

5 DCCW2008/1832/N - CONSTRUCTION AND OPERATION OF AN OPEN WINDROW GREENWASTE COMPOSTING FACILITY: OFFICE / WELFARE FACILITY, STORAGE BUILDING, WEIGHBRIDGE, HARDSTANDING PROCESS AREA, CAR PARKING, ANCILLARY INFRASTRUCTURE AND LANDSCAPING AT UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD, HEREFORDSHIRE, HR4 8AH

For: Mercia Waste Management Ltd per Axis, 5 Camellia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB

Date Received: 21 July 2008 Wards: Burghill, Holmer & Lyde and Sutton Walls Grid Ref: 49655, 45976

Expiry Date: 20 October 2008

Local Member: Councillors SJ Robertson and KS Guthrie

1. Site Description and Proposal

- 1.1 The application site lies 800m west of the A49 (T), approximately 6 kilometres north of Hereford. It comprises 2.0 hectare of agricultural land at Upper House Farm. The parish boundary between Burghill and Moreton crosses the site at the point where the proposed access road would enter the development site.
- 1.2 The proposal is to construct an open windrow composting facility exclusively for treating garden cuttings collected at the five household 'bring' sites located in Hereford, Leominster, Bromyard, Ledbury and Ross on Wye. There is currently no such provision in Kington. No treatment of any other waste types is proposed as part of this application. The capacity of the site would be about 12,000 tonnes per annum and the development would comprise the following:
 - Hardstanding process area (approximately 0.6 ha);
 - Portable cabin type office/welfare facility, 9.75m x 3.65m x 2.45m high;
 - Storage building, 20m x 15m x 5.5m high to eaves/7.5m to ridge, 3 roller-shutter doors;
 - Weighbridge;
 - Car parking providing about 4 spaces;
 - Ancillary infrastructure including a waste-water lagoon;
 - Landscaping, including two areas of soil mounding, for screening.
- 1.3 Access would be from the A49 (T), along a recently constructed track linked to a permitted sand and gravel extraction site on adjoining land at St. Donats Farm to the west. This now also forms the sole access to Upper House Farm and associated poultry units.

- 1.4 The proposed process is summarised from the submitted details as follows:
- Accumulated material at the Household Waste Sites would be transported to the site and off-loaded into the reception area on the hardstanding;
 - The raw cuttings would be mechanically shredded and formed into a long pile up to 3 metres high - this is the first 'windrow';
 - As this material starts to ferment and break down naturally, it would be turned over to create the next windrow parallel to the first. This process aerates the compost and reduces odours, and also manages the temperature as the composting process produces natural heat.
 - Optimum temperature is maintained through monitoring and turning, in order to encourage microbial activity, eliminate weed seeds and pathogens and sustain the process;
 - The process requires moisture, and in dry conditions water may be added to the active compost;
 - Turning is repeated, creating consecutive windrows as necessary until the temperature starts to drop, indicating the end of the process. This is estimated to take about 14 to 18 weeks;
 - The composted material would then be screened to remove any unwanted or over-large pieces. Woody material may be put through the system again, to reduce the unusable fraction that would need to be finally disposed of to landfill.
 - Finished compost would be bagged up and transferred back to the Household Waste Sites for sale to the public or other horticultural users as a soil improver;
 - The proposed hardstanding would be engineered to ensure that all run-off would be contained and directed into a sealed waste-water lagoon, constructed to Environment Agency specification and regulated by them as part of the whole site.
 - Roof water would be collected and re-used when required in the composting process.
- 1.5 The application was given the required publicity by press notice in the Hereford Journal on 30th July 2008; by site notice on 28th July 2008, and written notification of neighbours on 22nd July 2008. Amended proposals for the site layout were received on 14th September 2008, to take account of a 1:1000 year extreme storm event. There was further consultation with the Environment Agency and the relevant Parish Councils, and all persons who had been previously notified or had made representation were notified, allowing a further consultation period.
- 1.6 Prior to making the application, the applicants requested a determination as to whether the development would fall within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council's formal Screening Opinion was issued on 24th August 2007 and stated that a full Environmental Statement (ES) would not be required. Nevertheless the submitted application, and subsequent further information, include full and comprehensive environmental assessments to the same extent and level of detail that would have been required if a formal ES had been necessary.
- 1.7 The applicant company has stated that prior to submission of the application, they held a public meeting and exhibition at Moreton-on-Lugg Village Hall on 16th and 17th May 2008 to explain the proposals and plans and engage in dialogue with neighbours. It went on to report that the event was publicised through local press advertisements and local notices, and between 80 and 100 visitors attended. The applicants undertook further investigations following comments received. This accords with the Council's Statement of Community Involvement.

- 1.8 The Sub-Committee resolved to make a site visit prior to consideration of the proposal and this took place on 19th August 2008.

2. Policies

2.1 National Planning Policy:

- PPS1 - Delivering Sustainable Development (January 2005)
- PPS7 - Sustainable Development in Rural Areas (August 2004)
- PPS9 - Biodiversity and Geological Conservation (August 2005)
- PPS10 - Sustainable Waste Management (July 2005)
- PPS23 - Planning and Pollution Control (November 2004)

Waste Strategy 2007

DETR Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

2.2 Regional Planning Policy:

West Midlands Regional Spatial Strategy adopted June 2004

Policy WD3 - Criteria for the Location of Waste Management Facilities

Emerging Policies W5, W6, and W7 in the phase two revision draft preferred options paper December 2007 as yet unadopted

2.3 Herefordshire Unitary Development Plan 2007:

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S6 - Transport
- Policy S7 - Natural and Historic Heritage
- Policy S10 - Waste
- Policy DR1 - Design
- Policy DR2 - Land Use and Activity
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR6 - Water Resources
- Policy DR7 - Flood Risk
- Policy DR9 - Air Quality
- Policy DR11 - Soil Quality
- Policy DR13 - Noise
- Policy DR14 - Lighting
- Policy E8 - Design Standards for Employment Sites
- Policy E11 - Employment in the Smaller Settlements and Open Countryside
- Policy E12 - Farm Diversification
- Policy E15 - Protection of Greenfield Land
- Policy T8 - Road Hierarchy
- Policy T11 - Parking Provision
- Policy LA2 - Landscape Character
- Policy LA3 - Settings of Settlements
- Policy LA5 - Protection of Trees, Woodlands and Hedgerows

Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy ARCH 1	-	Archaeological Assessments and Field Evaluations
Policy ARCH5	-	Sites of Lesser Regional or Local Importance
Policy ARCH6	-	Recording of Archaeological Remains
Policy W1	-	New Waste Management Facilities
Policy W3	-	Waste Transport and Handling
Policy W9	-	Reclamation, Aftercare and After-use

2.4 Other Material Legislation and Policy Documents:

Conservation (Natural Habitats, &c) Regulations 1994 ['The Habitats Regulations']
 Natural Environments and Rural Communities Act 2006 ['The NERC Act']
 Herefordshire and Worcestershire Joint Waste Management Strategy 2004-2034
 Waste Strategy 2007
 Herefordshire Council Corporate Plan 2008-2011
 Community Strategy for Herefordshire 'A Sustainable Future for the County' –
 Herefordshire Partnership, 2006

3. Planning History

- 3.1 There is no planning history affecting the specific site. However, relevant matters include DCCW2001/3139/M dated 23rd September 2004 for construction of the access road from the A49(T), which has been completed as far as the existing poultry units and approved by the Highways Agency. This permission is linked to planning permission reference DCCW2001/3140/M to extract sand and gravel at St. Donats Farm, also granted on 23rd September 2004 but not yet commenced.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection in principle, subject to recommended conditions being imposed. Three response letters from the Agency are summarised as follows:
- Initial response: Further clarification requested on proposed foul drainage and flood protection. Groundwater protection measures deemed adequate; the site would be regulated through an Environmental Permit issued and controlled by the Agency.
 - On the subsequently submitted Odour Assessment: Noted that no specific risk assessment is actually necessary since there are no 'Sensitive Receptors' within 250m of the site. The report nevertheless addresses the relevant matters and is considered acceptable. The development would be subject to an Environmental Permit and therefore controlled by other legislation than planning. Proposals for a sealed drainage system and storage lagoon to collect all run-off area are

acceptable. 'We are satisfied in principle that significant impacts from an air quality perspective are unlikely to be experienced and that any risks can be satisfactorily mitigated'.

- c) On proposals for minor amendments to the proposed run-off storage lagoon: Noted that the original proposal was perfectly adequate, but the design amendment to accommodate an extreme 1-in-1000-year flood event + climate change is welcomed. 'the design of the lagoon and surface water management proposals would prevent any risk of contamination to the water environment including groundwater and the surrounding watercourses which ultimately drain into the River Lugg SSSI/SAC'.

A more detailed examination of the Environment Agency's role can be found in paragraphs 6.33 to 6.41 of the appraisal below.

