

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

10 November 2014

Report of the Strategic Director – Economy, Jobs and Environment

1 PROPOSED GREEN WASTE COMPOSTING, STORAGE AND PROCESSING FACILITY TO BE LOCATED WITHIN AREA PREVIOUSLY APPROVED FOR RECYCLING AT BIRCH VALE QUARRY, BIRCH VALE, NEW MILLS
APPLICANT: P CASEY ENVIRO LTD
CODE NO: CW1/0514/23

1.778.18

Introductory Summary The proposal seeks to undertake green waste composting within the site of the approved waste recycling facility situated adjacent to the Arden Landfill site. The facility would process the small quantity of green wastes, which are currently taken to and disposed at the landfill, in order to produce compost for use in the restoration of the site. The diversion of waste from landfill and securing another use of that waste is considered to fulfil Government policy on managing waste in a sustainable manner. The current application is an amended version of a previous application and, subject to the controls incorporated into the recommended conditions, it would now enable the operation to take place without any significant adverse impacts on local amenity. Accordingly, the proposal accords with the provisions of the development plan and is recommended for approval.

(1) **Purpose of the Report** To enable the Committee to determine the planning application.

(2) **Information and Analysis**

Background Information

Birch Vale Quarry is situated off Oven Hill Road between New Mills and Hayfield, and, together with Arden Quarry, forms a large complex of former quarry working. Arden Quarry, which occupies the south-west section of the complex, is used as a licensed landfill site by the current applicant. Quarry activity in Birch Vale Quarry was most recently concentrated in the area lying immediately to the west of the landfill area, which includes the application site. Mineral extraction has now ceased at the quarry and no extant mineral

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planning permissions remain. The application site, which has a surface area of 1.3 hectares (ha), would be located immediately to the east of the existing landfill site, set on a stone shelf created by former quarrying operations. The green waste facility is proposed to operate in conjunction with the existing recycling facility at this location, which was approved by this Authority in April 2010 under planning permission CW1/0110/190, (Minute No. 57/10 refers).

The nearest residential properties are to the north and north-west on Morland Road, Oven Hill Road and the A6015 (New Mills/Hayfield Road). A number of isolated properties are also located to the south of the quarry complex. Access to the facility would be via the main landfill site access off Oven Hill Road and from there via an existing internal haul road.

Planning History

The histories of both Birch Vale Quarry and Arden Quarry are lengthy and complex. Those planning permissions which are pertinent to the current proposal are:

- NEM/1170/4 for the 'proposed refilling of gritstone quarries at Oven Hill Road, Birch Vale, New Mills' which was granted on 19 May 1971;
- CW1/0110/190 for a facility for the recycling of soils, construction, demolition and excavation waste, and ash materials, for use as a restoration materials for the adjacent landfill site which was granted in April 2010.

A previous application CW1/0512/15, dated 18 May 2012, to establish green waste processing at the existing recycling facility which was developed under permission CW1/0110/190, was withdrawn shortly before it was due to be determined. A copy of the report to Committee on that application, which included reasons for refusal of that application, is attached as an appendix.

Since mid-2011, Arden Quarry Landfill site has generated significant numbers of complaints about odour emissions. These have been the subject of investigation by the Environment Agency and by members of this Authority's Monitoring and Enforcement team. More recently, the matter has also been the subject of investigation by Public Health England in cooperation with the Environment Agency. In response, the Environment Agency issued an improvement notice which required the operator to undertake remedial works to the completed waste disposal cell areas, including works to improve the gas collection system. I can confirm that the Environment Agency was satisfied that these works resulted in a significant reduction in odour emissions from the site with a corresponding reduction in the number of complaints.

Proposed Development

The application proposes the creation of an open-air green waste storage and composting facility to be undertaken within the area of the existing recycling

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facility. It is intended to provide a composted material which would be mixed with the recycled soils generated from the existing facility and would be used to provide a material for use in the restoration of the Arden Quarry Landfill site adjacent. The permission under NEM/1170/4 contains a condition which includes the requirement for progressive coverage of the finished surface of the tipped waste with “a layer of material capable in nature and thickness of supporting vegetation, prior to progressive seeding with a suitable lay”.

The facility would manage up to 2,000 tonnes of green waste per annum which would be diverted from the existing waste deliveries to the landfill site. The green waste would consist of garden and park waste, and site clearance vegetation, such as bushes, hedging and small trees. The application states that it would not receive and process putrescible food waste or animal slurries. On arrival at the facility, the green waste would be placed in a dedicated feedstock pile for sorting and shredding prior to placement in windrows. The application states that the windrows would be turned on a regular basis in order to provide the aeration necessary for successful composting. It is anticipated that the compost process would take approximately 12 - 16 weeks, after which the material would be removed from the windrow for mixing with recycled soils. The applicant estimates that the facility would generate about 1,800 tonnes of compost each year.

The application states that the site would be lined with a plastic liner and covered with 300mm of graded hardcore which would then be compacted to create the processing pad. A 1 metre high bund, made from clay, would be built around the site boundary. A drainage ditch/sump would also be provided on the northern and western edges of the site to intercept any water. All water collected by this system would be utilised in site operations.

Vehicular movements associated with the transport of green waste to the site are expected to average 2 per day (1 in and 1 out), although the applications states that as this would involve material that is already brought to the landfill site it would be vehicles currently visiting the landfill site and not additional traffic. All vehicle movements to and from the site would use the existing landfill access off Oven Hill Road.

The proposed hours of operation would be similar to the existing recycling facility; that is Monday to Friday 0700 hours to 1800 hours and Saturday 0700 hour to 1300 hours.

Consultations

Local Member

Following the notification of this application, of concerns have been expressed about public health in relation to the Arden Landfill site, although they do not necessarily relate particularly to this proposal. In this connection, Councillor

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Atkins and a local resident submitted a briefing paper in June 2014 concerning the alleged health implications from the Arden Landfill site and the role of the Environment Agency and Public Health England in protecting the health of the public. The paper was also distributed to Government departments and local and national media. In summary, the paper stated that:

- *“There are poisonous gases emitted from Arden Quarry which could be spread to receptors over a considerable area. The ill effects of the odourous and possibly odourless gases are well reported by residents. Quality of life is severely affected for some sensitive receptors.*
- *The Environment Agency has failed to report incidents to Public Health England, as is their duty to comply with the Environment Agency’s instruction as published in ‘Notifying environmental incidents affecting human health to Public Health England’, Operational Instruction 137-07, issued 02/04/2013. (This failure to report has been confirmed by information obtained under FOI from Public Health England).*
- *The Environment Agency has condoned the practice of giving complainants the option of reporting incidents directly to the Operator. This in turn means that the incidents would not reach Public Health England.*
- *Public Health England has not, therefore, had the required data from the Environment Agency to pass on incidents to the Health Authority.*
- *The Health Authority has denied that there are any health problems in the area from the emission of toxic gasses as they have not been informed by Public Health England of such.*
- *The operators, P.Casey and Co Ltd., have re-submitted a planning application to install an engine on site and to receive ‘green’ waste in addition to their current waste activity. There are legitimate concerns that the additional odours and the spread of bioaerosols such as aspergillus fumigatus, which can cause respiratory problems. It should be noted that there are people living as close as 180 metres from the landfill. There is already a green waste facility in Buxton.”*

Comment Most of these issues relate to problems arising from the operation of the landfill site in 2012 and 2013, and are not directly relevant to the current planning application. The comments, however, do indicate the scale and nature of recent problems experienced in the area from the operation of the landfill site and the cause for concern by local residents about the prospect of additional waste management activities being allowed on the site.

In order to address these concerns, representatives of the Environment Agency and Public Health England attended the Arden Landfill Local Liaison meeting on 22 July 2014 and, in advance, the Environment Agency prepared a formal response. This provided a detailed and candid history of the problems experienced at the site which was determined to relate to poor landfill gas control and containment. The note identifies the action taken by

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the Environment Agency, including prosecution of the operator in November 2012 and the remedial works that were required. As a result of the improvements made by the operator, the Environment Agency confirm that there is now a significantly improved level of compliance with the Permit requirements and has reclassified the operator as a good performer which has resulted in a substantial decline in the number of recent complaints.

