

Local Members' Interest	
Mr. D. S. Smith	Lichfield Rural South
Mr. C. Greatorex	Lichfield City South

PLANNING COMMITTEE – 5 October 2017

WASTE COUNTY MATTER:

District: Application Lichfield - [L.17/02/823 W](#)

Date Received: 1 June 2017

Date Revised/Further Details Received: 8 June 2017 and 18 July 2017

Greener Composting, application to vary condition 13 of the composting facility planning permission [L.12/01/823 W](#) to allow receipt of compostable green/organic waste from Local Authority Household Waste Recycling Centres on Sundays and Public/Bank Holidays at Manor Farm, Birmingham Road, Wall.

Background

1. A temporary 'on-farm' composting facility was first permitted in November 2002 (ref. [L.01/00527](#)) and commenced operation on 8 March 2004. The facility was made permanent in March 2006 and varied to allow the export of woodchip from the site in June 2012 (ref. [L.12/01/823 W](#)) ('the composting permission').
2. In November 2006 planning permission was granted for an in-vessel composting facility alongside the open air composting facility (ref. [L.07/15/823 W](#)) ('the in-vessel permission'). The in-vessel permission allows for the reception and storage of compostable materials on Monday to Saturday and from Local Authority vehicles on Bank and Public Holidays (but no such operations on Sundays).
3. In December 2016 a planning application was submitted to replace the in-vessel facility with a biomass boiler facility in a smaller building on the same site (ref. [L.16/04/823 W](#)). The application is the subject of the following report to this Committee.

Site and Surroundings

4. The 2.7 hectare site lies to the south of Lichfield and north of the M6 Toll and the 'Wall Island' roundabout (A5, A5148 and A5127). Access is gained from Watling Street (the C0350) leading to the Birmingham Road (the A5127) (see Plan).
5. The site is bound to the east by the Birmingham Road (the A5127), to the south by the side road (the C0350) and to the west by the Lichfield to Birmingham railway line. The railway line is on an embankment adjacent to the site and tall hedgerows screen the site from the Birmingham Road and to a limited extent along the side road.
6. A commercial/business complex lies approximately 260 metres to south of the site and comprises of a leisure centre, hotel, fast food restaurant and offices. The nearest

residential areas are at Wall, approximately 1.2 kilometres to the west, and at Shenstone, approximately 1.5 kilometres to the south.

7. A footpath ('Wall 8') runs along a track that defines the southern boundary of the site.

Summary of Proposals

8. The application seeks to vary condition 13 of the composting permission to regularise the importation of compostable green/organic from the local Household Waste Recycling Centres (HWRCs) (Cannock, Burton-upon-Trent, Lichfield, Rugeley and Burntwood) on Sundays and Public/Bank Holidays.

9. Condition 13 of the composting permission states that:

'Other than the turning of windrows, or emergency works, no operations hereby permitted shall take place except between the hours 0800 to 1800 Monday to Friday, and 0900 to 1300 on Saturdays only. No operations shall take place on Sundays, Public or Bank Holidays'.

10. The applicant has confirmed that traffic on Sundays, Public and Bank Holidays would vary according to the season. The maximum number loads on Sundays would be 4 and on Public/Bank Holidays would be 10.
11. The applicant has also applied for operational hours from 08:00 to 18:00 on Sundays, Public or Bank Holidays.
12. The changes to allow deliveries from the HWRCs would require an amendment to the [Section 106 legal agreement](#) (S106) for the site which currently restricts the delivery of compostable green/organic waste to the site to 20 Heavy Goods Vehicle or tractor loads per day (Monday to Saturday). This being the combined total number of loads associated with the composting permission and the in-vessel permission.

The Applicant's Case

13. The applicant explains that the extant planning permission for the in-vessel composting facility already allows the deliveries of compostable green/organic waste on Public and Bank Holidays and this application is intended to regularise the receipt of compostable green/organic waste from the HWRCs.

Relevant Planning History

14. Relevant waste planning permissions include:

- [L.01/00527](#) - On-farm composting facility to receive and compost green waste and organic waste. Temporary planning permission was granted on 29 November 2002.
- [L.05/04/823 W](#) - Application not to comply with (to vary) conditions 8 (to make the permission permanent), 11 (to increase the number of loads from 6 to 20 per day) and 12 (to increase the quantity of compostable material from 6,000 to 20,000 tonnes per annum) of the composting permission. Planning permission was granted on 3 March 2006.

