

**Planning and Regulatory Committee**  
**15 July 2014**

**5. APPLICATION FOR PLANNING PERMISSION FOR THE CARRYING-OUT OF DEVELOPMENT PURSUANT TO PLANNING PERMISSION REFERENCE NUMBER 13/000058/CM DATED 14 FEBRUARY 2014 WITHOUT COMPLYING WITH CONDITIONS 2, 3 AND 4 OF THAT PERMISSION SO AS, TO ALLOW THE INCREASE IN THROUGHPUT OF MATERIAL FROM 6,000 TONNES PER ANNUM TO 9,000 TONNES PER ANNUM; THE SALE OF BULK LOADS OF COMPOST TO LOCAL FARMERS AND OTHER TRADE/BULK USERS AND FOR THE COMPOST TO BE USED ON THE APPLICANT'S LAND AND ALSO ON LAND ELSEWHERE AT PENDOCK ENVIRONMENTAL, ELDERSFIELD, WORCESTERSHIRE**

<b>Applicant</b>	Pendock Environmental
<b>Local Councillor</b>	Mr T A L Wells
<b>Purpose of Report</b>	<ol style="list-style-type: none"><li>1. To consider a County Matter planning application for the variation of planning conditions 2 and 4 and removal of planning condition 3 on planning permission reference number: 13/000058/CM so as to allow the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; the sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicants land and also on land elsewhere at Pendock Environmental, Eldersfield, Worcestershire.</li></ol>
<b>Background</b>	<ol style="list-style-type: none"><li>2. Planning permission for an open windrow green waste composting facility with a throughput of 6,000 tonnes per annum of green waste, on land off the B4208 South of Pendock (Reference Number: 407703) was granted by the Planning and Regulatory Committee at its meeting on 18 March 2008 (Minute 589 refers). The site is now known as Pendock Environmental. The applicant states that the site was developed as a farm diversification project and the aim was to generate an alternative income stream for the business whilst producing a suitable soil improver to avoid reliance on expensive artificial fertiliser.</li><li>3. On 7 February 2012 the Planning and Regulatory</li></ol>

## The Proposal

Committee granted planning permission for a temporary period of 2 years for the increase in the annual throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum (Minute 762 refers). The two year temporary permission expired on 20 February 2014 (Reference 11/000029/CM). A planning condition to establish a Community Liaison Group was attached to this temporary planning permission. The first Community Liaison Group meeting was held on 31 May 2013 and the group has met 9 times.

4. On 11 February 2014 the Planning and Regulatory Committee granted planning permission (Reference: 13/000058/CM) for an extension to the delivery hours at Pendock Environmental from 09:00 hours to 08:00 hours Monday to Saturday (Minute 864 refers).

5. The applicant proposes to vary the following planning conditions which were imposed on planning permission reference 13/000058/CM:

- **Condition 2** - The annual throughput of material through the site shall be limited to a maximum of 6,000 tonnes per annum and records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of material for the duration of operations on site
- **Condition 4** - There shall be no public sale of compost from the site and the site shall not be open to the public

6. The applicant is also seeking to remove the following planning condition which was imposed on planning permission reference 13/000058/CM:

- **Condition 3** - The compost shall only be applied to land within the applicant's ownership.

7. The applicant proposes to increase the throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum. The applicant has stated that many large waste suppliers operate on a 3, 5 and 7 year contract and therefore the applicant has been unable to obtain contracts a the two year temporary planning permission.

8. The applicant proposes to sell bulk loads of compost to local farmers and other trade bulk users. The applicant states that the facility is not open to the public and there are no proposals to accept or sell compost to the general public. In addition the applicant also requests that the compost can be spread on land outside of the applicant's ownership.

9. The applicant has stated that 6,000 tonnes of green waste turns into approximately 4,800 tonnes of compost and 9,000 tonnes of waste would turn into approximately 7,200 tonnes of compost.

10. The applicant has stated that if the site operated at 6,000 tonnes per annum, there would be approximately 550 vehicles bringing waste to the site per annum and approximately 400 vehicles removing compost from the site per annum. If the throughput is increased to 9,000 tonnes per annum, it is proposed that the number of vehicles bringing waste to the site would be approximately 750 per annum and there would be approximately 600 vehicles per annum removing compost from the site. This would equate to approximately 26 vehicles entering and leaving the site per working week equating to approximately 4 vehicles entering and leaving the site per working week.