The Environment Agency states that it took a very rigorous approach with the operator and committed a significant level of resources to the matter. The Agency also confirms that it followed the proper procedures regarding the notification of incidents to Public Health England. The response refers to the report "Impact on Health Emissions from Landfill Sites" (RCE-18) published by the Health Protection Agency in 2011 (former name of Public Health England) which concluded that there is little cause for concern for those living nearby to a well-managed site. The Environment Agency acknowledged that the Arden site was not well-managed at the time so took appropriate action. The response refers to the additional monitoring that was undertaken to which Bruce Lawrence, DPH Derbyshire was satisfied that the odour impact was unlikely to have an adverse health impact in August 2012.

High Peak Borough Council

The Borough Council Environmental Health Officer (EHO) noted that the Environment Agency would be the appropriate permitting authority for this type of development. The EHO indicated that he had no objection to the proposal based on the separation distances quoted in the planning application documents subject to the approval and implementation of appropriate windrow and odour management plans, and to a condition to limit the types of waste managed at the site. On the basis of the above, and provided that the County Council is satisfied that the proposal would not result in undue harm to neighbouring properties from noise and pollution, the Borough Council confirmed it did not wish to raise any objection.

Hayfield Parish Council

The Parish Council stated that it wanted to maintain the objections to the previous, similar application. The Council expressed the opinion that insufficient information has been provided to enable a proper assessment of the potential impact of the proposal in terms of the type of gases to be released, the impact on the area and surrounding people and also on the type of green waste that would be processed at the site. The Council indicated that these concerns were heightened by the apparent failure of the applicant to operate the landfill site properly, as evidenced by previous records, and also questioned the need for the facility now that a green waste composting facility was available at Waterswallows.

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Environment Agency

The Environment Agency stated that it had no objection but informed that the Arden Quarry Landfill site is a Site of High Public Interest due to the impact it was having on the local community in 2012 and early 2013. The Agency added that those problems had now been resolved but anticipated that any proposal for additional waste management activities at the site would be likely to cause concern to the local community. The Agency noted that the proposal would require an additional environmental permit which would be formulated, if approved, to ensure that it provided measures to control the creation and emission of odours, although the type of wastes proposed to be managed at the site was restricted to non-odorous varieties.

Public Health England (PHE)

PHE indicated that its response took account of important factors such as the distance of the site to the nearest residential property (250 to 280 metres to Moorlands Road and 500 metres to New Mills Road), the direction of the prevailing wind, and that the development would not result in an increase in vehicle movements to and from the site.

PHE indicated that current evidence indicates that levels of bioaerosols generally return to background levels within 250 metres of a waste management site, although the naturally occurring background levels vary greatly from area to area. With regard to this proposal, PHE indicated that it did not have any concerns about it raising any health implications for the local community, subject to the applicant implementing the control measures identified in the application and operating in accordance with the controls listed in any permit issued by the Environment Agency.

Publicity

The application was advertised in the local press and by site notices with a request for observations by 7 July 2014. Some respondents have raised concern that a significant number of local objections would not be taken into consideration as many respondents to the previous application would not be aware that they would have to resubmit their objections to the current application. In order that members have a complete picture of the extent of local concerns I wish to report that in response to the previous application (CW1/0512/15) we received 77 individual letters of objection, 81 individuals signed a pro forma published in a local newspaper and 1 petition with 410 signatures.

In response to the current application 17 letters and emails have been received from local residents and the local Member of Parliament Andrew Bingham, all objecting to the proposal.

The main points of concern and grounds for objection to the previous planning application were:

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- inability of the applicant to effectively control odour impacts associated with the landfill site;
- the application should not be considered until the odour problems at the landfill site have been resolved;
- the development would result in the generation of odour impacts over and above those generated by the landfill site;
- the green waste would have the potential to include food and animal wastes;
- the development would exacerbate the deterioration of the local highway network;
- alternative means of restoring the site should be considered;
- any permission should be for a limited, temporary period only;
- even a short term permission would be inappropriate as it would conflict with the 'precautionary principle' embedded in the Waste Framework Directive;
- the site is too close to residential properties;
- insufficient information has been provided regarding noise impacts/pollution associated with surface water drainage;
- concern about the general creep of development at the site;
- the application would set an unfortunate precedent for future development at the site;
- the development would adversely affect property values in the area;
- that the screening opinion by the Waste Planning Authority in relation to the original application was incorrect and an Environmental Impact Assessment should have been required;
- the development would lead to an increased potential for the predation of ground nesting birds by jackdaw as a result of the importation and composting of food wastes; and
- the application does not sufficiently demonstrate that there is a need for the development in this location.

The observations submitted to the current planning application repeated these concerns and objections. In addition, the representations on the current planning application included the following concerns:

- That the new application does not confirm that the material would be composted to a suitable standard and was no longer waste.
- That the site area is still too small.
- That the need for the compost material for use in the restoration of the site is questionable.
- That it is questionable whether it would genuinely divert 2,000 tonnes of waste per year away from landfill.
- That the failure of applicant/operator to adhere to good practice procedures on the landfill site raises doubt about how they would operate the compost facility.

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- That there is potential for the facility to affect the health of local residents.
- That it is alleged that the Environment Agency has not adhered to its remit and has failed to control the operation of the landfill site resulting in odour, gas and bioaerosol emissions from the site which has affected the health of local residents, and that the current proposal would add to these problems.

Where they relate to material planning considerations, these issues are addressed in the “Planning Considerations” Section below. Issues such as the alleged impact on property values are not a material planning consideration. Likewise, the concerns raised about the Environment Agency are not matters which can affect the assessment of this planning application. Some objectors have raised concerns about the potential impacts of the facility handling food waste and animal slurries but it is stated that these types of green waste will not be received and processed at the site and therefore the application has to be assessed on the basis of the submitted details.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (DDWLP) adopted in April 2005 and the saved policies of the High Peak Local Plan (HPLP). The National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) the Waste Management Plan for England December 2013 (WMPE) and the National Planning Policy for Waste (NPPW) are material policy considerations.

National Planning Policy Framework

The NPPF provides guidance on determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined as such but is said to have economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

National Planning Practice Guidance

The NPPG does not contain specific waste policies, but it does repeat the message of the NPPF that the main purpose of the planning system is to deliver sustainable development to support the needs of society. It does,

however, provide practical guidance on many potential environmental impacts, such as noise and dust impacts, which are of relevance to this proposal.

Waste Management Plan for England, December 2013

The Plan sets the agenda for working towards a more sustainable and efficient approach to resource use and management. It provides an analysis of the current waste management situation in England and evaluates how it will support the implementation of the objectives and provisions of the Waste Framework Directive.

National Planning Policy for Waste, October 2014 (NPPW)

This document sets out detailed waste policies and should be read in conjunction with the NPPF and the WMPE. It is intended to support the main objective of the WMPE as referred to above. It states that local waste plans should ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that local planning authorities need to ensure there are sufficient opportunities to meet the identified needs of the area.

When assessing the suitability of sites for waste management uses, it advises that account should be taken of the physical and environmental constraints on development, including existing and proposed neighbouring land uses and the cumulative impact of waste facilities, although it does advocate the co-location of facilities where appropriate. It states that when assessing planning applications waste planning authorities should consider the likely impact on the local environment and amenity using the criteria set out in the document. It further advises that account should be taken of the advice of the appropriate body concerning the potential impact on health and that they should ensure that facilities are well designed so that they contribute positively to the character and quality of the area in which they are located.

Derby and Derbyshire Waste Local Plan (DDWLP)

The most relevant policies of the DDWLP are:

W1b: Need for the Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impact.

High Peak Local Plan (HPLP)

The saved policies of the HPLP which are relevant to this proposal are:

GD4: Character, Form and Design.

GD5: Amenity.

OC1: Countryside Development.

OC4: Landscape, Character and Design.

OC8: Sites of Importance for Nature Conservation.

TR4: Traffic Management.