- 4.2 Natural England: Advice given on the requirements of Regulation 48 (1) (a) of the Habitats Regulations, regarding any possible impact on the River Lugg SSSI/SAC. Notes that the site would be engineered to Environment Agency specification and therefore adverse effects are unlikely, especially given the distance and existing barriers between the application and the Lugg. However, evidence is required as to why an Appropriate Assessment under the Habitats Regulations would be unnecessary. On request for further information, the applicant has provided a Screening Matrix showing how and why there would be no significant impacts. Natural England accepts the findings and therefore has no objection. Further detail on this is given in paragraph 6.32 below.
- 4.3 Highways Agency: 'Although [the development] will result in a slight increase in HGV and agricultural movements we are satisfied that this should not have any further detrimental effect on the free-flow and safety of the A49. The recently improved access meets Highways Agency (HA) standards.' Following comments by objectors that this stretch of the A49 is subject to numerous traffic accidents, the HA was consulted again on highway safety implications with a request to look into the case in more detail. The original comments of no objection and no conditions recommended are maintained. Paragraph 6.22 refers to this further.
- 4.4 River Lugg Internal Drainage Board: The site lies just outside but adjacent to the Board's area of jurisdiction and the development could have an indirect effect. The development should therefore fully comply with the drainage details in the supporting statement of the planning application, to at least the 1:100 year standard + 20% for climate change.
- 4.5 Herefordshire Primary Care Trust: Were consulted in accordance with PPS10, with regard to any possible health risks from the development. The response from Dr. D. Kirrage, Director West Midlands Health Protection Unit, is summarised as follows: I have obtained comments from colleagues in the Chemical hazards and Poisons Division, to whom I forwarded the planning application. Their view is that a well run and maintained compost facility would not pose a significant risk to public health from bio-aerosols. This is in line with currently published available research. We also agree on the safe distances of sensitive receptors put forward by the Environment Agency. This application will be subject to Environment Agency control and since the PCT is a statutory consultee in the permit process we will have a further opportunity to comment at that stage. No concerns or objections are raised.

Internal Council Advice

4.6 Head of Environmental Health and Trading Standards:

Environmental Services Manager: No objection; submitted noise assessments show the impact would be negligible or lower than current background noise. However, restrictions should be placed on the hours in which deliveries may occur. Odour impacts are unlikely to be significant enough to warrant objection, given that the nearest residential property is more than 600m away. On airborne microbes, the Environment Agency advises that 250m is a safe distance so can see no reason to object on these grounds. Recommends conditions for a scheme to prevent release of litter, dust and loose material.

Regulatory Services Manager (Animal Health and Welfare): No problem exists with livestock being in the vicinity of this type of facility provided there would be no direct physical contact with compost or access to the composting area. No objection.

4.7 Drainage Engineer: A suitable programme should ensure regular monitoring of the proposed lagoon to prevent overspill. No objection in principle.

4.8 Transport Manager: No objections in principle, initial request for further information on wider use of the highway network as a result of the development. On the figures subsequently provided by the applicant, it is clear that there would be a net reduction in HGV movements and therefore no objections are raised or conditions recommended. There would be no requirement for a S106 contribution to highway maintenance.

4.9 Conservation Manager:

Landscape Officer -The applicant has assessed the landscape as dominated by mixed agricultural uses, hedgerows and a diverse scale and pattern. This site has a capacity to accommodate change and is not affected by any statutory or local designations. The site is only visible in limited middle distance views and there is no immediate public vantage point. Standard landscaping conditions recommended.

Planning Ecologist - Notes that the submitted Ecological Report found no designated sites or protected species would be affected by the proposals. Welcomes the recommendations for mitigation and habitat enhancement. Also notes the Environment Agency is satisfied that adjacent watercourses would not be affected. On discussing the site with Natural England I am satisfied that the River Lugg/River Wye SSSI/SAC should also not be affected. No objections raised, subject to conditions to secure the proposals made in the application.

4.10 County Archaeologist: The archaeological sensitivity of the area is high. The preliminary field evaluation indicates a number of features of archaeological interest, and given the nature and scale of the development the impact is likely to be moderately severe. However, it is possible to mitigate any damaging effects through an investigation prior to and during development works and the employment of an appropriate foundation design. Standard conditions are recommended. It is noted that the revision to the proposed lagoon to 1:1000 year + climate change standards would involve less archaeological disturbance.

4.11 Public Rights of Way Manager: The proposal would not appear to affect the two public footpaths closest to the site, BX42 and MU2; the nearest points on these paths being

285m and 585m respectively. Noted that site management would be regulated by the Environment Agency, therefore no objections in this regard.

4.12 Forward Planning Manager: The proposal would:

- Help deliver sustainable development by diverting waste from landfill;
- Start the process of Herefordshire taking responsibility for its waste;
- Contribute to Landfill Directive targets;
- Contribute to the Herefordshire and Worcestershire Waste Strategy 2004-2034, which supports a single centralised composting site. However green waste might also be treated at small-scale community-based sites.
- Possibly conflict with some UDP and emerging RSS policies, requiring further consideration. The application needs to demonstrate compliance with UDP Policy W1.

4.13 Waste Services Manager: Paragraph 3.10 of the Joint Municipal Waste Management Strategy supports the principle of a single centralised green waste composting site in Herefordshire.

5. Representations

5.1 The Parish Councils of Burghill, Moreton-on-Lugg, Marden, Pipe & Lyde and Wellington were consulted; their responses are summarised as follows:

5.2 Burghill Parish Council: Objection on the following grounds:

- a) Location - this is a green field site; we are not convinced other brownfield sites have been considered.
- b) Visual impact - this is good arable land and the proposal would be contrary to UDP policies.
- c) The lagoon will not be safe or protect watercourses from contamination.
- d) Health & safety - We do not believe bioaerosols would be limited to 250m.
- e) Odour - all the technical evidence given by the applicants means nothing.
- f) Noise - shredding machinery will be heard over a wide area.
- g) Highways - figures given do not take into account peak seasonal green waste refuse, farming activities and the start of quarrying. The A49 is particularly busy and there have been numerous accidents and a fatality.
- h) Tourism - the economy of this small rural area would suffer because of the proposed site's proximity to a caravan and camping site.

Following this itemised list, the response continues with 'the safety of these sites is not proven and other sites have been closed, operations suspended and questions asked in Parliament. The Parish Council cannot understand why the Planning Department is not exploring in-vessel management of green refuse at Wharton Bank' [sic].

5.3 Moreton on Lugg Parish Council: Is opposed to this proposal on a number of grounds:

- a) The development is on good quality agricultural land.
- b) There has been no serious attempt to find alternative sites on brownfield land.
- c) The Parish Council objects to the increased traffic generated.
- d) There is a lack of consensus on the effects of bioaerosols. Objections on grounds of pollution from dust, spores and odour.
- e) Ecology - further clarification of the proposed lighting is necessary.

- f) The Parish Council does not agree that the proposals for dealing with stormwater are adequate.
 - g) There is a complete lack of risk assessment.
- 5.4 Marden Parish Council: The Parish Council supports the response submitted by Moreton-on-Lugg Parish Council, adding that the report is complacent about impacts on the local environment and road safety. There should be a condition banning the movement of hgv's through Moreton-on-Lugg towards Marden.
- 5.5 Pipe & Lyde Parish Council: Unanimously oppose the proposal:
- a) Increased traffic on the A49 - many accidents occur on this section of road.
 - b) Environmental issues - including noise pollution, smells, pollution of watercourses, air contamination from spores, flies, insect and rodents.
 - c) The use of the site for 362 days per year would bring no respite to residents.
 - d) At least 1 hectare of valuable farmland would be lost.
 - e) A more rural and remote site should be found, close to a better road infrastructure.
- 5.6 Wellington Parish Council: No correspondence has been received.
- 5.7 Fifteen letters of objection from local residents were received after the public exhibition held by the applicants in May 2008 but before the planning application was made. All of these express fears about air quality and smell. Other points raised include concerns about noise, traffic, health risks from spores, and possible effects on wildlife, water supplies and people with respiratory diseases. Suggestions that the site should be elsewhere.
- 5.8 Since the application was made and publicised, 111 letters and emails of objection have been received, including several long and detailed letters. Of these, 25 are duplicates or additional letters from existing objectors. Many people have also sent multiple copies of their objection letters to Bill Wiggin MP, their parish council, senior officers of Herefordshire Council and the Environment Agency. These copies have been forwarded to the planning office. Protest posters were distributed by objectors and a petition collected at Moreton Stores containing 53 names.
- 5.9 Following notification of the submitted amended site layout plan to take account of a 1:1000 year extreme flood event, 40 further letters of objection have been received, mainly from residents who had already made representation. Burghill, Moreton-on-Lugg and Marden Parish Councils have commented but did not wish to raise any new points.
- 5.10 On 31st October 2008 another petition was presented to the Full Council meeting. It contains 593 signatures from people who strongly object to the proposals. No reasons are given for the objection.
- 5.11 The views expressed by all the objectors are generally consistent, mainly expressing concerns relating to traffic/road safety, odour nuisance, health risks from spores, drainage, noise, and the principle of using greenfield agricultural land. The most common points are summarised as follows, in no particular order:

Pollution & health

- Leachate will carry any pollutant into the River Lugg.
- Spores will have a devastating effect on wildlife.

- The spores will spread over a wide area, affecting Hereford and Leominster.
- Investigations into the effects of aspergillus spores are incomplete.
- There would be a significant health risk: life-threatening respiratory problems are possible.
- Not enough is yet known of the risks to health in the long term.
- The Council has a duty to protect local residents from dangerous pollution.
- Many of these sites have continuous problems with odour.
- The smell, flies and dust will cause breathing problems.
- We already have a lot of flies and the thought of more fills me with dread.
- Concerns about the regular smell and bioaerosols.
- The smell will be intolerable; we will have to stay indoors.
- The prevailing wind will blow any smells towards the village.
- Private water supplies will be affected by pollution.
- The site is too close to residential properties.
- The site will be illuminated; there will be lights blazing for probably 24 hours per day.
- We will be unable to plant apple trees on the field next to the site.