11. It is not proposed to increase the existing area of the site which also includes an area of hard standing, and it is not proposed to increase the height of the windrows.

12. Pendock Environmental operates under an Environment Agency Standard Rules Permit.

13. The applicant is in the process of gaining Publicly Available Specification (BSI PAS) 100 accreditation which would allow the material to be sold as a compost rather than a soil conditioner. The PAS 100 specification *improves confidence in composted materials among end-users, specifiers and blenders, and helps producers differentiate products that are safe, reliable and of high performance – [wrap.org.uk](http://wrap.org.uk)*

## The Site

14. Pendock village is located on the south-west edge of Worcestershire on the Worcestershire/Gloucestershire border, approximately 13 kilometres south of Malvern. The site is located west of the B4208 approximately 800 metres south of Pendock village. Pendock Primary School is located approximately 2 kilometres by road from the site. The site lies within Eldersfield Parish.

15. The site is located on a plateau on former agricultural land in the open countryside. Access to the site is off the B4208 and the nearest Public Right of Way (EF-562) is located approximately 60 metres north of the site. The site consists of an area of hard standing, a weighbridge and a small building/office. Between the site and the B4208 is a hedgerow containing some trees.

16. The Burley Dene Meadows Site of Special Scientific Interest (SSSI) is located approximately 2.1 kilometres east of the site and the Gadbury Bank Fort Special Wildlife Site (SWS) is located approximately 300 metres south east of the site. The Gadbury Camp Scheduled Ancient Monument (SAM) is located approximately 650 metres south-east of the site on the eastern side of the B4208.

17. The nearest residential properties (Greystones and the house at New Barn Farm) are located north and south of the site, the curtilage (boundary) of these properties are located

approximately 260 metres from the site, with the actual residential properties located approximately 300 metres from the site.

## Summary of Issues

18. The main issues in the determination of this application are the impact of the proposal on:

- The Waste Hierarchy
- Location of Development
- Residential Amenity
- Traffic and Highways Safety, and
- Ecology.

## Planning Policy

### 19. National Planning Policy

PPS 10 Planning for Sustainable Waste Management

### 20. National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

21. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

22. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy;
- a social role, supporting vibrant and healthy communities; and
- an environmental role, protecting and enhancing our natural, built and historic environment.

23. The NPPF does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF states that Planning Policy Statement 10 (PPS 10) 'Planning for Sustainable Waste Management' will remain in place until the National Waste Management Plan is published. However, the NPPF states that local authorities taking decisions on waste applications should have regard to

the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 3: Supporting a prosperous rural economy

### **The Development Plan**

24. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Worcestershire Waste Core Strategy and the Saved Policies of the adopted Malvern Hills District Local Plan. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

25. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

### **26. Worcestershire Waste Core Strategy Development Plan Document**

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

### **27. Malvern Hills District Local Plan**

Policy DS1 The Location of Development

Policy DS3 General Development Requirements

Policy EP7 Farm Diversification Schemes

Policy QL21 Landscaping

### **28. Draft South Worcestershire Development Plan**

The South Worcestershire Development Plan (SWDP) is being prepared jointly by the three local authorities and communities of Malvern Hills, Wychavon and Worcester City. The plan considers the long-term visions and objectives for South Worcestershire.

## **Draft Planning Policy**

## **Waste Management Plan for England 2013**

## **The Government Review of Waste Policy in**

29. On 28 May 2013 the SWDP was submitted to the Secretary of State. The Examination in Public on Phase 1 took place on 1-3 October 2013 and the publication of the Inspectors interim findings was published on 30 October 2013. The Inspector's interim conclusions on Phase 1 asked the three councils involved in compiling the South Worcestershire Development Plan (SWDP) to look again at the figures they prepared on the number of homes needed in the area by 2030 and do more work on the technical evidence used to establish how many homes the area will need. An additional hearing took place on 13-14 March 2014 following new evidence submitted by the three councils. The Inspector's interim conclusions dated 31 March 2014 on Phase 1 provide a full, objectively assessed need for housing over the plan period for South Worcestershire of 28,370 dwellings. A second phase of examination will follow, looking at the sites where new homes and businesses are proposed to be developed.

30. The SWDP in its entirety has not been tested at examination or adopted by any of the Councils; therefore, having regard to the advice in the NPPF, Annex 1, it is the view of the Head of Economic Development and Planning, that little weight will be attached to the SWDP in the determination of this application.

