

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

PLANNING COMMITTEE – 5 October 2017

WASTE COUNTY MATTER:

District: Application No. Lichfield - [L.16/04/823 W](#)

Date Received: 1 December 2016

Date Revised/Further Details Received: 9 January 2017, 12 January 2017 and 13 January 2017

Greener Composting, Watling Street, Wall, Lichfield application to construct a biomass boiler facility to replace the permitted in-vessel composting facility at Manor Farm, Birmingham Road, Wall

Background/Introduction

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 facility (ref. [L.07/15/823 W](#)) ('the in-vessel permission').
3. The Planning Regulation Team confirmed that the in-vessel permission was implemented and commenced lawfully on 24 May 2011 with the construction of a concrete pad however the facility is not operational and this application for the biomass boiler facility is located on the same site and intended to replace that facility.
4. In June 2017 a planning application was submitted to vary condition 13 of the composting permission to allow receipt of compostable green/organic waste from Local Authority Household Waste Recycling Centres (HWRCs) on Sundays and Public/Bank Holidays. The application was the subject of the preceding report to this Committee.

Site and Surroundings

5. 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).
6. 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.

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

Summary of Proposals

9. The biomass boiler facility would be smaller than the in-vessel composting building. The in-vessel composting building measures about 2700 square metres (63 metres in length, 42 metres in width and 12 metres in height). The biomass boiler building measures about 1312 square metres (42.6 metres in length, 30.8 metres in width, and 11.85 metres to the ridge height).
10. The lower 3 metre section of the walls would be constructed using reinforced concrete panels in a natural finish. The upper part would be clad using fibre cement sheeting (Van Dyke Brown in colour). The north-western elevation of the building would be open. The roof would be constructed using Marley Eternit profile 6 fibre cement roofing sheets. There would be two galvanised steel stacks measuring approximately 15.35 metres from ground level (3.5 metres higher than the roof ridge height) and two galvanised steel shutter doors located on the north-western and southern elevations. The biomass boilers would be located within a subdivided area approximately 324 square metres (18 metres by 18 metres). [The in-vessel building would be constructed using 'Kingspan' minimal profile metal panels]
11. The building would contain machinery to prepare the waste wood (by chipping and drying) to fuel two 999KW biomass boilers and an Organic Rankine System (which allows the exploitation of low grade heat). The facility would generate approximately 2MW of electricity which would be exported to the National Grid.
12. A cable would be laid to connect the facility to the National Grid. The applicant has confirmed that the cable would be installed by a Distribution Network Operator under [Part 15, Class B of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#).
13. The facility would operate for approximately 8 hours per day and would accept a maximum throughput of approximately 8,000 tonnes of wood waste per annum which is not suitable to be composted. The biomass boilers have a 'theoretical capacity' of 8,000 tonnes. The composting permission and the in-vessel permission both permit 20,000 tonnes per annum of compostable material to be delivered to the site (condition 8 of the in-vessel permission and condition 12 of the composting permission). There is a Section 106 legal agreement related to the in-vessel permission which restricts the site to a combined total of 20 heavy commercial vehicle or tractor loads per day (Monday to Saturday). This matter is discussed later in the report.

14. The biomass boilers would operate 24 hours a day and be fed once or twice a day, however deliveries to the biomass boiler would be undertaken in accordance with the in-vessel permission operating hours 07:30 to 18:00 (Monday to Friday), 07:30 to 13:00 (Saturdays) and deliveries only from Local Authority vehicles between 07:30 to 18:00 (Bank and Public Holidays). [Note: the preceding report to this Committee relates to an application to vary and regularise the operating hours for the composting permission to include deliveries on Sundays, Public and Bank Holidays from Household Waste Recycling Centres).
15. The vehicular access to the site would not change.
16. The application was accompanied by a Planning Supporting Statement which covers the Environmental Impact; Impact on Amenity and Impact on Highways. An Air Quality Assessment; Noise Note and Drainage Statement also accompanied the application.

The Applicant's Case

17. The applicant has indicated that the proposal would ensure that waste wood and woodchip which is produced as a by-product of the composting operations could be effectively managed in situ; and would provide a *“logical minor diversification”* of the existing operations, which would ensure that energy is recovered from waste material and would help to create a more comprehensive waste management facility.
18. The applicant contends that the proposal *“conforms to Government initiatives promoting the generation of renewable energy; ensuring that energy is recovered from waste, moving its disposal up the waste hierarchy”*. The applicant also contends that the proposal would not harm the purposes of the Green Belt and that very special circumstances for the proposal have been demonstrated.