- [L.07/15/823 W](#) - Development of an in-vessel composting facility associated with an existing windrow composting facility. Planning permission was granted on 19 November 2008 (the 'in-vessel permission'). The in-vessel permission allows composting operations to be carried from 07:30 to 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays and the reception and storage of compostable materials from Local Authority vehicles only from 07:30 to 18:00 on Bank and Public Holidays. . A [Section 106 legal agreement](#) was signed on 13 November 2008 which restricts the combined total number of heavy commercial vehicle or tractor loads per day associated with composting permission and in-vessel permission to 20. The permission has been implemented with the 'laying of the concrete pad'.
 - [L.12/01/823 W](#) - Application not to comply with (to vary) condition 2 of planning permission L.05/04/823 W to allow the export of woodchip from the site. Planning permission was granted on 7 June 2012 (the 'composting permission'). This permission restricts the operations, other than the turning of windrows, to 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays only.
 - [L.16/04/823 W](#) - Application to construct a biomass boiler facility to replace the in-vessel composting facility was submitted in December 2016. This application is the subject of the following report to this Committee.
15. To the south of Manor Farm, Lichfield District Council has granted planning permission for a 'commercial/business complex' (ref. [01/00788/FUL](#)). The 'commercial/business complex' has been constructed. Planning permission has also been granted for two buildings to provide office, studio and laboratory/workshop space (ref. [14/00395/OUTMEI](#) dated 23 December 2014) and varied in November 2016 (ref. [16/00589/FULMEI](#) dated 18 November 2016). An application to approve reserved matters was submitted to Lichfield District Council in December 2016 (ref. [16/01426/REMM](#)). This application has not yet been determined. The County Council raised no objection to the application (ref. [L.16/01426 WCA](#)).

Environmental Impact Assessment (EIA)

16. **Screening Opinion:** NO* **Environmental Statement:** NO

[*Note: The changes to the permitted development do not fall within the thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).)]

Findings of Consultations

Internal

17. The Environment Advice Team (EAT) – no objection.
18. Highways Development Control Team (on behalf of the Highways Authority) has no objection to the proposal subject to a condition restricting deliveries to the site on Sundays to 4 and on Public and Bank Holidays to 10.
19. The Staffordshire County Council's Noise Engineer has no objection.

20. The Planning Regulation Team has no objection and has confirmed that no complaints have been received since 2012.

External

21. Environment Agency – no objection.
22. Network Rail – no comments.
23. Western Power Distribution – has indicated that Western Power Distribution (WPD) Electricity / WPD Surf Telecom apparatus is present in the vicinity of the site.
24. Cadent Gas Ltd - has indicated there is apparatus in the vicinity of the proposal.
25. Lichfield District Council Environmental Health Officer (EHO) – no response.

District/Parish Council

26. Wall Parish Council – no objections.
27. Shenstone Parish Council (adjacent to the site) has objected on the following grounds:
- no business case has been made for the site operating a full seven days a week including bank holidays;
 - the majority of local HWRCs do not operate on a seven days a week basis;
 - imminent policy initiatives by the local District and County Councils mean that demand could fall; and,
 - there is no traffic impact analysis.
28. The applicant submitted additional information to address the points raised by Shenstone Parish Council. The Parish Council confirmed that it wished to maintain their objection on the grounds that there continues to be no business case.
29. Lichfield District Council – no response.
30. Lichfield City Council – no response.

Publicity and Representations

31. Site notice: YES Press notice: YES
32. 15 neighbour notification letters were sent out and no representations have been received.

The development plan policies and other material planning policy considerations relevant to this decision

33. The relevant development plan policies are listed below:

- a) [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (2010 -2026) (adopted 22 March 2013):
- Policy 4: Sustainable design and protection and improvement of environmental quality:
 - Policy 4.2 Protection of environmental quality.
- b) [Lichfield District Local Plan](#) (2008 - 2029) (adopted 2015):
- Core Policy 2: Presumption in Favour of Sustainable Development;
 - Core Policy 3: Delivering Sustainable Development;
 - Policy ST1: Sustainable Travel;
 - Policy BE1: High Quality Development.
34. The other material planning policy considerations are:
- a) The [National Planning Policy Framework](#) (the NPPF):
- Section 1: Building a strong, competitive economy;
 - Section 4: Transport;
 - Section 8: Promoting healthy communities;
 - Section 11 – Conserving and enhancing the natural environment;
- b) [Planning Practice Guidance](#) (last updated 28 July 2017)
- [Waste](#);
 - [Noise](#);
 - [Travel Plans, Transport assessments and statements](#)
- c) [National Planning Policy for Waste](#):
- Section 1: Key Planning Objectives;
 - Section 6: Identifying Suitable Sites and Areas – Green Belt;
 - Section 7: Determining Planning Applications.
- d) [The Waste \(England and Wales\) Regulations 2011](#)
- e) [Wall District Neighbourhood Local Plan](#) (designated April 2014).
- f) [Lichfield City Neighbourhood Local Plan 2016 - 2029](#) (submission consultation version June 2017).