Assessment of the Proposal

This is a proposal for an additional waste management operation in the form of open windrow composting, to be co-located at an existing, small scale recycling/processing facility situated adjacent to a landfill site. The stated purpose of the existing facility and the proposed composting activity is to provide materials for use in the restoration of the landfill site. In essence, the application is very similar to CW1/0512/15 which was to be reported to Regulatory – Planning Committee on 11 November 2013 but was withdrawn prior to the meeting. The Officer's Recommendation on that application was for refusal on the grounds that a) it was not possible to determine that the proposed composting would be sufficient to enable the material to no longer be classified as waste, b) that insufficient information had been provided to enable a reasonably accurate assessment of the potential cumulative impacts of odours on the nearest sensitive receptors, and, c) that the proposed site was too small to successfully accommodate all stages of the composting process, particularly for the quantities of material proposed.

In general, the previous application was considered to have some merit in terms of the provisions of the development plan and other material considerations. On the basis that the green waste was already being delivered to the landfill site, it was considered that the proposal would divert waste away from disposal and move the waste up the waste hierarchy in compliance with PPS10. It was also concluded that it would comply with Policy W1b of the DDWLP as it would help to cater for the needs of the local area, in terms of quantity, variety and quality as part of an integrated approach to waste management. In terms of need and the capacity provided by other existing facilities it was noted that there was a green waste processing facility at Waterswallows near Buxton (managing green and food waste from municipal kerbside collections) and a garden waste transfer facility at Melandra near Glossop. Due to the lack of detailed information about the scale of arisings in the local area, it was not able to determine whether or not there was a particular shortfall in capacity. Support for the proposal came from the fact that it would be co-located with an existing landfill site and that it would enable streams of waste, which are currently disposed by landfilling at the site, to be recycled and reused as a restoration material.

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At the time of the previous application it was stated in the application that the main source of green waste material would be from local waste transfer stations but it was reported at the time that green waste from these facilities was no longer taken to the landfill site. The current application does not specify the source of waste and whilst confirmation of the source could help resolve the proximity principle element of the sustainability credentials of the proposal, it remains the case that it does not constitute grounds for refusal. It is possible that the applicant could acquire this material from elsewhere within the locality.

The location of the proposal in the countryside was not considered to be unacceptable as the development would take place within a large, previously worked quarry, and would be adjacent to and associated with a long established landfill site. The permission is tied to the operation and restoration of the landfill as the existence of the quarry in itself does not give local and justification for a permanent waste facility. However, in addition, a countryside location was not considered to be unacceptable in principle for this type of non-permanent facility for which there were recognised benefits arising from a greater separation from other developments.

The potential of the proposal to generate a range of environmental impacts was noted but in view of the scale, nature and location of the development and its association with the existing landfill facility, it was concluded that it would not generate unacceptable impacts by way of visual intrusion, vehicular movements, ecological interests, noise and dust, the water environment or bioaerosol emissions.

The policy and guidance provided by PPS10 has now been replaced by that in NPPW but it maintains support for and enhances the role and importance of a sustainable waste management system, and the need to move waste up the waste hierarchy. It therefore continues to provide support in principle for this proposal. Most aspects of the proposal remain as they were in the previous application and do not give rise to new issues which could affect the assessment of the proposal. The main issues to be addressed for this are those which led to the recommendation of refusal of the previous application.

The current application includes a number of significant changes from the previous one which was withdrawn. The site area to be made available within the approved recycling area for the green waste processing has been increased to a size that would enable the operation to be carried out in a satisfactory manner. The type of waste to be received and processed has been clarified and now explicitly excludes food and animal wastes. This restricts the type of wastes to those which are suitable for open air windrow composting and will reduce the potential for the adverse impacts identified in the previous report. The applicant has also confirmed that the waste would be processed to a recognised standard for compost, removing any concerns that

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it could still be classified as waste. This would allow it to be used legitimately for the restoration purposes described in the planning application. The duration of the development has also been limited to the life of the landfill site whereupon it would be removed along with all the other ancillary facilities at the site.

One of the main issues leading to the recommendation of refusal of the previous planning application was the potential for odours to adversely affect nearby properties and for these odours to have a cumulative adverse impact, together with those from the landfill site. The measures taken by the applicant to comply with the requirements stipulated by the Environment Agency have significantly reduced odour emissions from the landfill site, as confirmed by the Agency in the consultation response summarised above. The restriction of the waste types to exclude food and animal wastes would also reduce the potential for malodours from the composting operation which would also be enhanced by the increase in space which is now to be provided for the operation. Based on these changes and the advice provided by the Environment Agency and Public Health England, I no longer consider that this issue constitutes grounds for refusal. All composting processes produce some odours but I am satisfied that for a facility processing only 2,000 tonnes per year, and subject to the adoption of appropriate composting procedures, these would only be detectable close to the actual site and would not have an adverse effect on the enjoyment of properties in the neighbourhood.

In conclusion, I consider that the proposal would contribute to the provision of a sustainable waste management system for the area and would not result in any significant adverse impacts which would outweigh the benefits it would provide. It is a small scale proposal, representing an additional waste management activity to be undertaken at an existing site, which is co-located with another larger waste management facility. It would manage waste already being delivered to the site and would derive benefit and new uses from that waste, rather than continue to dispose of it in the landfill void. Accordingly, I consider it to be a proposal in compliance with the provisions of the development plan and other material considerations, and, subject to the suggested conditions, it is recommended for approval.

(3) **Financial Considerations** The correct fee of £2,535 has been received.

(4) **Legal Considerations** This is an application under Part III of the Town and Country Planning Act 1990 which falls to be determined by this Authority as Waste Planning Authority.

With regard to Human Rights under the European Convention of Human Rights, I consider that a refusal of the application would interfere with the qualified right of the owner of the site to enjoyment of his property, under

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Article 1 to Protocol 1, to the extent that the refusal prevents otherwise legitimate use of the site. However, this would be justified by the public interest in a determination of the application which is in accordance with the development plan.

(5) **Environmental Health Considerations** As contained in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File No 1.778.18
Application and supporting statement from Civitas Planning Ltd on behalf of P Casey Enviro Ltd under cover of letter dated 12 May 2014 and subsequently declared as valid on 22 May 2014.
Email from Civitas Planning Ltd dated 29 September 2014
Email from Hayfield Parish Council dated 24 June 2014.
Letter from the Environment Agency dated 2 July 2014.
Letter from High Peak Borough Council dated 28 August 2014.
Letter from Public Health England dated 22 July 2014.
Email from Councillor Atkins dated 18 June 2014.
Email from the Highways Authority dated 18 June 2014.
Letters and emails from local residents – various dates.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **granted** subject to conditions which shall be based on the following draft set of conditions:

Commencement

- 1) The development shall be commenced within three years of the date of this decision notice.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) The date of commencement shall be notified to the Waste Planning Authority within seven days of commencement.

Reason: For the avoidance of doubt and to enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

Form of Development

- 3) The form of development shall be in accordance with the details specified in the planning application from Civitas Planning Ltd, including

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the 1APP form dated 12 May 2014, the Odour and Bioaerosol Risk Assessment report 96019/62 dated September 2012, the Supplementary Supporting Statement dated May 2014 (including the Composting Management Plan and the Odour Management Plan), email from Civitias Planning Ltd dated 29 September 2014 and drawings DO56 – 801, DO56 – 802, DO56 – 803 and DO56 – 804.

For the avoidance of doubt, the volume of material to be managed at the facility shall not exceed 2,000 tonnes per year. None of the composted material shall be sold or used anywhere other than on the landfill site.

Reason: To control the form of development in the interests of the amenity of the area.

- 4) The facility shall receive and process only those green wastes specified in the Supporting Planning Statement dated May 2014. For the avoidance of doubt, this shall exclude all putrescible food wastes and animal slurries or by-products.

Reason: To exclude those waste types with the highest potential for generating odours and attracting vermin to the site, in the interests of maintaining the amenity of the area.

- 5) No composted material from the facility shall be spread on the land unless it has been processed to a standard which accords with the provisions of the Environment Agency permits granted in respect of the application site. For the purposes of this condition, the standard required shall be equivalent to PAS100 (or such standard as succeeds PAS100).

Reason: To ensure that the waste is composted to an appropriate standard to prevent material classified as waste from being spread onto or into the restored landfill site.

- 6) No development shall be commenced until a scheme, providing details of the procedures to be adopted to identify, sort, store and remove from the site waste materials which are not appropriate for composting, has been submitted to and approved in writing by the Waste Planning Authority. Thereafter, the scheme shall be implemented as approved.