Relevant Planning History

19. 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'). The most recent composting 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.17/02/823 W - 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 HWRCs on Sundays and Public/Bank Holidays. This application was the subject of the preceding report to this Committee.

20. 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)

Screening Opinion: YES* **Environmental Statement:** NO

[*Note: In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council issued a "Screening Opinion" on the proposals which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.230/823 W](#) dated 13 September 2016).]

Findings of Consultations

Internal

21. The Environment Advice Team (EAT) commented as follows:

Ecology – no objection subject to a condition requiring prior approval for the installation of external lighting.

Historic Environment – confirmed that the proposal covers an area previously investigated during the earlier archaeological watching brief. The proposal also includes a connection to the national electricity grid to be undertaken by statutory provider involving the removal of a bund and excavating a trench. The statutory

provider should be reminded of the demonstrable archaeological sensitivity of the area.

Landscape – a condition is recommended to require an updated scheme of landscaping and visual mitigation.

Rights of Way – request that the developer is reminded of the existence of a public bridleway (No 8 Wall) which is adjacent to the development site. The applicant should ensure that users of the path are still able to exercise their public right of way safely; the path is reinstated if any damage to the surface occurs as a result of the proposed development; the surface of the bridleway must be kept in a state of repair to allow the public right can be used safely and at all times; and pedestrians, horse riders and cyclists have a public right and vehicles need to give way.

22. The Highways Development Control Team (on behalf of the Highways Authority) has no objection subject to the provision of wheel cleaning/washing facilities and to continue to restrict the number of loads as per the S106 Legal Agreement.
23. The Staffordshire County Council Noise Engineer has no objection.
24. Flood Risk Management Team (on behalf of the Lead Local Flood Authority) has no objection subject to a condition to ensure the submitted drainage plan is adhered to.
25. The Planning Regulation Team has no objection and has indicated that three complaints have been received related to odours generated when moving the compost to the field stores (the last complaint was received in August 2012).

External

26. Lichfield District Council Environmental Health Officer (EHO) – no objections.
27. Environment Agency –no objection and commented that the operator has an Environmental Permit for the composting of green waste and also an exemption for clean wood storage and chipping (for export to other biomass facilities). The permit would need to be varied if oversize wood from the composting operation is proposed to be used in the biomass plant.
28. Natural England – no objection.
29. Network Rail – requested clarification concerning whether vehicles associated with the proposal would be travelling under the Network Rail bridge (Green Lane ALC” 11.1638 located on the Watling Street (C0350) and provided comments to ensure the protection of Network Rail operational land and structures.
30. Western Power Distribution and National Grid (Gas) – advised about the location of their apparatus and safe working practices in the vicinity of the proposed development.
31. South Staffordshire Water – no response

District/Parish Council

32. Lichfield District Council – no response.
33. Wall Parish Council – no response.
34. Lichfield City Council – no response.
35. Shenstone Parish Council indicated that its “primary concern” is that the application will ‘convert the original planning approval of an open and natural, biological composting site into a highly visible woodchip processing factory’ and the original approval of 35% woodchip production ratios should be adhered to [condition 2 of the composting permission states that “*This permission relates solely to the composting of green waste and organic waste material and the permission allows for the limited export of chipped waste wood provided that the quantity exported off site does not exceed 35% of the waste recycled as chipped wood product*”. The applicant has not applied to vary this condition.]
36. Shenstone Parish Council has also made the following additional comments:
 - The submission does not consider the capacity of the proposed boilers to deliver the full 35% of woodchip production and increase the vehicular distribution implications and traffic flows. The applicant should contribute to existing highway junction signage and layout improvements.
 - Consideration should be given to the use of renewable materials in the construction of the external elevations of the proposed building.
 - Consideration should be given to reducing the ground level of the proposed building to reduce the negative vertical impact of all the high wall elevations on the surrounding landscape amenity.
37. Shenstone Parish Council has confirmed that its comments are not an objection to the proposal however they have “*serious concerns in relation to the potential for the site to steadily convert into a woodchip processing factory*”.