31. The Government (Defra) published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

32. There are comprehensive waste management policies in England which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of this Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

33. This Plan is a high level waste management document, not Planning Policy, which is non-site specific. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

34. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management

35. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy,

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where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

**36. Malvern Hills District Council** objects to the proposal on the basis that the applicant has failed to justify the expansion of the capacity at the site in terms of the geographical hierarchy set out in Policy WCS3 of the Waste Core Strategy. Furthermore, it is considered that insufficient information has been submitted to demonstrate that condition 3 should be removed and condition 4 varied. In particular the Pendock site occupies an isolated location within the countryside. It is understood that it is the applicant's intention to only sell compost in bulk, however the information submitted in support of the application does not set out how this will be achieved nor does it adequately address how sales to the general public will be prevented.

**37. Eldersfield Parish Council** – It is noted that the general consensus is that, although the problems associated with the site have reduced in frequency, there are still major concerns about the possible impact of an increase to 9,000 tonnes.

38. The annual throughput has been considerably less than the permitted amount - in 2013 the throughput was only 3,100 tonnes. When permission for the increased tonnage was granted at the Planning and Regulatory Committee Meeting on 7 February 2012 for a temporary period of two years it was surely presumed that during that period the annual throughput would at least approximate to the new limit. But this has not happened - indeed not even the original limit of 6,000 tonnes been reached. So it is not yet possible to give a verdict on the impact of a throughput of 9,000 tonnes but there are fears that such an increase, with the associated increase in the processes of shredding and turning, could have a very detrimental effect. It is therefore considered that if the Committee decides to grant permission for 9,000 tonnes, it should again impose a condition which limits the permission to a period of two years in order that the potential adverse results of a permanent increase to 9,000 tonnes be better assessed.

39. There are still problems with the existing limited tonnage and so there are serious fears that any increase will result in further problems. If a trial period at or near 9,000 tonnes had shown otherwise then that would be a different matter, but the operator has chosen not to use this two year trial period granted in 2012 to demonstrate this - his throughput has not got anywhere near this. The knowledge we have now in 2014 as to the potential impact of 9,000 tonnes has not advanced on that available in 2012. Therefore it would be inconsistent for the Planning Committee to approve a permanent increase to 9,000 tonnes in 2014 when they were not prepared to do so in 2012.

40. It is considered that the Liaison Group has been a

useful forum for the discussion and resolution of problems associated with the site. And therefore it is suggested that, if the Committee were to grant planning permission for a limited period (as suggested above), a condition be that the Liaison Group continue to meet.

**41. Pendock Parish Council** requests that the application be refused due to the following:

- Correlation between tonnage and complaints
- Site currently processing +3000 tonnes per annum
- Nuisance to local residents – odour, flies and drainage and any increase in tonnage will only increase the unpleasantness of the site to local residents.
- Concerns that the site is no longer manned for deliveries/no quality control
- Speeding through the village; vehicle activated sign exceeding 30mph approximately 12,000 hits a month
- No pavements and no verge
- Danger to school children
- Increased vehicles will create a high risk of accidents and pressures on local infrastructure
- No intention of achieving PAS 100
- Not in accordance with the waste hierarchy
- Waste spilling off the trailers
- Peaks and troughs of vehicle movements – not 8 movements a day its 22 movements per day
- Not in accordance with Local Transport Plan, Local Plans and Local Development Frameworks
- Not in accordance with the Waste Core Strategy Geographic Hierarchy
- Infrastructure on site needs to be adequate.

42. The Parish Council have requested that they would like to draw the Planning and Regulatory Committees attention to some key points in their response to this application, and therefore, their response has been placed in the members support unit.

**43. Redmarley Parish Council** wishes to support both Eldersfield and Pendock Parish Council in their objections to the proposal. The whole operation is escalating way beyond the original permission granted in 2007. This proposal will create a high level of increased traffic movements and exacerbate other problems connected to the site.

**44. Worcestershire Regulatory Services** has no comments from a nuisance point of view.

**45. The Environment Agency** has no objection in principle to the removal of conditions as proposed.

46. The site enjoys a Standard Rules Permit (SRP) that is regulated by them and this allows a throughput of up to 75,000 tonnes per annum.



47. The site will continue to be monitored under the Environmental Permit Regulations (EPR), and attendance at the Community Liaison Group, to ensure the site is appropriately regulated.

**48. Public Health England** has no comments subject to the site complying with the existing conditions and is properly maintained.