Social/economic impact

- This facility will be detrimental to local businesses.
- This will be close to the largest centre of population between Hereford and Leominster.
- This proposal is not in the best interests of our village.
- The site lies over an Iron Age/Roman settlement.
- The Council has no regard for this county's heritage.
- Tourism will be badly affected.
- The attraction of Moreton Business Park will be decreased.

Traffic

- Traffic noise and danger will worsen.
- There have been four deaths within one mile of the new road access.
- This stretch of the A49 is very dangerous.
- The vehicle movements table shows a total of 28 trips. The truth would be 152 movements per day, close to one traffic movement every 4 minutes.

Strategic and siting principles

- The Council should encourage household composting and reduction of waste;
- There is spare capacity at Wharton Court to process waste under cover.
- This project should be on Rotherwas Industrial Estate.
- The proposal includes bringing waste from Worcester; a site should be found on the boundary of the two counties, at least 1500 metres from any community or work place.
- Sites should be on brownfield land, not open farmland. There has been little or no attempt to find such a site.
- Shocked that the Council would consider spoiling the landscape further when there are dedicated areas to house this sort of facility.
- The site is adjacent to a SSSI.
- Mercia Waste Management have held back on making an application to hold the Council to ransom and force the application through.
- There is no policy to require one large composting facility.
- Open composting is yesterday's technology.

- Outrageous that good farmland would be covered with concrete.
 - The current facility for composting green waste at Hill & Moor near Pershore would close within two years.
- 5.12 A number of letters have drawn attention to possible alternatives at Wharton Court near Leominster and Rotherwas. The local planning authority should only consider alternatives to the application site in exceptional circumstances, when such alternatives can be a material consideration. For the avoidance of doubt these points will be clarified at paragraphs 6.42 – 6.46.
- 5.13 The full texts of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This proposal also requires an Environmental Permit from the Environment Agency - which could only be granted if the site were capable of complying with the appropriate Regulations. The Agency would control the whole site with full enforcement powers. The applicant has stated that in order to ensure compliance the site would be operated to PAS100 (2005), the publicly available specification for Composted Materials. This sets out standards of operation and monitoring to ensure that the material is safely and adequately treated. The site could not be operated if compliance was not achieved.
- 6.2 On this basis, Committee Members are invited to determine the application entirely on its planning merits. In this regard, the main issues for consideration are:
- Principle of the development;
 - Site choice;
 - Land use policy issues;
 - Access and traffic;
 - Drainage and flood risk;
 - Landscape and visual impact;
 - Lighting and noise;
 - Archaeology;
 - Biodiversity;
 - Environmental considerations;
 - Alternative sites and other matters raised by objectors.
- 6.3 As with any proposal, this application must be determined in accordance with the provision of the current Development Plan unless material considerations indicate otherwise. PPS10 is in force and is a key consideration; the waste element of the Regional Spatial Strategy (RSS) is relevant but under review; the Herefordshire Unitary Development Plan 2007 (UDP) remains in force but is also under review with the preparation of the Core Strategy for the Local Development Framework (LDF); the waste section is at a very early stage.

Principle of the development;

- 6.4 The application explains that the Waste Strategy 2007 translates EU legislation into UK requirements, currently seeking significant reductions in the amounts of waste going to landfill in stages, by reducing the amounts sequentially until 2020 using a baseline of 1995 published figures. The regime sets reducing quotas for the amount of biodegradable waste allowed to go to landfill, and increasing taxes levied on amounts

that are landfilled - estimated as rising to £48 per tonne by 2010. Waste collection and disposal is commonly contracted-out to private companies, and these costs are ultimately borne by the public. Some householders manage their own garden waste through home composting, but demand at household waste sites nevertheless outstrips capacity. Currently all Herefordshire's garden waste is transported out of the county, nominally to the applicant's existing composting site at Hill & Moor near Pershore, although excess material is taken under licence to sites at Dymock (Gloucs), and Abergavenny, and some is still landfilled. Through the current national Waste Strategy and the Regional Spatial Strategies, government advice encourages mileage reduction on the wider highway network, for counties to be more self-sufficient, and for householders to reduce all types of waste generation. However, particularly since new housing tends to have limited amenity space, in your officers' view the likelihood of a zero-requirement for the disposal of garden waste is remote and on balance the proposed development is considered necessary.

- 6.5 The site's capacity would be up to 12,000 tonnes of green waste per year, (approximately double the current production), which the applicant estimates will rise to capacity by 2028. The application proposes utilising spare capacity by initially supplementing Herefordshire's garden waste from Worcestershire. The applicant company has clarified that it *'expects to continue operating the Hill & Moor composting facility until the end of its contract in 2028 or such other time as is negotiated. Present arisings in Herefordshire are some 7,000 tonnes per year, ... estimated to grow to around 12,000 tonnes per year by 2027. In the early years MWM may wish to divert some green waste from Worcestershire to make use of the surplus capacity and relieve pressure on Hill & Moor'*.
- 6.6 On request the applicant has supplemented the details given in the application on the chosen process type, stating: *'Open Windrow Composting (OWC) is the UK's most proven and widely used technology (by an enormous order of magnitude) for the management of green waste. The most realistic [other technologies] are Anaerobic Digestion (AD), In-Vessel Composting (IVC) and Landfill. Of these, Landfill is no longer an option. AD requires high moisture and is better suited to process food/kitchen waste and sewage sludge. It is not suitable for the exclusive treatment of green garden waste and therefore such an installation would require the additional importation of other [more offensive] waste types [and] significant investment in built infrastructure and equipment'*. The applicant has confirmed that IVC can be used for municipal waste, animal by-products and other organic material but it would require segregated wastes in a form not currently collected in Herefordshire. In their view this would require a revised strategy, which would affect Herefordshire and Worcestershire's joint arrangements. Furthermore, there are considerably more odour problems associated with AD and IVC than with OWC. AD and IVC are anaerobic processes which generate offensive odours; OWC is not anaerobic and generates considerably less odour. One important factor is the type of waste to be treated and the means of collecting it. In this case, the household bring sites already accept segregated green waste and no new infrastructure would be necessary at those sites. With different techniques this would not be the case, and significant investment would be necessary at the source sites as well as the treatment site. Officers consider that the arguments put forward by the applicant are valid and reasonable. OWC is a traditional, sustainable, well-proven, low-key technique with relatively little resource demand. The process is natural and organic and does not require sophisticated chemical or physical support to ensure air quality.
- 6.7 PPS10 explicitly dropped the concept of Best Practical Environmental Option (BPEO), although it survives to some extent in the Companion Guide, as 'Sustainability

Appraisal' RSS policy WD3 and UDP Policy S10 refer to it but PPS10 postdates them. Nevertheless, on request the applicant has assessed the extent to which the proposal would accord with the three principles that would have applied under BPEO, namely the Waste Hierarchy, the Proximity Principle and the contribution to regional/local self-sufficiency. The assessment states that the site scores well on all three counts, as follows:

- It would contribute to waste reduction and recycling.
- It would be central in the county, close to a major road, and between the main population centres of Leominster and Hereford. It also scores well in the context of current shipping arrangements with sites at Hill & Moor, Abergavenny and Dymock.
- It would assist Herefordshire's progress towards self-sufficiency on waste.

6.8 In relation to the principle of the development proposed, your officers consider that this matter is satisfactorily addressed by the application.

Site choice;

6.9 Consideration is focussed on four elements:

- a) Whether there should be one centralised site or several smaller more local ones;
- b) Alternatives considered and reasons for their rejection;
- c) Special site requirements, including the need to be remote from other land uses;
- d) Characteristics of the chosen site.

(a): Supported by the current Joint Waste Management Strategy, the applicant company is committed to the provision of a single site in this county for treating collected green garden waste in accordance with European, national and regional requirements to reduce the amount of waste going to landfill. On the merits or otherwise of preferring a series of smaller local sites, the applicant company has argued on economies of scale. (bearing in mind that the company is contracted to deliver a public service where value for money is a prime consideration). Current and emerging waste management legislation supports a single site as the only practical solution. Multiple sites would each generate exponential overhead costs in terms of planning requirements, Environmental Permit fees, transport, and investment in plant and equipment. They would each have to satisfy locational, operational and environmental needs. Officers agree that the long-term difficulties experienced in identifying one suitable (and available) site suggest that the likelihood of success would be remote. In addition, the applicant company has expressed serious concerns about the feasibility of sub-contracting site management to third parties such as Parish Councils, given the responsibility to operate to very strict environmental standards and the licensing requirements of the Environment Agency.

(b): In section 3.14 of the Supporting Statement, the application pays particular attention to the fact that the search for a suitable composting site started in 1998, when the commitment to open windrow composting on one site was established. The applicant has investigated 21 other sites since that time, setting criteria as to site requirements including nearby sensitive receptors, flood plain/drainage, landscape, heritage, biodiversity, viability, availability, access, and proximity to Hereford as the main source of green waste (within about 16 km). This is the first site considered that the applicant has deemed suitable and available. The applicant company is committed to one site and to this type of composting, but

has set out its considerations and offered sound reasons why other alternatives were not pursued.

(c): The Environment Agency (EA) would be the regulating body, and therefore responsible for air quality and health issues. However in land-use terms, it is necessary for the local planning authority to be satisfied that there would be no adverse environmental effects. The Agency has stated that any application for a composting facility proposed within 250 metres of other land users ('sensitive receptors', i.e. dwellings and workplaces), must be accompanied by a full Risk Assessment. Whilst not prohibiting lesser distances, a sound preference for greater separation is implied. This point is considered further in paragraphs 6.37 to 6.40 below.