Reason: To ensure appropriate measures are in place to remove from the imported wastes those materials which are not suitable for composting at this facility in the interests of maintaining the amenity of the area.

Duration of the Development

- 7) The duration of the facility shall be limited to the life of the landfill site. When the landfill site is restored, the facility shall cease and shall be removed. This includes the removal of the plastic liner, the drainage system and any other materials used at the facility.

Reason: To control the duration of the facility and prevent it from becoming a long term, free-standing facility in the interests of the amenity of the area and to enable the site to be assimilated into the surrounding quarry.

Hours of Operation

- 7) No green waste shall be imported to the site and none of the compost operations described in the application documents, referred to in Condition 3 above, shall be undertaken outside the following hours:

0700 hours to 1800 hours Monday to Friday;
0700 hours to 1300 hours Saturdays.

Reason: To control the hours of operation in the interests of the amenity of the area.

Highway and Access Requirements

- 8) The only access to and from the facility shall be that shown on drawing DO56 – 801.

Reason: To control the point of access and egress in the interests of highway safety and for the health and safety of those working on, or visiting the landfill site, or elsewhere in the quarry complex.

- 9) No mud or other deleterious material shall be carried from the site onto the public highway.

Reason: In the interests of highway safety.

Environmental Controls

- 10) No development shall be commenced until the applicant has submitted to and received the approval in writing of the Waste Planning Authority to a scheme which details the measures and mitigation measures to be adopted to control noise and dust generated by the construction and operation of the facility hereby approved. The scheme shall also include the contingency measures to be employed in the event that the management scheme fails to minimise the emission of noise and dust from the compost facility such that the operation gives rise to emissions which cause demonstrable nuisance to the users of surrounding land

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and property. Thereafter, the scheme shall be implemented as approved.

Reason: In order to limit the potential adverse impacts of the operation of the facility in the interests of the amenity of the occupiers and users of surrounding land and property.

- 11) In the event that the provisions of the Odour and Bioaerosol Management Plans submitted with the planning application dated 12 May 2014 fail to control and limit the emission of odours and bioaerosols in the manner described, the operation of the compost facility shall cease until such time as alternative control and mitigation measures have been submitted to and approved in writing by the Waste Planning Authority.

Reason: To ensure that the facility does not have an unacceptable adverse impact on the occupiers and users of surrounding land and property.

Lighting

- 12) No lighting shall be installed at the facility without the prior approval in writing of the Waste Planning Authority.

Reason: To control the use of outdoor lighting at the facility in the interests of local amenity.

Policies

The principal planning policies relevant to the determination of this planning application are:

Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W10: Cumulative Impact.

High Peak Saved Local Plan

GD4: Character, Form and Design.

OC1: Countryside Development.

OC4: Landscape, Character and Design.

GD5: Amenity.

TR4: Traffic Management.

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Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The Authority worked with the Applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full compliance with this Article. The Applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The Applicant was given clear advice as to what information would be required.

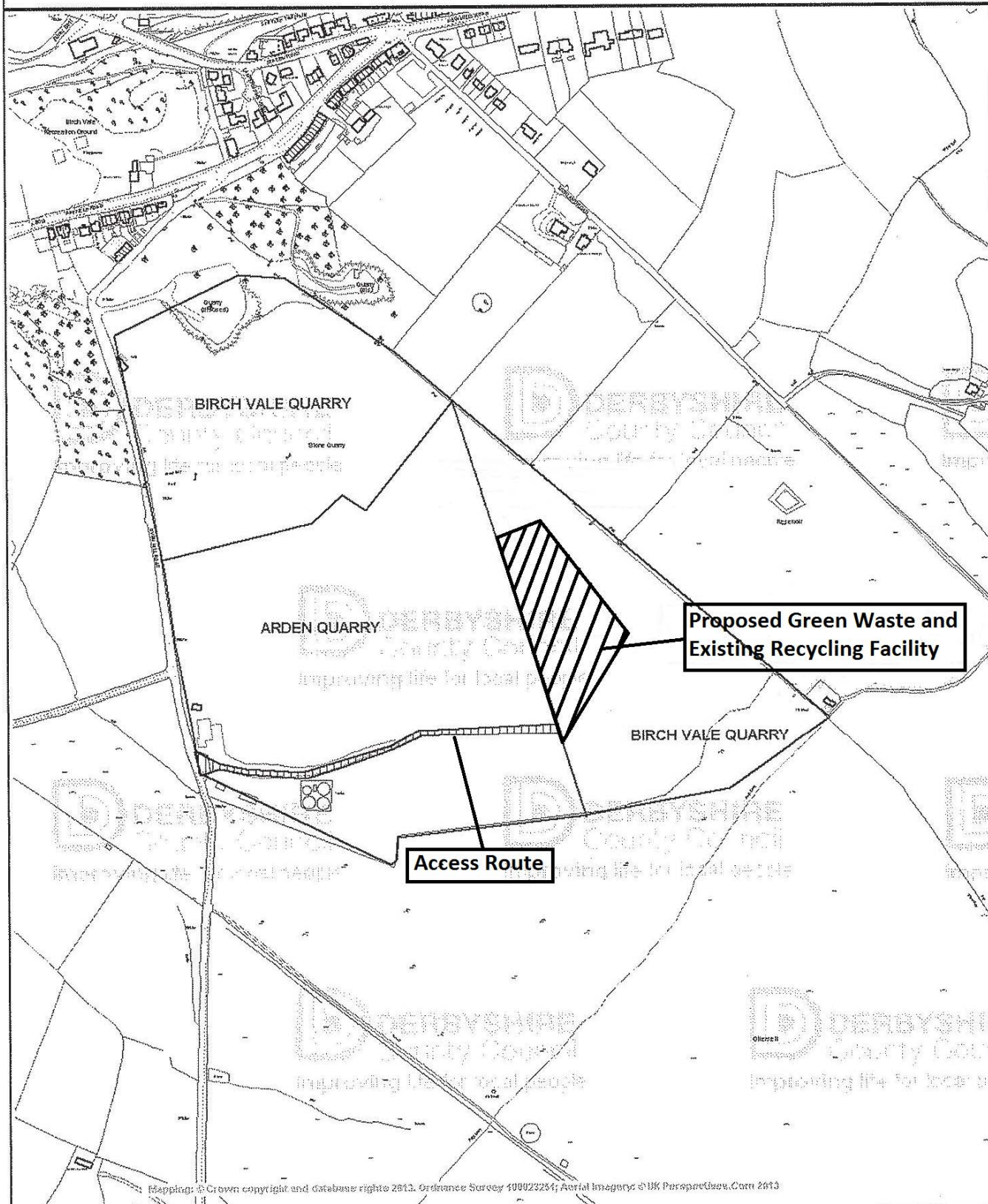
The Authority has kept the applicant up-to-date with the progress of the application and has forwarded to the Applicant consultation responses and, where necessary, requested additional information in order to clarify the form of the development.

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

Proposed Green Waste Recycling Facility, Birch Vale Quarry



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DERBYSHIRE COUNTY COUNCIL REGULATORY – PLANNING COMMITTEE

11 November 2013

Report of the Acting Strategic Director – Environmental Services

**3.2 PROPOSED FACILITY FOR THE STORAGE AND
TREATMENT OF GREEN WASTE, WITHIN THE
RECYCLING AREA APPROVED IN PERMISSION
CW1/0110/190, AT BIRCH VALE QUARRY, BIRCH VALE,
NEW MILLS
APPLICANT: P CASEY ENVIRO LTD
CODE NO: CW1/0512/15**

1.778.16

Introductory Summary The proposal is to establish a small-scale composting facility at the site. The applicant intends to use the resulting materials in the restoration of the adjacent Arden Quarry landfill site. The facility would be operated on a bunded, crushed hardcore base upon which green waste would be composted. Whilst the proposal, in principle, is in keeping with a sustainable approach to waste management, it is not considered that the site is capable of adequately accommodating the development, that the applicant has adequately demonstrated that impacts associated with odour are capable of being controlled so as to avoid unacceptable cumulative impacts, or that the end product would no longer be a waste. The application is therefore recommended for refusal.

(1) **Purpose of the Report** To enable the Committee to determine the application.

