travels. Considering the advice of the County Highways representative and with the use of conditions, the number of movements can be controlled and the impact of these above the current operations is considered negligible.

8.17 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. This proposal has been widely consulted upon and there are concerns raised by the District Council and one objection from a resident. 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.
Conclusion and Summary Reason for Grant of Planning Permission

8.18 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 41 and the Forest of Dean District Local Plan Review 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, noise, and odour no reason can be seen to refuse the application.

9.0 RECOMMENDATION

9.1 On balance, taking careful consideration of all the issues involved, it is recommended that planning permission be GRANTED for the reasons set out in this report and summarised in paragraph 8.18, and subject to the following conditions:

Conditions

Commencement

1. The development hereby approved shall commence 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 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

Working Programme

2. This planning permission shall only relate to the site edged red on drawing number RF0009b (dated 11-10-06) (‘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 waste:
   0700 to 2000 hours Monday to Friday.
   0730 to 1800 hours Saturday
   0800 to 1300 hours Sundays and Statutory Bank Holidays.

   For the Shredding, Screening and Turning of Windrows Externally:
   0800 to 1800 hours Monday to Friday
   0800 to 1200 hours Saturdays.
   Materials will not be screened or shredded or windrows turned externally 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
   25,000 tonnes per calendar year (January to December) of which there shall
   be no more than 3500 tonnes per calendar month imported into the Site
   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. The total amount of composted material exported from the site shall not
   exceed 2000 tonnes per calendar year (January to December) of which there
   shall be no more than 300 tonnes per calendar month exported from the Site.
   The material shall not be exported in loads of less than 1 tonne, unless
   otherwise agreed in writing with 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.

6. From the date of this permission the operators shall maintain records of their
   monthly importation and exportation 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.

7. No material other than that to be composted at the site, including green
   garden and park’s waste, grey cardboard waste, non hazardous liquid sugar
   waste, apple pumice and apple green waste and kitchen waste (including food
   manufacturing/retailing wastes falling under the definition of ‘Category 3’ of
the Animal By Products Regulations [ABPR] 2003) shall be imported to the site.

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

8. The heights of any stockpiled, deposited or windrowed waste whether in a processed or unprocessed state or any composted materials shall not exceed 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.

9. All doors in the reception building shall only be opened to allow for personnel to access and egress the building and to allow for vehicles to enter or exit. At all other times doors shall remain closed, except in the case of an emergency.

**Reason:** To protect the amenities of the locality from the effects of odour arising from the development in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

10. There shall be no storage of any unprocessed kitchen waste materials outside the reception building.

**Reason:** To protect the amenities of the locality from the effects of odour arising from the development in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

**Traffic, Transport and Highway Safety**

11. No composted material shall be exported from the site other than that to be utilised on land within the same ownership or control as the site and which lies within a radius of 6km measured from the boundary of the site, or that referred to in condition 5 of this permission, unless otherwise agreed in advance and in writing by the Waste Planning Authority.

**Reason:** To define the scope of the planning permission in the interests of the amenity of the area (in particular the effect on the environment and the local transport network) in accordance with Policies 37 and 40 of the Gloucestershire Waste Local Plan.

12. The site shall not accept waste direct from individual members of the public and no direct public sales shall be carried out from the site in association with the development hereby approved.

**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.
13. No part of the development shall commence until Public Footpath QDY 27 has been diverted onto a new route that will not be obstructed by the development, all in accordance with details which shall have been submitted to and approved in writing beforehand by the Waste Planning Authority. The new route of the path shall then be kept free from obstruction thereafter.

**REASON:** The Public Footpath passes through parts of the site on which structures are to be erected as part of the development. Provision for its diversion must therefore be made in accordance with Policy 41 of the Gloucestershire Waste Local Plan.

14. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent materials being deposited on the highway.

**REASON:** In the interests of highway safety and to prevent mud and detritus getting on the highway in accordance with policy 40 of the Gloucestershire Waste Local Plan.

**Noise**

15. 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.

16. The earth bund shall be constructed as indicated on plans RF0009b dated 11-10-06, RHF – PL1(r2) and RHF – PL2(r2) both dated 07/11/2006 and shall be maintained as such 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.

**Landscaping**

17. Should any trees, shrubs or seeding forming part of the landscaping scheme approved by the Waste Planning Authority under condition 15 of permission DF/4279/G, other than those to be removed as part of the development hereby permitted, 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. The formal public footpath through the farmyard is already partially obstructed and diversion will probably be necessary under s.116 of the Highways Act 1980. It is a criminal offence for the path to be obstructed before the necessary diversion order has been obtained.

3. 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.

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.

6. No one may use a composting plant for the disposal of animal by-products unless the plant is approved for that use in the above regulations (Regulation (EC) No. 1774/2002 of the European Parliament of the Council laying down health rules concerning animal by-products not intended for human consumption. The Animal By-Products Regulations 2005). This means that Rose Hill Recycling require an approval under the above regulations to compost animal by-products. This approval is in addition to and separate from any planning approval granted. Any application received by this department for approval under the Animal By-Products Regulations 2005 will be assessed on its merits, and full approval will only be granted when approval conditions are met in full.

BACKGROUND PAPERS:
Planning Application Forms and accompanying plans and supporting statement including landscape assessment.
Planning Application File DF/4279/E
Planning Application File DF/4279/G
Planning Application File DF/4279/H
**Consultation Responses**

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

Gillian Parkinson, Legal Services  
Gloucester 425212

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| **Time taken (to committee)**     | 10 weeks 4 days   |