(d): The site fulfils a number of specific criteria; in particular it is situated centrally in the county, between the two main population centres of Hereford and Leominster; it is close to the A49(T) with an existing new access, but not visible from it; it lies well beyond 250m of any other land users; it is not in a flood plain or affected by any designations; and it is not overlooked except from a minimum distance of 650m.

6.10 In relation to site choice and related criteria, your officers consider that this matter is satisfactorily addressed by the application.

Land use and policy issues:

6.11 The site comprises previously undeveloped agricultural land in open countryside. However, land-use considerations in this case are far from simple. Some relevant policies are currently either under review or outdated, and the relationships between land use types and the definitions of waste and treatment processes are indistinct. Given these circumstances a detailed analysis of the relevant policies is set out below.

6.12 **PPS10: Sustainable Waste Management**, is a key consideration for this application, and the requirements of this national policy are also dealt with in other sections in this report, notably those on the principle of the development and environmental considerations. Paragraph 5 of PPS10 stresses that in determining planning applications local authorities should:

- Note that controls under planning and pollution control regimes should complement each other and avoid conflicting conditions;
- Work effectively with pollution control authorities;
- (Crucially) regard the policies in this PPS as material considerations which may supersede local development plan policies where these have not yet been reviewed to reflect PPS10.
- Avoid refusal of planning permission on grounds of prematurity.

The Companion Guide to PPS10 makes it clear that proposals on sites not previously allocated for waste management facilities should not be lost on that basis, provided they can comply with PPS10 and current local policies. PPS10 therefore requires a favourable consideration where proposals accord with policy, taking into account:

- The extent of policy support;
- Physical and environmental constraints;

- Cumulative effects including any significant adverse impacts on environmental quality, social cohesion and economic potential;
- The capacity of infrastructure to accommodate the movement of waste;
- Prioritisation of the re-use of previously developed land.

This last point depends upon issues of availability and suitability, bearing in mind the particular circumstances of any proposal. In this case, the site-search points highlighted in section 6.7 above are relevant. Paragraph 32 of PPS 10 states: '*It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where [it] requires a permit from the pollution control authority. In some cases however, it may be appropriate to use planning condition to control other aspects of the development.*' Where appropriate therefore, such planning conditions are recommended, bearing in mind the need to avoid duplication.

6.13 **PPS7: Sustainable development in rural areas**, is also relevant to the determination of the application. Its key principles for development in rural areas are mainly concerned with buildings and conventional uses, focussing on sustainability and an integrated approach, including social inclusion, environmental protection, prudent resource use and economic growth. The proposal would be supported by several of these points, but objectors have expressed concerns that the proposal would harm the existing local economy, notably the nearby caravan site and businesses in Moreton-on-Lugg village. These concerns are based on visual impact, health and air quality issues, noise and traffic implications which, in their view, would deter potential customers. These points will be considered separately in the following paragraphs, but officers do not believe such a site could affect the economy of Moreton-on-Lugg, which is about 1 km away and is not visible from it. PPS10 makes it clear that a well-managed site should pose little risk to human health, and this site, if approved, would be fully regulated by the Environment Agency. The caravan and camping site is approximately 880m southwest (and therefore generally up-wind) from the site in a straight line, and would be distantly visible from the access track to it. It seems doubtful however that visitors would notice it or be deterred from staying at the site.

6.14 **Regional Spatial Strategy (RSS)**: Members will be aware that the RSS is currently under review. However Policy WD3 – 'Criteria for the location of waste management facilities', is currently the principal relevant regional policy. Paragraph A includes a requirement for development plan policies and proposals to:

1. Guide the location and siting of waste treatment and recycling facilities to appropriate locations, having regard to the proximity principle and other environmental and amenity principles.....
2. Wherever possible be consistent with the principles of Best Practicable Environmental Option (BPEO).....

As noted above in paragraph 6.7, the BPEO principle has since been superseded but it has nevertheless been applied to the proposal and found supportive. On proximity, the applicant argues that the site would be considerably closer to the main sources of garden waste than the current destination near Pershore or the present overflow facilities in Wales and Gloucestershire, with easy access to the county's primary highway. Paragraph B of policy WD3 includes the requirement that '*consideration should be given to the potential advantages of making provision for waste management in the form of small scale facilities that may be more integrated into the local setting*'. However, this policy does not explicitly give precedence to this so, provided the applicant has considered it as an option, the principle of one site for the

whole county would be compliant and may be acceptable. The applicant has explained the reasons why more numerous smaller sites would be inappropriate in this case. In the perspective of regional strategy however, the proposal site of just 1 ha of composting space is in itself on a smaller scale than the existing Worcestershire facility. Policies emerging from the RSS review process may introduce more specific requirements but cannot be relied upon at this stage. However a review of draft policies W5, W6 and W7 suggest that the proposal would be capable of compliance.

6.15 **Herefordshire Unitary Development Plan 2007 Policy S10: Waste**, requires proposals to conform to BPEO. As noted above, the proposal would be compliant. The rest of this policy relates to adequate mitigation, reclamation of the site and sustainability. The appraisal that follows will assess these matters.

6.16 **Herefordshire Unitary Development Plan 2007 Policy W1, New Waste Management Facilities**, qualifies the type of development that it covers as: 'Planning applications for new waste management facilities which do not fall into Class B1 or B2.....'. A composting place involving vegetable matter is considered as B2, as are almost all waste treatment processes. W1 is the only policy specific to waste treatment, which means that, apart from Policy S10 the UDP's waste policies would not generally apply to waste treatment proposals. Waste transfer would however be caught by policy W1 as this is not regarded as B2 activity but *sui generis*. This proposal is for a combination of treatment and transfer and thus can be assessed against policy W1, which uses a complex process of sequential primary and secondary constraints. The preamble states:

- (Paragraph 12.4.4) '*planning applications for waste management facilities affected by any one of the [primary] constraints will not be permitted whilst there is still other less-constrained land available ... unless the specialised nature of the facility constitutes a material consideration sufficient to override the constraint*'.
- (Paragraph 12.4.6) '*other than in the exceptional circumstances set out in policy W1, planning applications ... incurring two or more ... secondary constraints will not be permitted unless any adverse environmental, economic or social impacts can be satisfactorily mitigated*'.

It remarks that where just two secondary constraints apply, then both exception clauses also apply. In this case, Natural England have agreed that the River Lugg SSSI/SAC would not be affected by the proposal due to the site design and separation distance and the site is thus not affected any of the listed Primary Constraints. Two Secondary Constraints apply:

- **4. Archaeological sites of lesser Regional or Local Importance;**
Whilst the initial archaeological investigation indicates good Romano-British settlement evidence, the Archaeological Advisor is satisfied that it is not so important or rare that it should be preserved in situ, and that mitigation in the form of a structured scheme of investigation would be acceptable since it would increase local knowledge of historic occupation layers. This is discussed in more detail in section 6.30 below.
- **7. Best and most versatile agricultural land (BMV land)**
The application identifies the site as nominally Grade 2 land based on the 1966 MAFF classification maps (revised guidance issued 1988). Cranfield University National Soil Resources Institute's more detailed 1999 study indicated that local soils would be highly unlikely to achieve grade 2, due to impeded drainage on Herefordshire clays. The MAFF maps are not site-specific, and it is for developers to demonstrate individual site quality through surveys. Objectors have challenged the proposed use of quality farmland so, to avoid further speculation, the applicant

was asked to undertake a physical survey of the site to establish the precise soil quality grade. Reading Agricultural Consultants' subsequent report dated 18 September 2008 describes 4 samples taken in accordance with approved guidelines, concluding a predominance of *'slowly permeable and seasonally waterlogged ... brown clay and silty clay topsoils'*, borne out by personal experience on site visits. The result is that the entire site of 2 ha is grade 2 type but restricted to grade 3a due to impeded workability caused by the clays. However it should be noted that the applicant's waste management contract expires in 2028, at which time, or if composting were to permanently cease, the site could be restored and returned to agriculture and therefore not permanently lost. Notwithstanding the above, Officers feel that the specific site requirements, the special circumstances and the lack of suitable alternatives would override any conflict with policy W1 as both exception clauses would apply.

- 6.17 **Herefordshire Unitary Development Plan 2007, Policy E11 Employment in the smaller settlements and open countryside:** Waste management proposals not covered by policy W1 are considered as for any other B2 industrial proposal, although in this case officers regard W1 as relevant. Policy E11 is primarily concerned with conventional industrial employment-generating proposals in rural areas. The specialised nature of the proposal and the pressure from European and national legislation to reduce waste going to landfill, combined with the specific site requirements including essential isolation from neighbours, are material considerations that override this policy. Policy E11 also refers to Policy E12, Farm Diversification, and your officers consider that the proposal would accord with E12 because the farm would remain operational as an agricultural unit.
- 6.18 **Herefordshire Unitary Development Plan 2007, Policy E15 Protection of greenfield land:** The preamble states that greenfield land *'should not be developed before opportunities have been assessed ... on previously developed land and on land within the boundaries of urban areas'*. The policy presumes against development of such land but allows for flexibility if (a) no suitable brownfield/urban sites exist, or (b) there is an established need to develop agricultural land and the poorest possible quality is chosen. The applicant's efforts to identify other suitable sites for a centralised composting facility have been considered in paragraph 6.9, and the principle of using quality agricultural land for this purpose has been considered in paragraph 6.16. The need for separation from other users suggests the likelihood of finding a suitable, available, remote, urban brownfield site that fulfilled other requirements (including access and proximity) is extremely doubtful. Officers do not consider that the loss of 2 ha of land would be strategically significant, and the Environment Agency and the Council's Animal Health and Environmental Health Officers have confirmed that the development would not jeopardise the use of adjoining land. The applicant has argued that composting is a process 'akin to agriculture' not out of place in an agricultural setting; that the project would need to be located on open land away from homes and workplaces; and that the lowest quality land available has been chosen. Therefore in your officer's view there would be no conflict with Policy E15.
- 6.19 Whilst some policies do not entirely support the proposal, officers feel there is no outright conflict and recognise that the special site requirements dictate a need for open land more than 250m away from existing dwellings, settlements and businesses. The proposal site does not conflict with UDP Policies S10, E15 or W1, and the combination of adequate mitigation, need and exceptional circumstances mean that UDP policies can be complied with or are overridden by other material considerations.