(2) **Information and Analysis** Birch Vale Quarry is situated off Oven Hill Road between New Mills and Hayfield, and, with Arden Quarry, forms part of a large complex of former quarry working. Arden Quarry, which comprises the south-west section of the complex, is used as a licensed landfill site by the current applicant. Quarrying activity in Birch Vale Quarry was most recently concentrated in the part immediately to the east of the landfill area, which includes the application site. Mineral extraction has now ceased at the quarry and no extant mineral planning permissions remain. The application site, which has a surface area of 0.095 hectare (ha), would be located immediately to the east of the existing landfill site on a stone shelf created by former quarrying operations. The green waste recycling facility is proposed to operate

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in conjunction with the recycling facility at this location, which was approved by this Authority in April 2010 under planning permission CW1/0110/190, (Minute No. 57/10 refers).

The nearest residential properties are to the north and north-west on Morland Road, Oven Hill Road and the A6015 (New Mills/Hayfield Road). A number of isolated properties are also located to the south of the quarry complex. Access to the facility would be via the main landfill site access off Oven Hill Road and from there via an existing internal haul road.

Planning History

The planning history of Birch Vale Quarry and Arden Quarry is lengthy. Those planning permissions which are relevant to the current proposals are:

- NEM/1170/4 for the 'proposed refilling of gritstone quarries at Oven Hill Road, Birch Vale, New Mills' which was granted on 19 May 1971; and
- CW1/1110/190 for a facility for the recycling of soils, construction, demolition and excavation waste, and ash materials for use as a restoration material for the adjacent landfill site which was granted in April 2010.

Since mid-2011, Arden Quarry landfill site has generated significant numbers of complaints with regard to odour. These have been the subject of investigation by the Environment Agency and by members of this Authority's Monitoring and Enforcement team. The issuing of an improvement notice from the Environment Agency has required the operators to undertake remedial works to the completed cell areas, including works to improve the gas extraction system. At the time of writing, it is understood that complaints to the agency associated with the operation of the site have again increased in volume.

The Proposal

The application proposes the creation of an open-air green waste storage and composting facility at the former Birch Vale Quarry. The facility is intended to provide a composted material which would be mixed with the recycled soils produced under planning permission CW1/0110/190, to provide a material for subsequent use in the restoration of the adjacent Arden Quarry landfill site.

Up to 2,000 tonnes of green waste per annum would be diverted to the facility from existing waste deliveries to the landfill site. Once diverted, the green waste would be placed in a dedicated feedstock stockpile for sorting and, where necessary, shredding prior to its placement in the windrow. The application says that the windrow would be turned on a regular basis in order to provide aeration and aid the composting process. The composting process is anticipated to last 16 weeks after which the material would be removed from the windrow for mixing with the recycled soils. The applicant estimates that

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approximately 1,800 tonnes of material would be produced from the process, for use as a restoration medium.

The green waste would include garden and parks waste and site clearance vegetation, such as bushes, hedging and small trees. It is not proposed that the facility would receive and process any putrescible food waste or animal slurries.

The facility would occupy an area of approximately 0.95ha within the footprint of the existing recycling site and would comprise a general processing area, a feedstock stockpiling area (measuring 8m x 11m) and a composting area (measuring 8m x 20m). Any windrows and feedstock stockpiles would have a maximum height of 2m. The facility would be located within a purpose built bunded area, the base of which would be constructed from a plastic membrane topped with approximately 300mm of compacted graded hardcore. A 1m high bund would be constructed around the facility to separate it from the wider recycling area. A drainage ditch would also be created along the northern and western edges of the site to control surface water/leachate generated by the development. Water from the ditch would be collected and recycled for use either as irrigation for the windrow or in dust suppression. Any leachate would be removed to the dedicated facility on the adjacent landfill site.

Vehicular movements associated with the transport of green waste to the site are anticipated to generate on average 2 per day (1 in/1 out) and would use the existing Arden Quarry access off Oven Hill Road.

It is proposed that the facility would operate the following hours:

Monday to Friday 0700 hours to 1800 hours
Saturday 0700 hours to 1300 hours

In support of the proposals, the applicant states that the facility is required to broaden the range of wastes that can be accepted at the recycling area and that it would be required for the remaining lifetime of the landfill site at Arden Quarry.

Consultations

Local Member

Councillor Atkins objects to the proposals on the grounds that the development would give rise to odours, an environmental impact from which the local community already suffers as a result of operations at the Arden Quarry site.

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High Peak Borough Council

Planning

The Council raised no objection to the proposal, provided that this Authority is satisfied of the requirement need for further recycling at the quarry and that the same controls were applied to the development as for planning permission CW1/0110/190.

Pollution Control Officer (PCO)

The PCO expressed concern regarding the potential cumulative effect of odours from the existing landfill and this proposed development, and requested that odour and bio-aerosol risk assessments be undertaken.

The PCO also commented that, in the event that planning permission were granted, a temporary consent may be appropriate as it would allow operations to terminate without renewal if the operation was not run effectively.

Hayfield Parish Council

The Parish Council objected to the proposals on the basis that there was insufficient information provided in the application, in respect of green waste and potential emissions to air, for it to thoroughly consider the proposals.

The Council also raised concerns regarding the ability of the applicant to operate the site without contributing to existing problems at the site.

New Mills Parish Council

The Parish Council objects to the proposals on the following grounds:

- pollution from odour resulting from the open windrow composting process;
- cumulative impacts associated with odours currently generated from the Arden Quarry landfill site;
- impact on human health as a result of bio-aerosols being released; and
- no need for the facility.

Environment Agency

Whilst the Agency did not make any specific comments regarding the detail of the application, it did refer to the existing problems of odour associated with the operation of the landfill site and commented that *'to permit the use of an additional activity that may give rise to smells may exacerbate the current site related problems'*. The Agency also provided information regarding the nature of the Environmental Permit that the site would be subject to and the controls that could be achieved via the permitting regime.

The Agency further commented that, on the basis of the information provided in the odour impact assessment, the impact to human health resulting from

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bio-aerosols appeared to be low. It was further noted, however, that the impact assessment did not adequately cover the control of odour.

Peak District National Park Authority (PDNPA)

The PDNPA had no objections to the proposals on the basis that the development would be associated with an existing site, the green waste would contribute to the overall restoration of the site and that it would not represent an intensification of the use of that site.

Publicity

The application has been advertised by press notice (Buxton Advertiser) and by site notice with a request for observations by 5 July 2012. Seventy seven individual letters of objection, 81 individuals signing a pro forma newspaper form and 1 petition with 410 signatures have been received following the publicity. The main points of concern can be summarised as follows:

- inability of the applicant to effectively control odour impacts associated with landfill site;
- the application should not be considered until such time as existing odour problems have been resolved;
- the development would result in the generation of odour impacts over and above those generated by the landfill site;
- the green waste would be mixed/would have the potential to be mixed with food and animal waste;
- the development would exacerbate the deterioration of the local highway network;
- alternative means of restoring the site should be considered;
- any permission should initially be for a temporary period only;
- the site is too close to residential properties;
- insufficient information has been provided regarding noise impacts/pollution associated with surface water drainage;
- concern about the general creep of development at the site;
- this application would set an unfortunate precedent for future development at the site;
- the development would adversely affect property values in the area;
- that a short-term temporary permission (as suggested by High Peak Borough Council's PCO) would be inappropriate and would conflict with the 'precautionary principle' embedded in the Waste Framework Directive;
- that there is insufficient space provided within the application site for the composting development to be properly undertaken;
- that the screening opinion of the authority in relation to the proposed development was incorrect and an Environmental Impact Assessment is required;

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- the development would lead to an increased potential for the predation of ground nesting birds by jackdaw as a result of the importation and composting of food wastes at the site;
- the application contains insufficient information regarding the volume of wastes that would subject to the composting process;
- the timescales for storing both feedstock and the composted material and the phasing and location of the placed materials on the adjacent landfill site; and
- the application does not sufficiently demonstrate that there is a need for the development in this location.

Where appropriate, these issues are addressed in the 'Planning Considerations' section below.