**49. The County Ecologist** has no comments to make on the proposal.

**50. The County Highways Officer** has no objection to the proposal, provided the processed materials are transported from the site in bulk loads.

**51. The County Countryside and Access Officer** have no comments to make regarding the proposal.

**52. English Heritage** recommends that the application should be determined in accordance with national and local policy guidance.

**53. Natural England** has no comments to make on the proposal.

## Other Representations

54. In accordance with the Development Management Procedure Order 2010, the application has been advertised on site, in the local newspaper and through neighbour notification letters. 20 letters/emails of representation have been received. 10 objecting to the proposal and 9 in support of the proposal and 1 showing an interest in supplying Pendock Environmental with compostable waste. The letters/emails of representation have been made available in the members support unit. The comments contained in the objection letters/emails are summarised below:

- Why is the increase being requested?
- Struggling to manage 3,000 tonnes per annum
- Nuisances caused by the site include odour, flies
- Increase in traffic/ concerns over traffic safety & school
- Impact on highway infrastructure
- Vehicle numbers misleading; peak delivery numbers July to September
- Uncovered lorries
- Industrial level of activity into a small village
- Inadequate site infrastructure
- Impact on local wildlife
- Facility not increased to 9,000, therefore, not been tested
- A further trial period should be granted
- Not PAS100/material is regarded as waste
- Material produced is waste not compost
- Not in accordance with the Environmental Permit
- Dirty water discharged into the water course/land drains
- The wrong location

- Irresponsible behaviour by the site management
- Little respect to the surrounding area
- Lack of proven track record in management of the site
- Health impact to animals and local people
- Site should be closed down
- Site cannot safely take 9,000 tonnes per annum
- Site not manned for deliveries
- Waste contaminated with plastic
- Doesn't accord with Waste Core Strategy
- There have been improvements to the offensive smells
- Following management changes & reduced throughput problems have been significantly reduced.

55. The comments contained in the letters/emails of support are summarised below:

- Beneficial to local businesses to dispose of green waste and use the compost
- Minimal increase to traffic
- Never encountered problems: noise, smell or traffic
- Provides a useful resource/ benefits the soil
- Natural fertiliser
- Reduces use of artificial phosphate chemical
- Local community should be supporting rural businesses
- A clean well run site.
- Causes little disturbance
- More regular turnover = reduce odour
- Environmental conditions and odour mitigation measures should remain in place and local residents concerns should continue to be addressed.

## **The Head of Economic Development and Planning's comments**

56. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

### **The Waste Hierarchy**

57. The Waste Management Plan for England 2013 sets out the Government's vision to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

58. National Planning Policy Statement 10: Sustainable Waste Management (PPS10) states that the overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste. This is echoed in the Waste

Core Strategy that waste in Worcestershire will be managed increasingly as a resource and, therefore, managed at the highest appropriate level of the Waste Hierarchy.

59. In accordance with the Waste Core Strategy, composting facilities are classed as recycling facilities, and, therefore, in principle are supported by PPS10 and the Waste Core Strategy in relation to the diverting waste from landfill and driving waste up the waste hierarchy.

#### **Location of Development**

60. Policy WCS 3 of the Waste Core Strategy states that waste management facilities that enable recycling will be permitted at all levels of the geographic hierarchy where it has been demonstrated that it's located in the highest appropriate level. Pendock Environmental is located in level 5, which is the lowest level of the geographic hierarchy.

61. The explanatory memorandum for Policy WCS 3 sets out a list of potential reasons to justify a proposed location in lower levels of the geographic hierarchy including proximity to the producers of the waste to be managed, proximity to end users and proximity to other waste management facilities in the same treatment chain.

62. Policy WCS 6 of the Waste Core Strategy relates to compatible land uses for waste management facilities. Policy WCS 6 states that open windrow composting facilities and sites with current use rights for waste management purposes are compatible land uses. Policy WCS 6 does also state that open windrow composting facilities and greenfield land are compatible land uses where strongly justified.

63. Pendock Environmental is an existing open windrow composting facility with a permanent planning permission to manage 6,000 tonnes of material per annum. The facility is used by 4 large providers of green waste and 3 local gardening businesses. End users of the compost include the Pendock Estate and local businesses based in Castlemorton, Bromsberrow, Corse, Staunton and Forthampton. The applicant is proposing to increase the throughput of material to 9,000 tonnes per annum which would be managed on the existing open windrow composting site and the applicant does not propose to expand the site area onto the surrounding Greenfield land. Therefore, in view of the above, it is considered that the location of the proposed development is acceptable in accordance with Policy WCS 3 and WCS 6 of the Waste Core Strategy. In addition, the Environment Agency guidance recommends that open windrow composting facilities should be located a minimum of 250 metres from sensitive receptors which include residential properties, and therefore, it is considered that this countryside location is appropriate and acceptable.