National and Regional strategic policy support the principle of green waste composting provided environmental and other matters can be accommodated, which will now be considered.

Access and traffic:

- 6.20 The application explains that the new access and junction with the A49(T) meets Highways Agency (HA) specifications. It relates to an unconnected planning permission to extract gravel on land at St. Donats Farm to the west, which has not yet begun. The proposed composting site would be immediately adjacent to the gravel pit and, under licence, would use the same access - which also now serves Upper House Farm and its poultry units and replacing the previous farm access where visibility was less clear. The traffic figures given in the application are based on capacity use at peak periods in late summer and therefore may be regarded as a likely maximum. Daily trip generation is predicted at up to 14 in and 14 out. Off-peak movements would be substantially fewer. The Transport Manager requested that the applicant provide a breakdown of the likely effects of this development on the wider highway network beyond the A49(T). The response points out that the movement and management of green waste is dynamic and not fixed, therefore figures are indicative. However the applicant has provided a comparison of the recorded 2007 tonnage, load numbers and vehicle mileage with (a) the actual position of taking the material to different destinations, i.e. a combination of Hill & Moor, Leominster, Dymock and Abergavenny, (b) the default scenario of taking it all to Hill & Moor, and (c) the future scenario of delivering it to Upper House Farm if permission is granted. The results indicate a variable but significant saving of mileage and benefit to the wider highway network.
- 6.21 Table 1 shows the submitted actual and projected total mileages as applied to the 2007 figures:

<i>Destination/s</i>	<i>Tonnes</i>	<i>No of Loads</i>	<i>Miles</i>	<i>Difference compared with the proposal</i>
(a) 2007 actual figures	6896	741	19,935	2,178.8 more miles than the proposal
(b) Default – if all delivered to Hill & Moor	6896	741	53,733	35,977.0 more miles than the proposal
(c) Upper House Farm (projected)	6896	741	17,756	

- 6.22 In response to the concerns of many objectors about road safety issues on the relevant stretch of the A49(T), the Highways Agency was asked to look at the case again in more detail taking into account the cumulative use of the access. The further response states that a recent study shows a speed restriction at Moreton on Lugg would not be appropriate and could not be justified. This stretch of road has not been highlighted in the Area Annual Accident Cluster Site Report; the nearest incidents were at Wellington and Lyde, and the new junction has been safety-audited. No objections are raised or conditions recommended by the Highways Agency or the Transport Manager.
- 6.23 Officers do not believe it would be reasonable (or lawful) to prevent the legitimate use of the public highway, but the applicant has nevertheless volunteered to ensure there

would be no use of minor roads, since all vehicles would be travelling from the fixed points established by the household waste sites around the county. On the basis of the submitted evidence and consultee responses, officers are satisfied that on this aspect the application is acceptable and would not conflict with Policies DR3 and T8 of the Herefordshire Unitary Development Plan 2007.

Landscape and visual impact;

- 6.24 The application refers to national and local landscape character assessments. At national level the site is said to be within 'Herefordshire Lowlands', and in the Herefordshire Landscape Character Assessment adopted 2004 as within 'Principal Settled Farmlands', typified by dynamic mixed farming with a variety of vegetation and field types and subject to change. Paragraph 9.2.14 (page 99) of the submitted Supporting Statement describes the site as flat, low-lying arable land bounded by hedgerows and trees, with perimeter drainage ditches. The proposal would occupy a substantial part of an existing field. To the south and west the ground rises gently, while to the northwest it rises distantly but more steeply towards Canon Pyon. The valley of the River Lugg lies to the east.
- 6.25 The application assesses the visual context through the limited number of receptors, concluding that most views towards the site would be entirely or partially screened by the topography and existing trees. The site is well away from the A49 but would be visible from two public footpaths. Otherwise it would be only distantly visible from a few viewpoints, notably the houses in Moreton Road, the road to Cuckoos Corner campsite, and the elevated position at St. Donats Farm almost 1 km away. The concrete hardstanding would be raised on the west by about 1 metre to ensure adequate drainage into the lagoon. The stockpiles and windrows would be up to 3 metres high. On the north and south of the site, earth bunding would provide some screening. On the west a strip of unaffected ground between the site's edge and the field boundary, would be outside the applicant's control but left alone to encourage biodiversity. On the east would be the wastewater lagoon, up to 3 m deep, and a modest agricultural-style building to house an office, washroom, weighbridge and secure storage facilities for equipment, tools and materials. This side of the site is already screened from view. Page 73 of the Supporting Statement lists the proposed measures to ensure visual impact would be minimal, including limiting the numbers, heights and colours of buildings.
- 6.26 The Conservation Manager has pointed out that the indicative maps for the Council's adopted Landscape Character Assessment are small scale in terms of specific site analysis. He agrees however that this site is of a Principal Settled Farmlands and Wet Pasture Meadow type and that it is capable of tolerating change. Officers take the view that from the distances that residents and the public would be able to see the site, it would be relatively indistinguishable from other agricultural activities in the vicinity. In this context, there is an existing permission for an extensive gravel quarry on adjoining land to the north, at a higher level and covering a considerably larger area that would be much more visible from many more viewpoints. The application site has been carefully chosen so as to be as unobtrusive as possible taking into account the general character of the area. Objections on visual impact grounds are not therefore supported by your officers, and no conflict with Policies LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 is indicated. A condition is recommended for a landscaping scheme under Policy LA6.

Drainage and flood risk:

- 6.27 The application stresses that the sealed wastewater lagoon would be designed to accommodate all surface water from the site, apart from roof water from the proposed building. This would be collected separately for re-use as necessary during dry weather, when the composting process would require additional moisture. The initial lagoon plans as submitted were designed to address a 1:100-year storm event + 20% for climate change, with a capacity of approximately 2,365 m³. Further discussion of the lagoon can be found in paragraph 6.36 below. The Environment Agency was quite satisfied that this would be adequate. However, to address some of the objectors' fears, a revised plan increasing the capacity of the lagoon to over 4,000 m³ to account for a 1:1000-year extreme event + climate change was submitted. The revised design would also remove the need for a soil store and involve less disturbance to possible archaeological deposits. This amendment is welcomed by officers and consultees as an improvement, but does not imply any lack in the original layout. Conditions are proposed for a monitoring scheme to manage wastewater held in the lagoon, to ensure compliance with Policies DR4, DR6 and DR7 of the Herefordshire Unitary Development Plan 2007.

Lighting and noise:

- 6.28 Section 3.6 (p. 22) of the Supporting Statement dated July 2008 makes it clear that no lighting would be installed on either the process area or the access road and that in consequence operational activities on the composting pad would only be undertaken during daylight hours. Some security lighting would be necessary on the eastern side of the site around the proposed storage building, office and weighbridge, for workers remaining on site after dark. However this would be directional to ensure no light escape. Internal lighting would be time or movement controlled. The application points out that these arrangements would also ensure minimum disturbance to wildlife such as bats and owls. Officers feel that these arrangements are considered acceptable in preventing light pollution, and could be secured by a condition in accordance with Policy DR14 of the Herefordshire Unitary Development Plan 2007.
- 6.29 The application includes a detailed noise assessment which identifies likely construction and operational noise and the possible effects on a series of specific receptors. Existing ambient and background noise were measured at 6 monitoring points in accordance with advice given in BS4142:1997 and BS7445:2003 and in consultation with the Environmental Services Manager. The results indicate background noise to be between 36.9 and 51 dB as an average, and the report points out that this is dominated by traffic on the A49 (T). The application acknowledges that the proposed development would generate noise; in particular delivery/collection vehicles, shredding, turning and screening processes, although these would not all be undertaken at the same time and certainly not continuously. Furthermore, paragraph 12.4.12 (page 128) of the submitted Supporting Statement gives assurance that all mobile plant vehicles operating on site would be fitted only with 'white noise' reversing alarms and not 'bleepers'. These deliver a crackling sound similar to an out-of-tune radio; they are only audible in close proximity to the source and would not carry beyond the site boundary. The applicant acknowledges that there is a potential for temporary noise generation during construction. However the Environmental Services Manager considers the submitted assessment is adequate, noting that the site is separated from receptors by a considerable distance and the assessment shows the noise impact from all activities would be negligible even at the nearest properties. Your officers' view is that the noise contribution would be generally lower than the

existing background levels. These drop at night but, as noted above, the site would only be worked during daylight hours. Delivery times and operating hours could be restricted by condition, along with a requirement for 'white noise' reversing alarms. No conflicts with Policies DR13 and DR14 of the Herefordshire Unitary Development Plan 2007 are indicated.