A large number of the representations received refer to the existing landfill operation at Arden Quarry. In particular, many of the representations cite odour experienced in the local area as a result of gas emanating from the landfill site and the remedial works (including capping works and an extension of the gas collection system) undertaken by the operator to rectify the situation. Whilst the current application is for the green waste recycling facility only, references to environmental impacts associated with the landfill development may be relevant in the determination of the current proposals, in so far as there may be cumulative impacts arising from these impacts and impacts associated with the current application. Whilst some of the representations also urge closure of the landfill operation, the determination of this application does not provide an occasion for the waste planning authority to consider revoking the permission for the landfill operation, and this application must be considered on its merits.

Comments have also been received which relate to the poor record of the operator in terms of managing the site/meeting the requirements of the Environmental Permit. The material issue in this planning application is the appropriateness of the proposal on a particular site. It is the use of land that has to be assessed. The previous performance of an applicant in the operation of a development is not a material planning consideration. Likewise, perceived impacts on property values as a result of development is not a material planning consideration.

With regard to the issues raised regarding the screening opinion and the need for an Environmental Statement to accompany this current application, it is not considered that the development is of such a scale or that the impacts would be so significant as to warrant the need for an Environmental Impact Assessment. The conclusion of the screening opinion was confirmed by the Secretary of State who, at the request of this Authority, formally issued a screening direction.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to these applications, the relevant policies of the development plan are contained in the Derby and Derbyshire Waste Local Plan (DDWLP) and the High Peak Local Plan (HPLP). The National Planning Policy Framework (NPPF) and Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) are also material policy considerations.

National Planning Policy Framework

The NPPF reiterates the established legal requirement for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides guidance on material considerations. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring that 'better lives for ourselves now does not mean worsening the lives of future generations'. It states that sustainability has economic, social and environmental aspects.

The economic aspect for the planning system is stated as contributing to the economy by providing sufficient land of the right type, in the right place and at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10)

PPS10 sets out guidance on how planning can contribute to the delivery of sustainable waste management (including the delivery of the Waste Management Hierarchy), emphasising the need to divert as much waste as possible from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the 'Waste Hierarchy' by promoting recycling and reuse of waste and reducing landfill is essential. It states that waste planning authorities, when determining applications, should consider:

- the wider environmental and economic benefits of sustainable waste management; and
- the likely impact on the local environment and amenity, including visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and any potential land use conflict.

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The document and its accompanying Guidance note also provides guidance on the selection criteria for assessing whether sites should be considered appropriate for waste management facilities or not.

Local Development Plan

The NPPF transitional arrangements have now expired and this downplays the role of the DDWLP and the HPLP as part of the statutory development plan. Both, however, continue to have weight as a material planning considerations.

Derby and Derbyshire Waste Local Plan (DDWLP)

The most relevant policies are:

W1b: Need for Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impact.

High Peak Saved Local Plan (HPLP)

The most relevant policies are:

GD4: Character, Form and Design.

OC1: Countryside Development.

OC4: Landscape Character and Design.

OC8: Sites of Importance for Nature Conservation.

GD5: Amenity.

TR4: Traffic Management.

This is a proposal for an open air composting facility to form part of a wider existing waste recycling facility in order to provide a source of restoration material with which to restore the adjacent Arden Quarry landfill site.

PPS10 emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the 'Waste Hierarchy' by promoting recycling and reuse of waste and reducing landfill is essential.

The applicant says that the type of green waste is already being delivered to the adjacent Arden Quarry landfill site and that the current proposals would allow for the diversion of this waste stream from landfill. Therefore, in principle development of this type would appear to meet the high level requirements of PPS10 by moving waste up the hierarchy as part of a sustainable system of waste management.

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Policy W1b: Need for the Development, of the DDWLP permits waste development where it would “help cater for the needs of the local area, in terms of quantity, variety and quality as part of an integrated approach to waste management”.

At present, the only waste management facilities that accept biodegradable green waste within the High Peak area are the in-vessel composting facility at Waterswallows in Buxton (which primarily takes in green and food waste from municipal kerbside collections in the High Peak), the Melandra Road Household Waste Recycling Centre (HWRC) in Glossop (which takes in garden waste from members of the general public but which only operates as a waste transfer station), and Arden Quarry landfill site (which is able to accept bulked-up green waste from a variety of sources for disposal at landfill). Whilst, on the basis of the above, there is a general lack of small scale green waste recycling facilities available for small scale commercial arisings within the High Peak area, in the absence of detailed information about the scale of arisings of this waste stream from the local area, I am not able to conclude that there is a particular shortfall in capacity. Notwithstanding this, however, the development would be co-located with an existing landfill site in order to enable streams of waste material which are currently used for infilling at that site to be recycled and reused as a restoration material, which would be welcomed.

The application states that the material would be sourced from local waste transfer facilities. Although no details of the locations of these facilities were stated, I am aware that, at the time of submission, the main source of green waste deliveries to the Arden Quarry landfill site was bulked-up green waste from the nearby HWRC at Melandra Road, Glossop. This waste source is no longer available to the applicant, and whilst the applicant has indicated that they wish to continue with the application, no further information has been provided as to the nature or location of alternative sources of green waste. Whilst it is disappointing that specific information regarding the source of origin for the green waste has not been provided as part of the application, I do not consider that it can be inferred from the lack of such information that it would not be possible to acquire this material from elsewhere within the local area or that development of this type would not be capable of forming part of an integrated system of waste management.

In light of the above, the development of the type proposed would encourage recycling of biodegradable green waste in accordance with the waste management hierarchy and would help cater for the needs of local businesses and people. I am therefore satisfied that, in principle, it would contribute towards the sustainable waste management objectives of PPS10 and accord with DDWLP Policy W1b.

I consider that the main issues to be considered for this proposal are:

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- the location of the development;
- the acceptability of the site for the proposed use;
- the nature of the development; and
- the type, scale and acceptability of any impacts that would arise from the development.

Location

The application site is situated in a rural area and is located on land identified in the HPLP as open countryside. PPS10 recognises that, in certain circumstances, waste facilities can be considered to be appropriate in rural locations where its suitability has been tested against specific criteria, set out in the PPS. Policy OC1 of the HPLP requires proposals for development in the countryside to demonstrate that a countryside location is necessary and states that:

“Planning Permission will be granted for development which is an integral part of the rural economy and which can only be carried out in the Countryside provided that individually or cumulatively:

- *detract from an area where the open character of the countryside is particularly vulnerable*
- *generate significant numbers of people or traffic*
- *have a significant adverse impact on the character and distinctiveness of the countryside”.*

The development would take place within a large previously worked quarry complex, and would be adjacent to a long established operational landfill site. The recycling facility would be associated with the existing overall operations at the site and, whilst the quarry complex is located in the open countryside, I do not consider that a development of the scale and nature of the type proposed here would be so significant, either singly or in cumulation with existing development at the site, that it would detract from the open character of the countryside or that the open character of the countryside is particularly vulnerable in this location. In considering that the green waste would be diverted from waste destined for the landfill at the landfill site and the small volume of material involved, I am also satisfied that the proposals would not generate significant numbers of people or traffic over and above those already generated by the landfill operation.

In any event, I consider that a countryside location would not be unacceptable in principle for this type of development. The development proposed would be undertaken outdoors, would be agricultural rather than industrial in appearance and, because of the potential impacts associated with odour, would be more suited to a location which is distant from potential sensitive receptors. I consider therefore, that this would be a waste management

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activity that could be more appropriate in a countryside location rather than more industrial/commercial settings.

In conclusion, with regard to the proposed countryside location, I am satisfied that the development would not be inappropriate in this location and consider that the development would not conflict with the first two requirements of HPLP Policy OC1 or with PPS10. More detailed consideration of the environmental impact of the development is provided below.

Acceptability of the Site for the Proposed Use

The application site is located immediately adjacent to an existing landfill site on an existing stone shelf created by previous mining activities. The green waste recycling facility would form part of the larger recycling area which was permitted under planning permission CW1/1110/190. In considering the proposed layout of the composting area and the layout of the overall recycling area, I am concerned that the development, as proposed, would not be fit for purpose and that the current proposals would result in an over-development of the wider recycling area.