Observations

35. This is an application to vary condition 13 of the composting permission to allow receipt of compostable green/organic waste from HWRCs on Sundays and Public/Bank Holidays.
36. Having given careful consideration to the application and supporting information, the relevant development plan policies other material considerations, and the consultation responses received, all referred to above, the key issues are considered to be:

- The proposed change of operating hours
- Any other material changes to the site, its surroundings, or in terms of the planning policy considerations;
- Matters raised by the Shenstone Parish Council;
- The opportunity to review, regularise and update the planning permission, and to review the Section 106 Legal Agreement.

The proposed change of operating hours

37. The applicant is seeking to: regularise current practices; bring the operating hours in to line; and, include deliveries on Sundays. The operating hours under the most recent composting permission are 08:00 to 18:00 (Monday to Friday) and 0900 to 1300 (Saturdays) (i.e. no operations on Sundays, Public/Bank Holidays). Whereas the current in-vessel permission allows operations to start from 07:30 (Monday to Saturday) and deliveries from Local Authority vehicles to occur on Bank and Public Holidays. In both cases no such operations are currently permitted on Sundays.
38. Having regard to: the HWRC operating hours which include Sundays and Public/Bank Holidays (for more details see 'Matters raised by Shenstone Parish Council - Business Case' and Appendix 1 below); the very limited impact on local amenity in this location that allowing up to 4 deliveries on Sunday and 10 deliveries on a Public/Bank Holiday; and, for the sake of consistency and enforceability; it is reasonable to recommend that the operational hours should be extended. However as the most recent composting permission restricts the operational hours on Saturdays to a 09:00 start time it is recommended that the deliveries on Sundays; Public and Bank Holidays should do the same i.e. commence at 09:00 but be allowed to continue to 18:00. [Note: the recommendation in the following report on the agenda to this Committee is that for the sake of consistency and enforceability the biomass facility also operates in accordance with the recommended hours.]

Any other material changes to the site, its surroundings, or in terms of the planning policy considerations.

39. Other than the application for the construction of a biomass boiler facility to replace the in-vessel composting facility (the subject of the following report to this Committee) there have been no material changes / proposed changes to the Manor Farm site since the most recent planning permission was granted in 2012 to allow the export of woodchip from the site.
40. The site has been accepting green waste for composting from the HWRCs on Sundays, Public and Bank Holidays for some time.
41. The very special circumstances to allow the in-vessel facility to be constructed and operated on the site within the Green Belt have already been accepted.
42. There have been no significant material changes to the site's surroundings (planning permission for the commercial/business complex was first granted in February 2002 (ref. [01/00788/FUL](#))).

43. In terms of the policy considerations, the Government has been working with local councils to increase the frequency and quality of waste collections (page 22 of [The Waste Management Plan for England 2013](#)).
44. In March 2014, the Government introduced the [Planning Practice Guidance](#) (PPG) and published the [National Planning Policy for Waste](#) in October 2014, which set out detailed waste planning policies and guidance and should be read in conjunction with the National Planning Policy Framework introduced in 2012.
45. The PPG includes a section that supports the implementation of national waste planning policy.
46. In December 2013, the Government published the '[Waste Management Plan for England](#)'. The Plan sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and waste management and highlights the importance of putting in place the right waste management infrastructure at the right time and in the right location. The Plan also sets out the need to drive waste management up the waste hierarchy, ensuring that waste is considered alongside other spatial planning concerns, to provide a framework in which communities and businesses are engaged to take more responsibility of their own waste, helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, and in ensuring design and layout compliments sustainable waste management.
47. *Conclusion:* Having regard to the policies, guidance, other material considerations, referred to above, it is reasonable to conclude that the proposed changes to the permitted operating hours are acceptable in principle. However it is also important to consider the matters raised by Shenstone Parish Council which are discussed below.

Matters raised by the Shenstone Parish Council

48. As mentioned above, Shenstone Parish Council initially objected to the proposal on a number of grounds and the applicant was requested to respond to them. Following receipt of the response and re-consultation, the Parish Council confirmed that they wished to maintain their objection on the grounds that there was no business case. The Parish Council objections are considered below.