Archaeology:

- 6.30 The application includes an archaeological report by Worcestershire County Council's Historic Environment and Archaeology Service. On the advice of the Archaeological Advisor, the study comprised a desk-based assessment and field evaluation of around 5% of the site: nine trenches covering about 814 m². This revealed a spread of probable Romano-British occupation soil features, representing '*a component of what may be seen as the settled landscape of the lower Lugg Valley in the Roman period*'. The report concludes the site has a high potential for revealing settlement patterns but would be typical of the area and therefore not of significant rarity. As few sites have been excavated, this location has potential for increasing knowledge, based on the identification of a possible enclosure to the east (on land outside the proposal). The Archaeological Advisor has recommended mitigation by a structured programme of works to study and recover any remains. He does not consider the site to be so significant in terms of rarity or importance that preservation in situ is imperative, noting that any remains are in any case vulnerable to farming practices such as potato growing. Officers agree therefore that although the site is archaeologically sensitive, mitigation is possible. Conditions are recommended in accordance with Policies ARCH1, ARCH5 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Biodiversity:

- 6.31 The application includes an ecological survey of the site and surrounding area undertaken by Countryside Consultants Ltd. It identifies the site as currently being of very limited importance for wildlife; the main habitats being old hedgerows which would not be affected. The survey concludes that potential impacts would be low-scale since the arable farmland is of little ecological value. There might be some loss of foraging for birds or bats, but this could be mitigated through structured planting to produce a 'small but tangible net gain' for biodiversity in accordance with Policies NC7 and NC8 of the Herefordshire Unitary Development Plan 2007. The survey also notes that the drainage system and lagoon would prevent any harm to local watercourses or the River Lugg, as discussed below.
- 6.32 The application identifies a small watercourse running around the field outside of the proposal site, which has been diverted historically from its former route across the field. This watercourse eventually enters the River Lugg by a circuitous route about 6 km downstream. Between that point and the site it passes a number of properties and sites. Nevertheless, possible effects from the proposed development have been evaluated, due to the special designation of the Rivers Lugg and Wye as Sites of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) which give these rivers national and European protection. Natural England requested a Habitat Regulations Assessment Statement, to give a structured justification as to why there would be no significant adverse effects on the SSSI/SAC. On receiving this from the applicant they are satisfied with the findings and raise no objection, therefore no Appropriate Assessment is necessary under the Habitats Regulations prior to determination of the application. The Conservation Manager is satisfied with the details in the submitted Ecological Assessment and raises no objections, but has

recommended conditions to secure the mitigation and habitat creation measures proposed and also to protect the existing mature trees along the access road during construction. Officers are satisfied that the proposals would not conflict with Policies NC2 and NC3, and are capable of compliance with Policies NC1 and NC5 to 9, of the Herefordshire Unitary Development Plan 2007.

Environmental considerations

- 6.33 Paragraph 2 of PPS23: Planning and Pollution Control warns that control measures should complement rather than duplicate each other, although the planning system has a key role in determining suitable locations for development. Paragraph 15 states: *'Local planning authorities must be satisfied that planning permission can be granted on land-use grounds taking full account of environmental impacts. This will require close co-operation with the Environment Agency and/or pollution control authority, and other relevant bodies, to ensure that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework'*.
- 6.34 According to Annex A of PPS23, material considerations to be taken into account when considering planning applications include in particular:
- Possible impact of potentially polluting development on land use, including effects on health, natural environments or amenity;
 - Potential sensitivity of the area to adverse effects of pollution;
 - Potential benefits (e.g. reduced traffic)
 - Economic and wider social need or service provision;
 - Existing and likely future air quality;
 - Possible adverse effects on water quality or drainage;
 - Possible smell from the development that might harm amenity, as well as constitute a Statutory Nuisance;
 - Objective perception of unacceptable risk to the health and safety of the public.
- 6.35 It goes on to state that local planning authorities should:
- Not try to duplicate controls properly exercised by other bodies under other legislation;
 - Assume that those other bodies will act professionally and responsibly;
 - Satisfy themselves that a proposal is capable of compliance with that other legislation;
 - Take account of the comments of professional consultees to ensure that there would be no adverse environmental effects from the development;
 - Concentrate on matters relevant to planning, such as land use, traffic and amenity issues,
 - Bear in mind the need for the development and its particular site requirements.
- 6.36 Objectors are concerned about pollution of the watercourse and the River Lugg, possible effects on wildlife and harm to private water supplies. Nonetheless the applicant has confirmed that:
- The site design would specifically prevent any problems.
 - The proposed concrete hardstanding would direct all run-off (rainwater and leachate) into the sealed lagoon described in paragraph 6.27 above, and engineered to prevent any discharge to ground or surface water.

- The lagoon would be inspected daily and any surplus would be tankered out to a licensed sewage treatment works.
- This and all other management and pollution matters would be regulated by the Environment Agency.

In your officers' view there is no reason to doubt the professional advice that the design is acceptable. Under the terms of an Environmental Permit, the site could not operate unless the Agency was satisfied that it was compliant. Pollution issues would therefore fall entirely under the Agency's control. Furthermore, the Council's Environmental Services Manager would have additional enforcement powers under the Environmental Protection Act 1990 in the event of an established Statutory Nuisance occurring.

- 6.37 Almost all representations have expressed fears about health risks from bioaerosols (fine wind-blown fungal spores). PPS10: Sustainable Waste Management (paragraphs 26 & 27) stresses that local planning authorities should not concern themselves *'with the control of processes which are a matter for the pollution control authorities'*, pointing out that they should *'work on the assumption that the relevant pollution control regime will be properly applied and enforced'*. PPS10 goes on to assert that modern waste management facilities that are *'operated in line with current pollution control techniques and standards should pose little risk to human health'*.
- 6.38 As the site would be regulated by the Environment Agency, the local planning authority only needs to concern itself on whether the site would be capable of being so controlled, based on submitted evidence and professional advice. In this regard it may be useful to analyse the points raised by objectors on perceived health risks. In accordance with PPS10 advice, the Primary Care Trust PCT was consulted and have no concerns about health implications, being satisfied that the Environment Agency's safety distance of 250m is adequate (see paragraph 4.5 of this report).
- 6.39 Objectors have drawn attention to a House of Commons debate on 24th June 2008, when Michael Clapham MP challenged the Environment Agency's so-called 'buffer zone' of 250m, citing the dangers of bioaerosols and recent studies that suggest this may not be adequate. Joan Ruddock, Parliamentary Under-Secretary for Defra, explained current thinking, drawing attention to the importance of differentiating between waste types – for example kitchen waste. She also explained that the 2003 Giessen study quoted by Mr Clapham found that fungal particles 'generated at any site would drop to background levels within about 150m'. This is supported by other researchers, notably those undertaken at Cranfield University by Taha, M P M et al, published in 2006 and 2007. It should be noted that the 250m is not an exclusion zone: it is a precautionary zone set by the EA and the Health & Safety Executive within which any composting proposal would need a full risk assessment with regard to other sensitive receptors. The Environment Agency have stated that the debate prompted them to review their position – not because they doubted its validity but to ensure that it was being properly applied. They subsequently issued a Position Statement which re-affirms the 250m distance, stressing that responsibility lies with operators to comply with site management and Environmental Permit requirements.
- 6.40 In this case the nearest sensitive receptor would be well over 500m away, including the poultry units. The nearest dwelling would be almost 700m away and the majority of the objectors would be approximately 1 km away. On this basis no comprehensive Risk Assessment is required at this stage and no health risks are indicated, as confirmed by the Environment Agency and the Herefordshire Primary Care Trust. The Environment Agency have stated that an Odour Management Plan and a Health Risk

Assessment would however form part of the Environmental Permit requirements, along with a Management Plan to include emergency procedures and fire prevention. On the submitted information, the Agency is satisfied that significant air quality problems are unlikely and any risks could be adequately mitigated. On this basis officers accept the site's capability for proper control, in the knowledge that the Environment Agency would take enforcement action if necessary and the Environmental Services Manager would have further enforcement powers under the Environmental Protection Act 1990.

- 6.41 Matters concerning dust and litter would also fall under the Environmental Permit. Nonetheless planning conditions requiring a scheme for fencing to the site and for all vehicles to be covered or sealed would be appropriate and are recommended to ensure compliance with UDP Policy W3. Having regard to all the points raised by PPS23 and outlined in paragraphs 6.33 – 6.35. Your officers' conclusion is that the proposal would be acceptable on the environmental considerations raised in this part of the report.

Other sites and technologies identified by objectors.

- 6.42 Previous court cases suggest that although there are no hard and fast rules, local planning authorities generally should not consider alternative proposals other than in exceptional circumstances where clear objections to the proposals exist. It has been established that the possible existence of other sites that might be preferable would not justify the refusal of planning permission on the application site. However, the courts have also accepted that alternative sites can occasionally be a material consideration, although the local planning authority is under no obligation to evaluate such alternatives in the same way that it must for the application site.
- 6.43 Exceptional development is usually of national or regional importance (such as airports). In this particular case, the proposal does not fall within that category. There are some policy objections to the proposal, and a large number of objections from members of the public. Neither the developer nor the local planning authority is making any alternative suggestions. Nonetheless, objectors have themselves suggested other sites or techniques that would, they suggest, be preferable to what has been proposed. The applicant has assessed some of these sites and concluded that there are strong reasons why they would not be acceptable from his company's point of view. Given this, the following paragraphs are intended to inform Members on the suggested alternatives and to give your officers' views on them.
- 6.44 Objectors have focused on an existing in-vessel accelerated composting unit sited at Wharton Court near Leominster. The plant consists of a large cylindrical vessel and associated equipment including air scrubbers and storage facilities. It was initially installed in an existing B2 industrial building, followed by further unauthorised development including a large building. The plant was taking municipal food waste and animal by-products (mainly chicken feathers). The site lies close to the River Lugg SSSI/SAC and Wharton Court, a Grade II* Listed Building. A temporary planning permission was eventually granted and subsequently extended until 31st December 2008, allowing a further 6 months for decommissioning. The operating company has recently confirmed the following:
- a) The equipment at Wharton Court is an experimental pilot plant now reaching the end of its life.
 - b) Green waste alone would not be suitable for this equipment; further food waste and other putrescible matter would be necessary to maintain an adequate feedstock.