Publicity and Representations

38. Site notice: YES Press notice: YES
39. 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

40. The relevant development plan policies are:
 - a) [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (2010 -2026) (adopted 22 March 2013):
 - Policy 1: Waste as a resource:

- Policy 1.1 General principles;
- Policy 1.5 Energy recovery;
- Policy 2: Targets and broad locations for waste management facilities:
 - Policy 2.1 Landfill diversion targets;
 - Policy 2.3 Broad locations;
- Policy 3: Criteria for the location of new and enhanced waste management facilities:
 - Policy 3.1 General requirements for new and enhanced facilities;
 - Policy 3.2 Exceptions criteria for organic treatment in farm locations close to the urban areas/ broad locations;
- Policy 4: Sustainable design and protection and improvement of environmental quality:
 - Policy 4.1 Sustainable design;
 - 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 SC2: Renewable Energy;
- Policy NR2: Development in the Green Belt;
- Policy NR4: Trees, Woodland & Hedgerows;
- Policy NR5: Natural & Historic Landscapes;
- Policy BE1: High Quality Development.

41. The other material planning policy considerations are:

a) [National Planning Policy Framework](#):

- Section 1: Building a strong, competitive economy;
- Section 4: Transport;
- Section 7: Requiring good design;
- Section 9: Protecting Green Belt land;
- Section 11 – Conserving and enhancing the natural environment;
- Section 12 – Conserving and enhancing the historic environment.

b) [Planning Practice Guidance](#) (last updated 28 July 2017)

- [Waste](#);
- [Noise](#);
- [Conserving and enhancing the historic environment](#);
- [Travel Plans, Transport Assessments and Statements](#);
- [Flood Risk and Coastal Change](#);
- [Natural Environment](#).

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](#) (submission consultation version June 2017).
- g) The [Staffordshire County-wide Renewable / Low Carbon Energy Study](#) (September 2010).

Observations

- 42. This is an application to construct a biomass boiler facility to replace the permitted in-vessel composting facility at Manor Farm, Wall.
- 43. Having given careful consideration to the application and supporting information, the relevant development plan policies other material considerations, the consultation responses, all referred to above, the key issues are considered to be:
 - Energy planning policy considerations;
 - The waste planning policy considerations:
 - the right type
 - the right place
 - the right time
 - The Green Belt considerations;
 - The potential effects on the environment and local amenity (specifically the operating hours and the landscape, visual, air quality, noise and traffic impacts);
 - Other Matters raised by Shenstone Parish Council; and,
 - The need for a new / supplemental Section 106 Legal Agreement.

Energy planning policy considerations

The UK Renewable Energy Strategy

- 44. The [UK Renewable Energy Strategy](#) (published by the Department for Energy and Climate Change in 2009) states that the Government's goal is to ensure that 15% of energy is generated from renewable sources by 2020. The Government also anticipated that 30% of our electricity (about 117 Terawatt-hour (TWh)) would be provided by renewables. This figure is up from 5.5 % in 2009.
- 45. The Strategy indicates that the planning system must enable renewable development in appropriate places, at the right time and in a way that gives business the confidence to invest (paragraph 3.6 (1) of the Executive Summary). There is also the need to ensure that 'we continue to protect our environment and natural heritage and respond to the legitimate concerns of local communities'. Box 1.2 (Renewable resources in the UK) of the Strategy states that:

'the UK biomass sector has the potential to expand without detrimental effects on food supplies and the environment if done in a sustainable manner'; and,

'better exploitation of the existing supply of organic waste materials, could make a significant contribution to our energy targets, particularly in the electricity and heat sectors'.

46. Paragraph 4.61 of the Strategy explains that the generation of renewable energy from waste biomass could provide a significant contribution to renewable energy targets and could also significantly reduce the total amount of waste that is landfilled in the UK. The paragraph also explains that some measures can bring impacts on the environment (e.g. by disturbing local habitats or causing local air pollution). Facilities should therefore comply with the existing safeguards to protect the environment and the wider and long-term context of reducing carbon emissions and improving the security of energy supply should be considered.
47. Chapter 7 of the Strategy identifies the benefits and impacts associated with renewable energy. These include climate change benefits and environmental impacts; security of supply, business benefits; impact on jobs; impact on economy; impact on energy prices and bills and impact on energy markets.

The UK Renewable Energy Roadmap (update 2013)

48. In November 2013, the Department for Energy and Climate Change published an updated [UK Renewable Energy Roadmap](#) (this is the second update to the 2011 Roadmap). The Roadmap sets out the progress made and the changes that have occurred in the renewable energy sector over the past year.
49. The Roadmap indicates that there was an increase of 24% in renewable electricity generated from renewable sources compared to the same period in the previous year (the period July 2012 to June 2013), reaching 47.5 TWh of renewable electricity; and biomass electricity increased by 1.6 Gigawatt (GW) in the same period with the total installed capacity reaching 4.9 GW.