#### **Residential Amenity**

64. The Parish Councils and the local residents have raised concerns regarding the nuisances from the site including,

odour, flies and dust and the potential for those nuisances to increase if planning permission is granted for the increase in throughput.

65. Comments have been received from the Pollution Control Bodies; Worcestershire Regulatory Services and the Environment Agency. Worcestershire Regulatory Services have stated that they have no comments to make on the proposal from a nuisance point of view. Furthermore the Environment Agency has no objections to the proposal.

66. The site is currently and will continue to be monitored by the Environment Agency under an Environmental Permit. The purpose of an Environmental Permit is to protect human health and the environment. Officers are aware that the Environment Agency and the applicant have been working to reduce nuisances caused by the site as part of the Environmental Permit regime. These matters have been the subject of regular discussions at the Community Liaison meetings which are chaired by the local member.

67. The Head of Economic Development and Planning notes that paragraph 122 of the NPPF states:

*Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*

68. The Community Liaison Group was established under the two year temporary planning permission granted in 2012. The County Planning Authority attends these meetings and considers that it is a good forum for concerns to be aired and discussed. Therefore, it is recommended that a condition is imposed regarding the continuation of the Community Liaison Group.

69. Given the absence of objections from the pollution control bodies, the Head of Economic Development and Planning does not consider that objections to the proposal on the grounds of adverse impact on residential amenity can be substantiated.

### **Traffic and Highways Safety**

70. The Parish Councils and local residents have raised concerns regarding the adverse impact the proposal would have on highway safety, the local highway infrastructure and that traffic generated is greater during different times of the year.

71. The County Highways Officer has no objection to the

proposals subject to the compost being transported from the site in bulk loads. The Head of Economic Development and Planning confirms that the applicant is not proposing to sell compost to the general public from the site. However, it is recommended that a planning condition is imposed to prevent the sale of compost to the general public from the site to prevent additional traffic being generated.

#### **Other Matters**

72. Concerns have been raised that the material is not PAS 100 standard, however, this is not considered to be a material planning consideration.

73. In principle open windrow composting facilities are supported by PPS10 and the Waste Core Strategy in terms of moving waste up the waste hierarchy diverting it from landfill. Therefore, the County Planning Authority in principle welcomes the expansion of open windrow composting facilities.

74. The Head of Economic Development and Planning considers the location for the composting facility is acceptable in accordance with Policy WCS 3 and WCS 6 of the Worcestershire Waste Core Strategy.

75. Based on the comments received from the pollution control bodies; Worcestershire Regulatory Services and the Environment Agency, the Head of Economic Development and Planning considers that the proposals would not have an unacceptable adverse impact on residential amenity or the amenity of the surrounding area in accordance with Policy WCS 14 of the Waste Core Strategy.

76. The proposals have been assessed by the County Highways Officer, and based on their comments, the Head of Economic Development and Planning considers the proposal would not have a detrimental impact on highway safety or the local highway infrastructure in accordance with Policy WCS 8 of the Waste Core Strategy.

77. The Head of Economic Development and Planning, therefore, considers that the variation of conditions 2 and 4 and removal of planning condition 3 on planning permission reference number: 13/000058/CM so as to allow to the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; the sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicants land and also on land elsewhere is acceptable.

78. On balance, taking into account the comments received from statutory consultees; members of the public and the provisions of the development plan in particular Policy WCS 1; Policy WCS 3; Policy WCS6; Policy WCS 8; Policy WCS 9; Policy WCS 10; Policy WCS 11; Policy WCS 12; Policy WCS 14 of the Worcestershire Waste Core Strategy Development Plan Document and Policies DS1, DS3, EP7 and QL21 of the Malvern Hills District Local Plan,

## **Conclusion**

## Recommendation

it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

**79. The Head of Economic Development and Planning recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 13/000058/CM without complying with conditions 2, 3 and 4 on the planning permission so as to allow the increase in throughput of material from 6,000 tonnes per annum to 9,000 tonnes per annum; the sale of bulk loads of compost to local farmers and other trade/bulk users and for the compost to be used on the applicants land and also on land elsewhere at Pendock Environmental, Eldersfield, Worcestershire, subject to the following conditions:**