Business case

49. The Parish Council contends that no business case has been made for the site operating a full seven days a week as: the majority of local HWRCs do not operate on a seven days a week basis; and, the imminent policy initiatives by the local District and County Councils to charge for garden waste collections means that demand could fall.
50. The applicant contends that the proposed extension to the operating hours would regularise the current practices and provide flexibility to the local authorities as they would be able to accept green/organic waste from the HWRCs in Cannock, Burton-upon-Trent, Lichfield, Rugeley and Burntwood on Sundays, Public and Bank Holidays.
51. The HWRC's in Staffordshire are operated by FCC Environment (on behalf of

Staffordshire County Council). The HWRC's have different [public opening hours](#) during the week. The applicant has indicated that green waste from 5 of the HWRC's would be accepted. Details of the HWRC's public opening days and hours, and the Bank Holiday Arrangements for 2016 and 2017 are included in Appendix 1. It is relevant to note that the permitted hours include at least 1 hour before and after the public opening times for operational reasons. For example the Cannock HWRC operational hours are 07:30 to 18:15 7 days a week; whereas, the Lichfield HWRC operational hours are 08:00 to 20:00 Monday to Friday and 08:00 to 18:00 on Saturdays and Sundays during British Summer Time, and 08:00 to 18:00 7 days per week at other times.

52. Within Staffordshire there are nine operational open windrow composting facilities (including the Manor Farm composting facility - see Table 1 in Appendix 2). Of the nine facilities, eight were permitted by Staffordshire County Council as Waste Planning Authority (WPA), however one (Lawn Lane, Coven, which is now operated by Veolia) has a South Staffordshire District Council planning permission. Of the eight composting facilities permitted by the WPA, only three are permitted to accept deliveries of green waste on a Public or Bank Holiday (Mill Farm, Chebsey (Stafford Borough); Kingsley (Staffordshire Moorlands District); and Cressford Farm, Dilhorne (Staffordshire Moorlands District). Of these three, only two (Mill Farm, Chebsey and Cressford Farm, Dilhorne) are permitted to accept deliveries of green waste on a Sunday but are restricted in respect of vehicle movements (5 loads per day and 2 loads per day respectively). Mill Farm, Chebsey is also restricted further to only the extended Easter and Whitsun Bank / Public Holiday period. With the exception of the appeal decision at Kingsley, the facilities are restricted to the import of green waste from HWRCs and one of the four sites (Mill Farm, Chebsey) are restricted to Local Authority vehicles only.
53. The County Council's Sustainability & Waste Strategy Team has provided green waste data for the 2017 May Day Bank Holiday (1 May 2017). The data shows that a total of 7 loads of green waste were delivered to Manor Farm from the Burntwood, Burton-on-Trent, Cannock (2 loads), Lichfield, Rugeley and Wombourne HWRC's:

HWRC	Total amount of waste (tonnes)
Burntwood	8.34
Burton	11.56
Cannock	7.7
Cannock	10.9
Lichfield	10.88
Rugeley	11.5
Wombourne	8.8
Total	69.68

54. The County Council's Sustainability & Waste Strategy Team have also provided data for the period of March 2016 to February 2017 for green waste, which shows that green waste was delivered to Manor Farm on 44 Sundays throughout the period and on 4 Public/Bank Holidays.
55. In the interest of amenity the Waste Planning Authority generally restricts sites from being operational on a Sunday, Public or Bank Holiday. However, in this case it is relevant to note that the delivery of green waste from HWRCs to the adjacent in-

vessel composting facility was permitted on Sundays, Public and Bank Holidays .

56. Each case should be considered on its own merits and there may be circumstances where it is necessary and appropriate to restrict the import/export of green waste on Sundays and Bank and Public Holidays. In this case, however, it is considered that there are no material planning reasons why the existing provisions for the delivery of green waste under the in-vessel permission should not be extended to the composting permission.
57. Shenstone Parish Council stated that Lichfield District Council and Tamworth Borough are introducing charges for green bin collection services from January 2018 and are now offering subsidised composting bins; which will have an effect on demand. [Lichfield District Council](#) and [Tamworth Borough Council](#) as part of a Joint Waste Service will be charging £36 per bin per year for the collection of green waste and offering composting bins through a partnership with Recycle for Staffordshire & Stoke (www.getcomposting.com).
58. The applicant has indicated the need to operate the open windrow compost facility is required to allow the delivery of green waste from HWRCs and that there would be no deliveries of green waste by Local Authority green waste collection vehicles on Sundays, Public and Bank Holidays.
59. Shenstone Parish Council has also made reference to a House of Commons Briefing Paper concerning [Fly Tipping - the illegal dumping of waste](#) (Number CBP05672, 21 June 2017) and Defra statistics for 2013/14 which showed that local authorities reported around 852,000 cases of fly-tipping in England, representing an increase of 20% from 2012/13.
60. [Lichfield District Council](#) committee report on the new service stated that:

'The subscription scheme would be on an opt-in basis which means only those residents who choose to use the garden waste collection service will have to pay for it. Those residents who do not wish to use a chargeable service would still have the option of disposing of their organic waste without charge by taking it to a Household Waste Recycling Centre, or, by home composting their waste'. (Paragraph 3.7 of the Report of Cabinet Member for Waste Management - Garden Waste Subscription Service dated 8 March 2017)

and that

'The introduction of a chargeable garden waste service could see an increase in the amount of fly tipping in both Lichfield and Tamworth. Experiences of other authorities who have introduced chargeable services is that the anticipated increase does not materialise. Officers currently monitor fly tipping incidents on a monthly basis and they will be able to identify any trends that occur following the introduction of the charge'. (Paragraph 3.31 of the Report of Cabinet Member for Waste Management - Garden Waste Subscription Service dated 8 March 2017)

61. The County Council's Sustainability & Waste Strategy Team has stated that they are exploring the potential implications of Lichfield and Tamworth Council decisions to

charge for green waste collections. Other Councils who have introduced similar charges have experienced an increase in the volume of green waste disposed at HWRCs. The Sustainability & Waste Strategy Team anticipate that it may experience a similar response.

62. The Sustainability & Waste Strategy Team commented that there may be an increase in the number of residents who home compost following the introduction of the charge, again based on others' experiences, the volumes of green waste composted are not thought to be significant.
63. *Conclusion:* It is reasonable to conclude that the proposals would give the composting facility more flexibility to meet the demand for the sustainable management of green waste from local HWRCs on Sundays, Public and Bank Holidays and the amount of green/garden waste taken to HWRCs could increase as a result of the introduction of the garden waste subscription service offered by Lichfield District Council and Tamworth Borough Council thereby supporting the need to receive green waste from the HWRCs on Sundays, Public and Bank Holidays.

The effects of traffic

64. Shenstone Parish Council raised a concern that there was no traffic impact analysis.
65. The National Planning Policy Framework paragraphs 32 and 144 of the NPPF and local plan policy ([Staffordshire and Stoke on Trent Waste Local Plan](#) policy 4.2) seek to ensure that developments does not cause unacceptable adverse impacts and that highways safety is not compromised.
66. The applicant has indicated that there would be a maximum of 4 loads on Sundays and a maximum of 10 loads on Public/Bank Holidays. The composting permission allows up to 20 Heavy Goods Vehicles or tractors to deliver compostable green waste to the site per day (Monday to Saturday).
67. No objections have been received from the Highways Development Control Team or the Planning Regulation Team. Green/ organic waste has been delivered to the site on Sundays and Public/Bank Holidays, and, the Planning Regulation Team has no record of complaints about the operation of the existing site since 2012.
68. *Conclusion:* Having regard to the above mentioned policies, guidance and consultee comments, it is reasonable to conclude that subject to the recommended conditions, the proposals can reasonably be controlled such that they would not give rise to any unacceptable adverse impact in terms of traffic or harm to the transport network.

The opportunity to review, regularise and update the planning permission, and to review the Section 106 Legal Agreement

69. As the extant planning permission for the site was issued in June 2012 and having regard to the Staffordshire and Stoke-on-Trent Waste Local Plan (policy 4.2), which supports high environmental standards, it is considered reasonable and necessary to review, regularise and update the existing conditions.

70. Paragraph 206 of the NPPF explains that:

'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

71. The extant planning permission was issued on 7 June 2012 and has 34 conditions. Based on the above guidance, it is considered that this application also provides an opportunity to review and update the planning conditions to ensure relevance. The recommended conditions below include a number of updates and new conditions.

72. As indicated above, there is a Section 106 Legal Agreement (S106) which relates to the composting permissions (ref. [L.05/04/823 W](#) and [L.12/01/823 W](#)) and to the 'in-vessel permission' (ref. [L.07/15/823 W](#)). The S106 secures an undertaking that the combined total number of loads of compostable green/ organic waste brought to the site shall not exceed 20 per day (Monday to Saturday).