- c) There is no intention to make a further application to extend the permission.
- d) While the company would be happy to accept Herefordshire's green waste if approached, it would not treat it at Wharton Court but would truck it out to its new premises at Sharpness, Gloucs.

In the Environment Agency's view this technology is not suitable for green waste alone, and have stated that the Sharpness plant is currently subject to 2 or 3 odour complaints per day. It is open to Mercia Waste Management to consider this site, but the local planning authority's position is that a fresh planning permission would be necessary. In the light of the problems arising from the technology, the nature of the feedstock necessary to operate it, and the site's proximity to the River Lugg and the Listed Building, it is, Without Prejudice, uncertain whether such an application could be supported.

- 6.45 Objectors have also identified two sites in Rotherwas which they consider would be preferable to Upper House Farm. One is on brownfield land with an existing hardstanding. However it lies in the flood plain and is located less than 250m from sensitive receptors such as dwellings and workplaces. The other is a greenfield site on open land to the south of the industrial estate and, contrary to the details received from objectors, the recently completed Rotherwas Access Road actually bisects the identified field. The site also has high archaeological potential. It is understood that the scope for new accesses onto the Rotherwas Relief Road is likely to be limited. Therefore there is, again Without Prejudice, little prospect of that site gaining support, should an application for planning permission be submitted.
- 6.46 Many objectors have remarked that open windrow composting is 'yesterday's technology' and that more sophisticated methods should be employed. However this argument does not take account of sustainability or different waste types. Open windrows are traditional, low-tech and sustainable, requiring significantly less resource and energy input than the elaborate processing and air-cleaning equipment that other methods require. Whilst this may be justified for dealing with more offensive wastes such as domestic refuse, the composting of simple garden waste does not offer the same challenges. Many other techniques use an anaerobic process (by excluding air) which creates methane and a much more unpleasant odour than open-air processes. As this proposal is for green garden waste only, your officers conclude that open windrows would have the least overall impact.

7. Conclusion

- 7.1 This application has been assessed against National Policy, the Regional Spatial Strategy and the Herefordshire Unitary Development Plan 2007 (UDP). The site is on unallocated green field land in open countryside and does not entirely accord with some of these policies. However in land use terms there are several mitigating circumstances:
- There are currently no allocated sites in Herefordshire for management of the waste it generates.
 - PPS10 states that sites not previously identified should not be lost on that basis, provided they can comply with other policies.
 - Although all waste treatment is classified as 'industrial', officers accept the view that green waste composting is 'akin to agriculture' and therefore not inevitably out of place in a rural context.

- It has been established by the Environment Agency that a composting site needs to be remote from other land users, yet government policy requires it to be close to the main source of the waste and enjoy access to main roads.
- The site is not affected by any significant environmental designations.
- The proposal is relatively sustainable and low-key and meets the requirements of current national and regional policy.
- It is capable of meeting the requirements of relevant UDP policies.
- It has been assessed favourably against the principle of BPEO which, despite being no longer part of national policy is still relevant to regional and local policy for the time being.

According to professional advice, the proposal is capable of meeting environmental and highways standards on design and management. Officers accept that this site fulfils these special site criteria, which are considered to be material considerations.

- 7.2 All relevant points raised by objectors have been considered, and additional information obtained from the applicant and consultees where necessary, in order to establish an evidence-based view. Health and environmental matters would be controlled by the Environment Agency through separate legislation under the Environmental Permit regime and other means of pollution control. The Highways Agency accepts that the combined uses envisaged for the access road would be acceptable.
- 7.3 In balancing up the various policy matters with other material considerations, your officers conclude that there is a clear case for supporting the proposal. The application is accompanied by details that support the principle and location of the green waste composting facility. The application is consistent with the Council's Waste Strategy and accords with key elements of national and regional guidance. The elements where the proposal conflicts with local UDP policies are not considered sufficiently important to justify a refusal of planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers named in the Scheme of Delegation to Officers:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B01 (Development in accordance with the approved plans).**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 3. Unless otherwise agreed in writing in advance by the local planning authority, no groundworks, earthmoving or excavations shall take place other than strictly in accordance with those specified in the approved plans listed in condition 2 and the archaeological site investigation scheme required by condition 4 of this permission.**

Reason: To ensure that all excavation works will ensure minimal archaeological disturbance on land which is archaeologically significant, in accordance with Policies ARCH1, ARCH2 and ARCH5 of the Herefordshire Unitary Development Plan 2007.

Pre-commencement requirements

4. No development shall take place until the developer has secured the implementation of a programme of archaeological work to include a detailed design and method statement for all proposed excavation and ground works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH 1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan.

5. G04 (Protection of trees/hedgerows that are to be retained).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6. C10 (Details of external finishes and cladding (industrial buildings)).

Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

7. G09 (Details of boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

8. No development shall take place until a detailed method statement for the assessment, monitoring and control of dust and windblown litter has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular provision for:

- i) the erection of litter-proof fencing if and when necessary,
- ii) the use of specified dust suppression measures as and when necessary,
- iii) the regular review of the methodology for dust and litter control,
- iv) timescales for implementation of the scheme.

The scheme shall be implemented in accordance with the approved scheme unless otherwise approved in advance in writing by the local planning authority.

Reason: To ensure that in the event that litter and/or dust would affect either the site or the surrounding area it would be promptly and adequately controlled, in accordance with Policies S1, S2, S10 and DR4 of the Herefordshire Unitary Development Plan 2007.

9. No development shall take place until a scheme for the design and implementation of regular monitoring for the storage lagoon and rainwater storage tank has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Design specifications for the proposed alarm system to alert site operatives that the lagoon and/or tank needs emptying,
- ii) The appointment of a named responsible person to monitor the lagoon and tank,
- iii) The frequency and detail of inspections including items to be monitored and method of reporting such as a Site Diary,
- iv) Provision for record keeping and availability for inspection on request by the local authority or Environment Agency,
- v) Contingencies for responding to alarms, emptying procedures and emergencies,
- vi) Provision for review of the procedures.

Reason: To prevent flood risk and/or pollution of the water environment, having particular regard to any possible effects on the River Lugg SSSI/SAC, to ensure compliance with Policies S1, DR4, NC1, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

10. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. I01 (Scheme of noise attenuating measures).

Reason: To safeguard the amenity of the area in compliance with Policy DR13 of Herefordshire Unitary Development Plan.

12. No development shall take place until a revised Landscape Scheme has been submitted to and approved in writing by the local planning authority to take account of the revised layout and proposed lagoon. The scheme shall include in particular:

- i) A large scale revision of the submitted plan reference 403-01.02 dated July 2008, to include all planting and seeding proposals specifying species, sizes, densities and planting numbers. This should include screening proposals for the access road.
- ii) Specific proposals for wildlife habitat creation or enhancement through planting and landform and future management of these measures, in accordance with the submitted Ecological Survey dated 26/6/2008 and in consultation with the Council's Planning Ecologist.
- iii) Details of all proposed finished levels, contours and gradients for the final landform.
- iv) A large-scale revision of the submitted plan reference 403-01.04 dated July 2008 to reflect the drainage arrangements taking into account the revised layout and lagoon.
- v) Hard surfacing materials, including specifications and construction methods for the completion of the access road.

- vi) Details and specifications of ancillary equipment including bagger, diesel tank and weighbridge.
- vii) Details and specifications of the car parking layout and other vehicular and pedestrian areas, including construction methods and materials.
- viii) Location of proposed functional services above and below ground (e.g. drainage, power, communications, pipelines etc.).

Reason: In order to maintain the visual amenity of the area, ensure a satisfactory form of development and to ensure compliance with Policies S1, S2, DR1, LA5 and NC8 of the Herefordshire Unitary Development Plan 2007.

13. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Restrictions

- 14. The site hereby permitted shall be used solely for agricultural purposes or the composting of green garden cuttings or agriculture and for no other waste treatment by type or purpose including any other purposes in Class B2 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: To restrict the use of the site to that proposed, in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with Policies S1, S2, S10 and DR1 of the Herefordshire Unitary Development Plan 2007.

15. F14 (Removal of permitted development rights).

Reason: To control further development at the site and ensure compliance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

- 16. Unless otherwise agreed in advance in writing by the local planning authority, no more than 12,000 tonnes of green garden waste per annum shall be brought to the site, and no such green garden waste shall be brought to the site other than that collected from Household Waste Sites under the control of the applicant or its successor. In this regard the applicant or its successor shall provide the local planning authority with such evidence as it reasonably requires in order to ensure compliance with this restriction.**

Reason: To restrict the quantity and source of the waste to be treated and to comply with Policies S1, S2, S10 and DR1 of the Herefordshire Unitary Development Plan 2007.