The written statement and the composting management plan both provide detailed information regarding the different stages of the composting process. However, the submitted drawings indicate that no dedicated areas for maturation or the storage of the finished product have been provided. It is unclear, from either the written description or the submitted drawings, as to whether the composting would take place in a single windrow or several smaller ones within the 'composting area'. The proposed site layout makes maximum use of the space available within the application site boundary and I do not consider that it would be possible to provide for any dedicated storage and maturation areas without seriously compromising the effective operation of the green waste recycling facility. I further doubt that, even if the site area was more extensive, there would be sufficient room for this development to be accommodated within the adjacent recycling area without the functionality of the existing facility being adversely affected.

The very limited area of the site also casts doubt on the volume of material that the facility would be capable of storing and treating at any one time. The application states that up to 2,000 tonnes of green waste would be imported per annum, with 1,800 tonnes being composted and the remaining 200 tonnes being disposed to landfill. The applicant has since acknowledged that the tonnage information provided in the application may overestimate the amount of material that would be treated but has not provided any revised figures. The information provided in the application regarding the size of the facility, the guidelines (including timescales), set out in the Department of Environment, Food and Rural Affairs (DEFRA) document 'Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities', and the applicant's Composting Management Plan, suggest that a facility of this size

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would not be sufficient to accommodate successful processing of the stated volume of material. A composting process that would take significantly less time than the recommended timescales would raise concerns as to the nature of the end product (see below for more on this issue) with the potential that it would still be regarded as a waste.

Therefore, I have to conclude that the development could not be accommodated within the limited red line area in such a manner as to ensure the effective operation of the facility. Any expansion beyond it, further into the area of the existing recycling facility area, would require the submission of a further planning application and could adversely affect the efficient operation of that facility. Consequently, I do not believe that the development as proposed would result in a facility that would operate effectively and in an environmentally acceptable manner and consider that the proposals would represent an overdevelopment of the wider inert waste recycling area.

Furthermore the applicant has not provided any reassurance regarding the nature of the end product that would be generated by this proposal. BSI PAS100 is a quality protocol for composting, which was developed by the Waste Resources Action Programme (WRAP), which serves to clarify i) the point at which waste management controls are no longer required; ii) to provide confidence that the composted product conforms to an approved standard and iii) to protect the environment and human health. Producers and users are not obliged to comply with the protocol. However, in the absence of the compliance with the protocol or any satisfactory alternative compliance scheme, the composted material will still be considered a waste and, as a result, waste management controls would continue to apply to its handling, transport and application. In addition, if the material is still defined as a waste, its use on the site could constitute disposal.

The application as originally submitted states that the composting process would take place in accordance with “WRA protocols” and that the end purpose of the composted material would be for use in the restoration of the adjacent landfill site. In seeking clarification from the applicant that the process would conform to the PAS100 scheme, or if not, whether they would be willing to sign up to it, the applicant submitted a Composting Management Plan and an Odour Management Plan for the Composting Process.

The Composting Management Plan is a comprehensive document and I acknowledge that the information provided within it would appear to tie in with DEFRA guidance contained within the document ‘Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities’. The absence of confirmation from the applicant that they are willing to sign up to PAS100, however, strengthens my concern that the end product would still remain a waste. I do not consider that this would be acceptable in planning terms. A letter which accompanied these documents stated that “The question

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as to whether the material remains a waste is therefore not relevant as the material will be used on a permitted site. The standards that will be met are as outlined in the Composting Management Plan and include inspection, sorting, sanitisation, stabilisation and maturation”.

Whilst I note the applicant’s statement that the site in which the composted material would be placed has permission to accept waste, I cannot agree. The 1971 permission for the landfill site does not allow for the deposit of waste on the capped surface of that site. Furthermore, the current application only covers the composting process, not the spreading of the composted material. It is therefore my opinion that the ‘composted’ material from which would be produced under the proposal could not be used as restoration material for the landfill site under the 1971 permission, and would not be suitable for such a purpose generally. In the circumstances, I do not consider the proposal is acceptable.

Environmental Impacts

As paragraph 29 of PPS10 advises, in considering planning applications for waste management facilities, planning authorities should consider the likely impact on the local environment and amenity. Annex E of PPS10 also sets out more local criteria as regards impacts on local environment and amenity including, protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter and potential land use conflict.

Policy W6 of the DDWLP states that waste management sites will be permitted only where the impacts on communities and neighbouring land uses, including cumulative impacts, are acceptable and that the development should not affect other land uses to the extent that it would materially impede or endanger the social or economic activities or interests of the community. Policy W10 states that proposals for waste development will be assessed in light of the cumulative impact which they would impose on local communities and that they will only be permitted where the development would not result in significant and detrimental cumulative impact on the environment of those communities.

Policy GD5 of the HPLP does not permit development where it would create unacceptable loss of general amenity as a result of, amongst other causes, air, water, noise, light and other pollution.

Odour and Bio-Aerosols

The main environmental impact particularly associated with this kind of proposal concerns the emissions of odour and bio-aerosols. By its very nature, the composting process has the potential to give rise to odours, and it is this issue (particularly when viewed in cumulation with the on-going issues with odours associated with the operations of the adjacent landfill site) that

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has given rise to many of the representations received in respect of the proposals. In addressing the potential for odours, the applicant has submitted an odour impact assessment and an Odour Management Plan for the development, the latter seeking to control odours through prevention and good management of the composting process.

Under the Environmental Permitting Regime, the range of wastes that can potentially be treated by the composting process is relatively broad; the application is clear that in this instance, the facility would only accept garden wastes, such as grass cuttings and tree and shrub clippings. Whilst such materials do have the potential to give rise to odours during the composting process, the proposal is less odourless than it would be if wastes, such as food and animal slurries were incorporated in it.

The odour impact assessment identifies the potential key sources of odour as being waste reception and storage prior to composting, composting in open windrows, maturation and storage before removal from site, mixing composted material with soil, the collection and disposal of surface water run-off and accidents. A series of management procedures are identified for ensuring that odour is minimised. The Odour Management Plan also provides similar information regarding the management and mitigation of odours arising from the development. The assessment considers that odours associated with the green waste composting facility would be minimal, stating that odours associated with the composting facility would be *'similar to agricultural odours and should be unnoticeable in the rural location of Birch Vale'*. It also states that landfill gases are distinctive, and would be easily distinguishable from agricultural odours (such as would be generated by the green waste composting facility) and concludes from this that there would be no significant cumulative impact through both the proposal and the continuing landfill site. I am unable to accept this logic, since changes in the prevalence of one type of odour can clearly exacerbate the overall dis-amenity experienced from a combination of that type of odour and one or more other types of odour in the environment.

I note that the PCO has confirmed that he is satisfied with the information contained within the odour impact assessment. I am concerned, however, that the document does not sufficiently take into account the effect that the topography of the area has on the dissipation of odorous gases. Whilst the odour impact assessment notes that a wider survey area has been included as a result of the local topography, provides information on prevailing wind directions in the vicinity of the site (including the impact that the local topography may have on them), as well as identifying the most sensitive receptors, no analysis has been provided in respect of the impact that the topography would have on the dispersion and/or trapping of gases emanating from the landfill. Following visits to site, my officers have observed that it is possible for there to be no significant odours present within the Arden/Birch

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Vale Quarry complex whilst at the same time, distinct odours are experienced immediately to the north at the junctions of the A6015 (Hayfield Road) and Oven Hill Road, and New Mills Road and Morland Road.

Of further concern is that the odour impact assessment does not provide any baseline information regarding odours associated with the landfill operation. In its consultation response, the Environment Agency stated that *'to permit the use of an additional activity that may give rise to smells may exacerbate the current site related problems'*. I accept that the type of odours generated by the landfill and the green waste recycling facility may differ in their nature. I am not able to accept that there would be no cumulative odour impacts associated with the development. However, in the absence of baseline information regarding existing odour levels and impacts associated with the location of the development. One cannot make a confident assessment of the severity of this type of cumulative impact. Under those circumstances, I do not consider that the Authority has sufficient information to conclude that the development would not give rise to unacceptable cumulative impacts resulting from the concurrent operation of the proposed green waste recycling facility and the existing Arden Quarry landfill site, or that it would accord with the requirements of DDWLP policies W6, W10 and HPLP policy GD5, in respect of odours.