73. It is therefore necessary to consider whether the recommended undertakings listed below meet the tests in the NPPF and should be secured as part of a new / supplemental S106:

- the existing undertaking to limit the combined total number of loads to 20 (Monday to Saturday)
- an amendment to the existing undertaking to reduce the number of loads on a Saturday to take account of the shorter operating hours;
- an additional undertaking to include the deliveries on Sundays, Public and Bank Holidays from HWRCs; and,
- an additional undertaking not to further implemented the earlier composting permissions.

74. The tests set out in [paragraph 204 of the NPPF](#) are that undertakings should be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

[Note: These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 [[Part 11, Regulation 122 and 123](#)] (as amended by the [2011](#), [2013](#) and [2014](#) Regulations). The Planning Practice Guidance ([Community Infrastructure Levy, Do the planning obligations restrictions apply to neighbourhood funds?](#)) indicates that the [Community Infrastructure Levy \(Amendment\) Regulations 2014](#) prevents section 106 planning obligations being used in relation to those things (infrastructure) that are intended to be funded through the levy (Community Infrastructure Levy) by the charging authority. In this case, a [CIL](#) was adopted by Lichfield District Council on 19 April 2016 and came into effect on 13 June 2016. This type of development is not included in the Charging Schedule.

75. It is considered that the existing undertaking, as amended, and the additional undertakings would meet the tests referred to above for the reason discussed below:
1. *The existing undertaking to limit the number of loads; the amendment for Saturdays and the additional loads on Sundays, Public and Bank Holidays*
76. It is considered that the existing undertaking, which would continue to restrict the combined total number of HCVs delivering waste to the whole site (i.e. associated with the composting facility and the in-vessel facility (and the proposed biomass boiler facility which is the subject of the following report to this Committee)), is applicable to the composting facility: for the sake of consistency (it is also recommended in the following report on the agenda to this Committee); enforceability; and, as it was recommended by the Highway Authority to minimise the impact on the highway network. For the same reasons, it is also considered opportune to amend the number of loads on a Saturday to 8, to reflect the operating hours (09:00 to 13:00 (4 hrs)) compared to 20 loads per day from Monday to Friday (08:00 to 18:00 (10 hours)) and to add to the undertaking to accept loads from HWRCs on Sundays (4) and on Public/Bank Holidays (10).
77. This undertaking, as amended, accords with the [Staffordshire and Stoke on Trent Waste Local Plan](#) (policy 4.2); the [National Planning Policy Framework](#) (section 4); Planning Practice Guidance ([Planning obligations](#)); and, [the National Planning Policy for Waste \(paragraph 7 and Appendix B\)](#).
2. *A requirement that the earlier composting planning permissions should not be further implemented.*
78. This undertaking would require the applicant to agree not to further implement the earlier composting planning permissions (ref. [L.05/04/823 W](#) and [L.12/01/823 W](#)) to:
- assist the Planning Regulation Team in the effective monitoring and enforcement of the site; and,
 - ensure that the site operates to high environmental standards.
79. This undertaking accords with the [Staffordshire and Stoke on Trent Waste Local Plan](#) (policy 4.2); the [National Planning Policy Framework](#) (section 4); Planning Practice Guidance ([Planning obligations](#)) and, the [National Planning Policy for Waste](#).
80. *Conclusion:* In this case, it is reasonable to conclude this application provides an opportunity to update the planning conditions and that the undertakings described above are necessary, relevant and fairly and reasonably related in scale and kind to the development and should be secured as part of a new / supplemental S106.

Overall Conclusion

81. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given careful consideration to application and supporting information, the consultee responses and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development is acceptable and should be permitted subject to the terms of a new / supplemental

S106 and planning conditions recommended below.

RECOMMENDATION

PERMIT the application to vary (condition 13 of planning permission [L.12/01/823 W](#) to allow receipt of compostable green/organic waste from Local Authority Household Waste Recycling Centres on Sundays and Public/Bank Holidays at Manor Farm, Birmingham Road, Wall subject to the applicant and all other persons with an interest in the land first signing a new / supplemental Section 106 Legal Agreement and subject to planning conditions (the heads of terms are listed below).

[Note: the additional terms of the new / supplemental Section 106 Legal Agreement and planning conditions are highlighted in **bold**, new conditions are identified as **[new condition]**.]