- 17. Unless otherwise agreed in advance in writing by the local planning authority, no stockpiles, windrows or other stores of waste shall be more than 3.5 metres high.**

Reason: To ensure a satisfactory form of development and in the interests of health and safety in accordance with Policies S1, S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

18. All processes shall take place on an impermeable surface constructed in accordance with the approved plans, and all run-off from process areas shall be discharged to a lined storage lagoon, in accordance with the submitted amended plan numbers 5480/304 Rev P01, 5480/302 Rev P01 and 5480/30 Rev PO1, all dated Sept 02, sufficient to accommodate extreme rainfall events up to a 0.1% (1 in 1,000 year) capacity plus climate change, via a drainage channel and interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor or enter the lagoon and no waste water shall be permitted to discharge to ground or surface water.

Reason: To prevent pollution of the water environment in accordance with Policies S1, S2, S10, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

19. The recommendations set out in the submitted Ecological Survey dated 26/6/2008 should be followed unless otherwise agreed in writing in advance by the local planning authority. An appropriate qualified Ecological Clerk of Works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c) Regulations 1994 (as amended), the requirements of PPS9 Biodiversity and Geological Conservation, the NERC Act 2006, and Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

20. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

21. M13 (Pollution prevention).

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

22. The hours during which working and arrival/departure/loading/unloading of delivery vehicles may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

23. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 24. There shall be no wholesale or retail sales of any materials from the site, or general public access at the site.**

Reason: In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1 and T8 of the Herefordshire Unitary Development Plan 2007.

- 25. No waste materials shall be transported to the site unless they are contained within sealed or covered vehicles.**

Reason: In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1, DR4 and T8 of the Herefordshire Unitary Development Plan 2007.

- 26. Unless otherwise agreed in writing by the local planning authority, within six months of the site permanently ceasing to be used for the composting of green garden waste, the applicant or its successor shall submit proposals for the restoration of the site to the local planning authority. The restoration scheme shall contain full details and a method statement for the works, including in particular:**

- i) Details of any structures or works that are to be retained and a reasoned justification for retaining them.**
- ii) The dismantling, removal and means of sustainable disposal or re-use to a named destination of all other introduced materials, hardstandings, buildings, tanks and equipment that are not specified for retention.**
- iii) Infilling of the lagoon if not required for future use, including the source of infill materials.**
- iv) Re-profiling of all bunds and other earthworks if deemed necessary.**
- v) Reclamation of the site to agriculture or nature conservation uses only.**
- vi) Timescales for implementation and completion of all elements of the approved restoration scheme.**

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority. If the local planning authority is not satisfied with the said proposals to make the site suitable for future beneficial use, the applicant or its successor will complete a restoration scheme in accordance with, and within a time period, as may be reasonably specified by the local planning authority.

Reason: To ensure the site is capable of future beneficial use, in accordance with Policies S1, S2 and W9 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. Summary of Reasons for Approval of Planning Permission

The decision to grant planning permission has been taken having regard to the provisions of the Development Plan: in particular Policy WD3 of the RSS; relevant policies of the Herefordshire Unitary Development Plan 2007 set out

below; the Herefordshire & Worcestershire Joint Waste Management Strategy; relevant national Planning Policy Statements, especially PPS10 and PPS23; and the Waste Strategy 2007, - including for completeness the partly superseded principle of Best Practicable Environmental Option, which supports the proposal. In reaching this decision, the local planning authority was mindful of the particular circumstances of the case, namely the special siting requirements including the applicant's lengthy consideration of 21 alternatives since 1998, the fact that all operational process would be regulated by the Environment Agency through the Environmental Permit regime, the further enforcement powers of the local authority under the Environmental Protection Act 1990, the fact that all professional and statutory consultees have responded with either an unconditional 'no objection' or proposals for mitigation through planning conditions.

The numerous strong and sustained objections made by local residents have nevertheless been considered carefully, however these fears have not been supported by specific material evidence or the views of consultees. The local planning authority has concluded that the benefits of the proposal, in terms of meeting strategic waste management policy and requirements at reasonable cost and enabling Herefordshire to begin to take responsibility for the waste it generates, outweigh any potential adverse effects from traffic on the highway network.

The local planning authority has also concluded that on the basis of the submitted material and subsequent additional information, it is satisfied that the site would be designed and maintained to satisfactory environmental and management standards and would be regulated by other bodies. On this basis there would be no adverse environmental effects falling under the control of the local planning authority that would justify refusal.

Relevant Policies considered in the Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S7	-	Natural and Historic Heritage
S10	-	Waste
DR1	-	Design
DR2	-	Land use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR9	-	Air Quality
DR11	-	Soil Quality
DR13	-	Noise
DR14	-	Lighting
E8	-	Design Standards for Employment Sites
E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Farm Diversification
E15	-	Protection of Greenfield Land
T8	-	Road Hierarchy

- T11 - Parking Provision
- LA2 - Landscape Character
- LA3 - Settings of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC2 - Sites of International Importance
- NC3 - Sites of National Importance
- NC5 - European and Nationally Protected Species
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- ARCH1 - Archaeological Assessments and Field Evaluations
- ARCH5 - Sites of Lesser Regional or Local Importance
- ARCH6 - Recording of Archaeological Remains
- W1 - New Waste Management Facilities
- W3 - Waste Transport and Handling
- W9 - Reclamation, Aftercare and After-use

2. N19 - Avoidance of doubt - Approved Plans.
3. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
4. ND03 - Contact Address.
5. HN01 - Mud on highway.
6. HN16 - Sky glow.

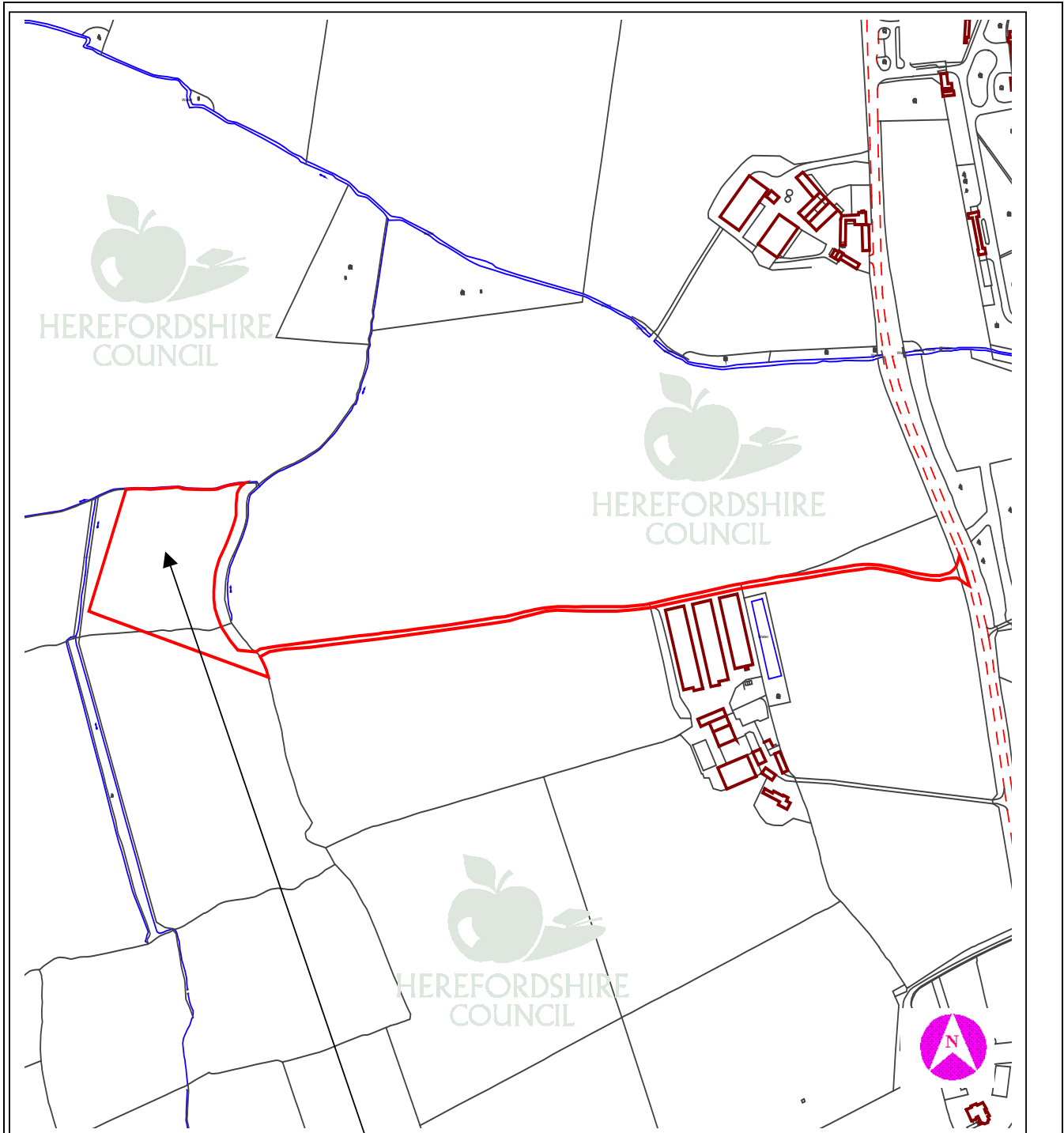
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1832/N

SCALE : 1 : 5550

SITE ADDRESS : Upper House Farm, Moreton-on-Lugg, Hereford, Herefordshire, HR4 8AH

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