'Bio-aerosols' is the term used to describe micro-organisms (bacteria, fungi, moulds or viruses) or their products that are airborne. They are naturally present in the air, mainly as micro-organisms in airborne dust. Concentrations vary depending on weather, season and environment. In composting, micro-organisms are encouraged to break down waste material and any handling of compost that can generate dust, can generate a bio-aerosol. This indicates that correct material handling and overall good site management is very important to control bio-aerosols.

Monitoring undertaken in respect of the existing landfill operations during 2011 indicated that levels of bio-aerosols fell well within the acceptable threshold of 1,000 colony forming units (cfu) per cubic metre (m³) at three locations around the site, the nearest of which was 70m from the site boundary. The requirement stipulated by the Environment Agency through the Environmental Permitting Regime is 250m. In considering the small scale of the composting operation and the fact that the nearest receptors are approximately 350m from the site boundary, I do not consider that the proposed development would result in significantly high levels of bio-aerosols and am satisfied that the proposals would accord with the requirements of the development plan in this respect.

Leachate

In considering the type and volume of material that would be treated at the site, it would appear from the Environment Agency's Environmental Permitting

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Regime that the facility would be constructed to an acceptable standard. I further note that whilst the Environment Agency has commented on the application, no adverse comments have been received regarding the proposed construction detail or the proposed methods of disposing potential leachate generated during the composting process. Under those circumstances, I have no reason to consider that the development would give rise to unacceptable environmental impacts associated with pollution to groundwater and consider that it would accord with DDWLP Policy W6 and HPLP Policy GD5 in this respect.

Landscape and Visual Impacts

I am satisfied that in visual and landscape terms, the operational phase of the development would not result in any significant adverse impacts. The location of the development would be on an existing stone shelf which is set well down within the existing quarry void and, other than glimpsed views, would not be directly visible from outside the quarry complex. The development would also be seen as part of the wider recycling area. It therefore raises no conflicts with Policy W7: Landscape and Other Visual Impacts of the DDWLP or Policy OC4: Landscape Character and Design of the HPLP.

Having regard to the recent planning permission CW1/0110/190 to establish the recycling facility to generate soil making materials for restoration purposes by screening and processing incoming inert waste, however, I am not convinced that the additional green waste is necessary to “provide good quality restoration soil”. The site sits astride two Dark Peak Landscape Character Types: Enclosed Moorland and Settled Valley Pastures and is typically associated with rough grazing and unimproved pasture. With that in mind, I am not convinced that there is a real need to create ‘good quality’ soils through addition of green waste, to support the final restoration of the landfill site. Nutrient deficient material is considered to be more suitable for this, since it could provide a basis for restoration to acid/heathy grassland. The addition of organic material from green waste would render this material unsuitable for such restoration. This issue has previously been discussed with the applicant with a view to stock-piling, particularly nutrient deficient material (such as is likely to be generated by the current recycling facility), as part of an overall restoration scheme for the landfill site. It is therefore of concern that this type of grassland might not be created if the restoration soils became too enriched with organic material.

Ecology

I do not consider that the proposal would result in adverse impacts to the biodiversity of the area. The site is not covered by any ecological designations and there are no records of any protected species on the site. Whilst I note the proximity of the Ollersett Reservoir Local Wildlife Site (LWS) immediately to the south-east, in considering the nature conservation interest of that site and the nature of the proposals, I do not consider that the development would

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result in an adverse impact on the LWS. As previously noted, the green waste facility would be located on an existing stone shelf formed as a result of recent quarrying activities and, as a result, would not directly affect any identified interests of environmental importance. The application would therefore accord with the requirements of DDWLP Policy W5: Identified Interests of Environmental Importance and Policy OC8: Sites of Importance for Nature Conservation of the HPLP.

A representation has been received expressing concern regarding the potential for jackdaw predation on ground nesting birds at the site as a result of the proposals. I do not consider, however, that such concerns are warranted in this instance. The green waste to be used at the facility is solely garden waste and would not include any food or animal slurries and, as such, is unlikely to encourage scavengers in its own right. Whilst I acknowledge that a large population of jackdaw does exist in the locality, I do not consider that the current proposals would be such that they would result either in an increase of jackdaw or other species of crow in the vicinity of the site, or that over and above the existing situation.

In all other respects, I am satisfied that the development would not give rise to significant adverse effects. The proposed location of the development within the existing quarry void would contain any dust or noise created by the use of the mobile screen. The landfill site already has vehicle cleaning facilities which could be used by vehicles delivering waste to the proposed area. I also note that the applicant does not propose to use any additional lighting in the context of this application and I am therefore satisfied that there would be no more impact on the local community in respect of noise, dust, light pollution and impacts to highway safety than are generated by the recent and current activities at the quarry complex.

Conclusion

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development; decisions need to take local circumstances into account and the best balance between economic and environmental interests needs to be considered. In principle, a facility of the type proposed should move waste up through the waste management hierarchy, help cater for a local need and contribute towards sustainable waste management objectives. In principle, such a development is also considered to be appropriate in countryside location and it would not conflict with the open character of the area. It is a matter of fact that the co-location of this type of operation has been regarded as acceptable in other areas.

However, due to the restricted space available for the proposed facility within the wider recycling area and the limited space available within the application site, the development of the proposed facility would result in an overdevelopment of that section of the former Birch Vale Quarry site. The lack

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of assurance that the composted material would not remain a 'waste' suggests that the development would not be effective in providing a beneficial movement of waste up the waste hierarchy. Finally, in the absence of baseline odour impact levels, the Authority is not able to conclude that the development would not result in unacceptable cumulative odour impacts. This issue and how the proposal should be viewed in terms of Policy W6 of the DDLWP, is a specific issue at this site. There has been a long history of odour complaints from the local community, and I do not feel that this is outweighed by the general suitability of this type of proposal at landfill sites.

On balance, therefore, I am not satisfied that the benefits that would be achieved as a result of the proposal would be sufficient to outweigh the potential harm caused by the development and, under those circumstances, I recommend that the development be refused.

(3) **Financial Considerations** The correct fee of £170 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being refused.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File No. 1.778.16
Application documents from P Casey Enviro Limited dated 18 May 2012, as amended by the letter and Odour Impact Assessment dated 10 August 2012 and the letter and accompanying Composting Management Plan and Odour Management Plan received 25 June 2013.

Memorandum from the Highways Area Management Section dated 1 June 2012.

Letters and correspondence from the Environment Agency dated 20 June, 22 June, 26 July, 3 August, 30 August and 19 November 2012.

Letters from High Peak Borough Council dated 16 July, 18 July and 10 October 2012.

Correspondence from Councillor Atkins dated 14 June 2012.

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Letter from Hayfield Parish Council dated 5 July 2012.

Letter from New Mills Parish Council dated 17 July 2012.

Letter from the Peak District National Park Authority dated 26 November 2012.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission be **refused** for the following reasons:

- 1) In the absence of clarity that the composted material that would be produced by the development proposed in the application would not continue to constitute waste material, the application is considered to be in conflict with the requirements of policies W1b, W6 and W9 of the Derby and Derbyshire Waste Local Plan.
- 2) The application does not provide sufficient data to enable a reasonably accurate assessment to be made of the potential cumulative impacts of odours on the nearest sensitive receptors. However, there is clearly scope for significant cumulative odour impacts arising from the proposal and the Arden landfill site. Therefore, the amenities of the neighbouring residents cannot be assured or safeguarded. The development is thus contrary to policies W6 and W10 of the Derby and Derbyshire Waste Local Plan and policies GD5 of the High Peak Saved Local Plan 2008.
- 3) That the site which is the subject of this application is too small to successfully accommodate all stages of the composting process, particularly for the quantities of material proposed.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The Authority sought to work with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

Policies

The principal planning policies relevant to the determination of this planning application are:

National Planning Policy Framework

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Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10)

Derby and Derbyshire Waste Local Plan

W1b: Need for the Development.

W2: Transport Principles.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W10: Cumulative Impact.

High Peak Saved Local Plan

GD4: Character, Form and Design.

OC1: Countryside Development.

OC4: Landscape Character and Design.

GD5: Amenity.

TR4: Traffic Management.

Mike Ashworth

Acting Strategic Director – Environmental Services

Proposed Green Waste Recycling Facility, Birch Vale Quarry