The new / supplemental Section 106 Legal Agreement - heads of terms to include the following:

1. The combined total number of loads of compostable green/organic waste delivered to the site shall not exceed the following:
 - Monday to Friday (20 loads / 40 movements per day);
 - **Saturdays (8 loads / 16 movements);**
 - **Sundays (4 loads / 8 movements from Household Waste Recycling Centres; and,**
 - **Public and Bank Holidays (10 loads / 20 movements per day) from Household Waste Recycling Centres.**
2. That the applicant agrees not to further implement the earlier composting planning permissions ref. [L.05/04/823 W](#) and [L.12/01/823 W](#).

The planning conditions to include the following:

Definition of Permission

1. **To define the permission with reference to all the approved documents and plans;**
2. **To define the commencement of the development as being the date of the planning permission;**

Cessation of Operations

3. To require a site clearance scheme in the event that the use of the site should cease;
4. To define cessation;

Waste Types and Waste Quantity

5. To define waste types - green waste or organic waste;
6. To limit the tonnage of waste material imported on to the site - not no more than 20,000 tonnes of waste per annum;
7. To require that no more than 35% of the waste recycled is exported off site as chipped wood product;
8. To require record keeping including vehicle movements; quantity and type of waste; records of the windrows; details of the movement of material to the field stores, the application of composted material to the land, fields, and rate of application; records of site inspections; the amount of wood chip produced and the amount exported and to provide them to the Waste Planning Authority on request;
9. To require a copy of the permission and all associated documents to be available to the person person/s responsible for the operations on site;

Noise and dust

10. Noise condition to ensure that the noise generated from the site does not exceed 64 dB LAeq, (1 hour), Freefield;
11. To require best practicable means to be employed to minimise noise generated by the permitted operations **[new condition]**;
12. To require best practicable means to be employed to minimise dust generated by the permitted operations;

General Environmental Protection

13. To require the site to be maintain in good condition and fit for purpose **[new condition]**;
14. To require that redundant vehicles, plant or machinery are not stored or parked at the site **[new condition]**;
15. To require that no materials are burnt on the site;
16. To require the site to be secured outside the working hours **[new condition]**;
17. To require the removal of non-conforming wastes;
18. To require any plant/equipment to be used in such a way that in the event of failure there would be no risk of accidental entry of any plant or equipment onto railway property;
19. **To limit the operations to following hours (except the turning of windrows, or emergency works):**

- **0800 to 1800 Monday to Friday**
 - **0900 to 1300 on Saturdays**
 - **0900 to 1800 Sundays, Public or Bank Holidays;**
20. **To require that no shredding or screening of waste takes place on Sundays, Public or Bank Holidays**
21. To restrict the delivery to the delivering compostable material to the site to:
- Monday to Friday (20 loads / 40 movements per day);
 - **Saturdays (8 loads / 16 movements);**
 - **Sundays (4 loads / 8 movements) from Household Waste Recycling Centres only; and,**
 - **Public and Bank Holidays (10 loads / 20 movements) from Household Waste Recycling Centres only; [see new S106 for combined total]**
22. To define the entrance and exit to the site [**new condition**];
23. To require the internal site roads, including the measures to protect the existing footpath, high pressure gas main and underground electricity supply to be maintained;
24. To require the sign instructing the drivers of all HCVs that on leaving the site they should turn left and use the A5127 is maintained;
25. To require all vehicles leaving the site to turn left and all vehicles arriving at the site to turn right into the site access;
26. To require the parking or manoeuvring of vehicles or plant to take place on an impermeable base;
27. To require no parking of vehicles or plant on the site overnight except for vehicles/plant required for the purposes of turning or shredding of compostable materials and during the restoration of the Site;
28. To require the compostable material, composted material stockpiled or deposited in windrows and also stockpiles storing wood chip not to exceed 3 metres in height;
29. To require that all field stores are located within the farm holding and comply with the following:-
- a) the field stores not to exceed 3 metres in height above surrounding land;
 - b) the field stores not to be located within 250m of a potentially sensitive receptor, and;
 - c) the location of the field stores to accord with DEFRA's good practice advice relating to the protection of waters;
30. To require the impermeable composting pad base and site drainage infrastructure to be maintained in accordance with the approved details (ref. [L.01/00527 D1](#) dated 24 October 2003);