- a) The development hereby approved shall only be carried out in the area outlined in red on drawing number WCC-8 received by the County Planning Authority on 14 December 2007;**
- b) The annual throughput of material through the site shall be limited to a maximum of 9,000 tonnes per annum and records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of material for the duration of operations on site;**
- c) There shall be no sale of compost from the site to the general public;**
- d) Within three months of the date of this permission a written scheme shall be submitted and approved by the County Planning Authority which shall set out measures for continued liaison arrangements with the local community. The approved scheme shall be implemented for the duration of this permission;**
- e) Deliveries to the site shall only take place between 08:00 hours and 17:00 hours Mondays to Fridays and 08:00 hours and 13:00 hours on Saturdays, with no deliveries on Sundays or Bank Holidays;**
- f) All shredding, chipping or windrow turning operations shall take place between 09:00 hours and 17:00 hours Monday to Fridays with no shredding, chipping or windrow turning operations on Saturdays, Sundays or Bank Holidays;**
- g) There shall be no export of any soils or subsoils from the site;**
- h) There shall be no fires lit and no wastes burnt on the site;**

- i) No skips or containers shall be stored on the site unless otherwise agreed in writing by the County Planning Authority;**
- j) There shall be no storage of any imported green waste or processed compost outside the area of the hard standing;**
- k) The composted material shall be restricted to green waste materials as defined in the Environmental Permit from the Environment Agency;**
- l) The maximum height of the windrows shall not exceed 3 metres and a height bar shall be maintained on site for the duration of the works to maintain the 3 metre height restriction;**
- m) The development hereby approved shall be operated in accordance with the Noise Mitigation Measures titled 'Condition 8 – Noise Mitigation' on page 5 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Noise Mitigation Measures shall be maintained for the duration of the operations on the site;**
- n) The development hereby approved shall be operated in accordance with the Odour Mitigation Measures titled 'Condition 9 – Odour Mitigation' on page 7 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Odour Mitigation Measures shall be maintained for the duration of the operations on the site;**
- o) The development hereby approved shall be operated in accordance with the Dust Mitigation Measures titled 'Condition 10 – Dust Mitigation' on page 8 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Dust Mitigation Measures shall be maintained for the duration of the operations on the site;**
- p) The development hereby approved shall be operated in accordance with the Wheel Cleaning Measures titled 'Condition 14 – Wheel Cleaning Apparatus' on page 10 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Wheel Cleaning Measures shall be maintained for the duration of the operations on the site;**

- q) The development hereby approved shall be operated in accordance with the Plastic waste material and wind blown litter mitigation measures titled 'Condition 17 – Plastic waste material and wind blown litter ' on page 11 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and approved by the County Planning Authority on 12 July 2012. The approved Plastic waste material and wind blown Mitigation Measures shall be maintained for the duration of the operations on the site;
- r) The development hereby approved shall be carried out in accordance with the Landscaping Scheme titled 'Condition 18 – Landscaping Scheme' on page 12 and 13 of the document titled 'Proposals to satisfy conditions as part of Planning application 11/000029/CM' dated 2 May 2012 and details contained within the County Landscape Officer's memo dated 6 June 2012 to Mr Philipson-Stow. Any trees or plants, which within a period of 5 years from the completion of the planting hereby approved die, are removed, or become diseased, shall be replaced in the next planting season with others of a similar size and species; and
- s) In the event of composting operations ceasing on the site the development hereby approved shall be removed from the site and the land upon which the development stood shall be restored to agricultural use within six months after such removal in accordance with a scheme which shall be submitted to and be approved in writing by the County Planning Authority prior to such removal.

## Contacts

### County Council Contact Points

Worcester (01905) 763763, Kidderminster (01562) 822511

### Specific Contact Points for this Report

Lucy Yates, Principal Planning Officer:

01905 728561, [lucyyates@worcestershire.gov.uk](mailto:lucyyates@worcestershire.gov.uk)

Mark Bishop, Development Control Manager:

01905 766709, [mbishop@worcestershire.gov.uk](mailto:mbishop@worcestershire.gov.uk)

## List of Background Papers

In the opinion of the proper officer (in this case the Head of Economic Development and Planning) the following are the background papers relating to the subject matter of this item:

The application, plans and consultation replies in file reference 14/000013/CM.