31. To require any potentially polluting activities, including the storage, shredding and composting of compostable material to take place on an impermeable base, drained to an impermeable sump/tank(s);
32. To require any excess foul or contaminated water (leachate) contained in the sump/tank(s) not to be re-circulated in the windrows and to be removed from the Site by tanker to an authorised waste water treatment works;
33. To require the safe storage of oils, fuels and chemicals;
34. To require that any lighting, including site security lighting, required on-site for safe working outside of daylight hours to be directed to minimise light spillage;
35. To require all existing screening/soil storage bunds, landscaping and planting to continue to be stored and maintained in accordance with the approved details (ref. [L.01/00527 D1](#) dated 17 December 2003);
36. To require the planting on a triangular area of land between the site and the lane to Wall to continue to be maintained and any plants that die, are removed or become seriously damaged or diseased within 5 years of being planted to be replaced in the next planting season;
37. To limit the use of the site to the uses hereby permitted and to restrict permitted development rights;
38. To ensure that the permission expires after the Waste Planning Authority has confirmed that the site has been restored and subject to aftercare.

INFORMATIVES

1. Section 106 Legal Agreement

To remind the applicant about the terms of Section 106 Legal Agreement.

2. The County Council's Environmental Advice Team (Rights of Way) has advised as follows:

To inform the applicant about the advice about the possible existence of a right of way in common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980.

3. Western Power Distribution and Cadent Gas Ltd

To inform the applicant about the advice provided by Western Power Distribution and Cadent Gas Ltd about their apparatus in the vicinity of the site.

4. Environment Agency

To remind the applicant about the advice previously given by the Environment Agency about pollution controls, the management of stockpiles of waste, and the

proximity of a former landfill,

5. Network Rail (formerly Railtrack)

To remind the applicant about the advice previously given by Railtrack (now Network Rail) about any operations in close proximity to their property, fencing, lighting, litter control and changes to site drainage.

Case Officer: David Bray - Tel: (01785) 277273
email: david.bray@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).

Appendix 1: Public opening times and the Bank Holiday Arrangements for the 2016 and 2017 of the HWRC's

The days and hours of operation for the HWRC'S (where green waste is delivered to Manor Farm):

		Burntwood	Burton-on-Trent	Cannock	Lichfield	Rugeley
Summer Opening Hours¹	Monday	9am - 6pm	Closed	9am - 6pm	Closed	9am - 6pm
	Tuesday	9am - 6pm	9am - 6pm	9am - 6pm	Closed	9am - 6pm
	Wednesday	Closed	9am - 6pm	9am - 6pm	9am - 6pm	Closed
	Thursday	Closed	9am - 6pm	9am - 6pm	9am - 6pm	Closed
	Friday	9am - 6pm	9am - 6pm	9am - 6pm	9am - 6pm	9am - 6pm
	Saturday	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm
	Sunday	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm
Winter Opening Hours²	Monday	9am - 5pm	Closed	9am - 5pm	Closed	9am - 5pm
	Tuesday	9am - 5pm	9am - 5pm	9am - 5pm	Closed	9am - 5pm
	Wednesday	Closed	9am - 5pm	9am - 5pm	9am - 5pm	Closed
	Thursday	Closed	9am - 5pm	9am - 5pm	9am - 5pm	Closed
	Friday	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm
	Saturday	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm
	Sunday	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm	9am - 5pm
¹ Summer Opening Hours (BST), Sunday 26 March 2017 - Saturday 28 October 2017						
² Winter Opening Hours (GMT), Sunday 29 October 2017 - Saturday 24 March 2018						

The Bank Holiday Arrangements for the HWRC'S - 2016

Bank Holiday	Date	HWRC's Opening Hours
New Year's Day	Friday 1 January 2016	Closed
Good Friday	Friday 25 March 2016	9am - 5pm
Easter Monday	Monday 28 March 2016	9am - 5pm
Early May bank holiday	Monday 2 May 2016	9am - 5pm
Spring bank holiday	Monday 30 May 2016	9am - 5pm
Summer bank holiday	Monday 29 August 2016	9am - 5pm
Christmas Day (Sunday)	Tuesday 27 December 2016 (substitute day)	Closed
Boxing Day	Tuesday 26 December 2016	Closed

The [Bank Holiday HWRC'S Arrangements - 2017](#)

Bank Holiday	Date	HWRC's Opening Hours
New Year's Day (substitute day)	Monday 2 January 2017	Closed
Good Friday	Friday 14 April 2017	9am - 5pm
Easter Monday	Monday 17 April 2017	9am - 5pm
Early May bank holiday	Monday 1 May 2017	9am - 5pm
Spring bank holiday	Monday 29 May 2017	9am - 5pm
Summer bank holiday	Monday 28 August 2017	9am - 5pm
Christmas Day	Monday 25 December 2017	Closed
Boxing Day	Tuesday 26 December 2017	Closed