The National Policy Statements for energy Infrastructure (2011)

50. The [National Policy Statements for Energy Infrastructure](#) (NPS) published in July 2011 sets out national policy for the energy infrastructure. This includes an [Overarching NPS](#) (EN-1) and five technology specific NPS for the energy sector. The National Planning Policy Framework (NPPF) specifically references the NPS for [Renewable Energy Infrastructure](#) (EN-3).
51. Although NPSs are specifically aimed at 'Nationally Significant Infrastructure Projects' (NSIPs) which are determined by the [Planning Inspectorate's National Infrastructure Directorate](#), paragraph 1.2.1 of NPS EN-1 published in July 2011 states that 'the NPS is likely to be a material consideration in decision making on applications..... Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis'.
52. Paragraph 1.7.2 (point 3) of NPS EN-1 indicates that 'the development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape/visual

amenity and cultural heritage'. Paragraph 2.1.2 also indicates that 'energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale'.

53. One point included in paragraph 2.2.4 of NPS EN-1 is that not all aspects of Government energy and climate change policy will be relevant to planning decisions by local authorities, and the planning system is only one of a number of vehicles that helps to deliver Government energy and climate change policy. This paragraph also explains that it is important that the planning system ensures that when determining any applications the views of affected communities are taken in to account.
54. NPS EN-3, published in July 2011 relates specially to 'Renewable Energy Infrastructure'. Paragraph 1.1.1 states that 'Electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy'. Paragraph 2.4.2 makes the following statement 'Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology'. Paragraph 2.5.2 also confirms that 'the recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets'.

UK Bioenergy Strategy

55. The UK Bioenergy Strategy for England ([UK Bioenergy Strategy](#)) published in 2012 sets out the Government's approach to achieving sustainable, low-carbon bioenergy deployment by defining a framework of principles that will govern future policies.
56. Paragraph 1.4 of the UK Bioenergy Strategy states that 'bioenergy is one of the most versatile forms of low carbon and renewable energy as it can contribute towards energy generation across the energy spectrum of electricity, heat and transport.... biomass can also provide a continuous and constant flow of energy with less variability than some renewable energy sources'. Paragraph 1.7 of the UK Bioenergy Strategy also states that 'if waste is used as a feedstock for bioenergy, quantities of waste being sent to landfill can be reduced.....'.

The Staffordshire and Stoke on Trent Waste Local Plan (2013)

57. Paragraph 5.23 of the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan](#) indicates that 'energy from waste and waste derived fuels has an important role to play alongside recycling and composting in a system of integrated sustainable waste management'.
58. Policy 1.5 states energy recovery proposals should demonstrate that they:
 - are consistent and comply with the requirements of Policy 4 (Sustainable design and protection and improvement of environmental quality);

- will not undermine the provision of waste management facilities operating further up the waste hierarchy (the waste to be treated cannot practically be suitable for reuse, recycling or processing to recover materials);
- are in close proximity to the source of waste in order to obtain reliable and regular supply of feedstock and minimise transport emissions;
- maximise energy recovery, either by combined heat and power (CHP) or electricity generation, or be CHP ready, with a realistic prospect of a market for the energy in the area; and,
- meet the locational approach set out in Policy 2 (Targets and broad locations for waste management facilities).

The Lichfield District Local Plan (2015)

59. Paragraph 5.22 of the [Lichfield District Local Plan](#) indicates that utilising renewable energy from a variety of sources within Lichfield District will contribute to reducing carbon emissions and makes reference to the [Staffordshire County-wide Renewable / Low Carbon Energy Study](#) which has estimated that Lichfield District is capable of meeting around 10% of its energy demand through renewable energy sources by 2020 and states that achieving this target relies on development of significant wind and biomass energy projects.
60. [Policy SC2 of the Lichfield District Local Plan](#) provides details of how renewable energy developments will be assessed including the impact on local amenity, including residential amenity; the impact of the historic environment and the proximity to, and impact on the transport network. A number of criteria for the assessment of Biomass Energy Development are also included such as preference should be to utilise brownfield sites or be co-located with other wood processing industries; located and scaled to avoid adverse off-site impacts, including any visual intrusion of plant, such as chimney or biomass storage facility; located close to the point of demand or adjacent to existing transport corridors; located so as to enable locally derived wood fuel/biomass to be utilised, from sustainably managed local woodlands such as the National Forest, Cannock Chase and the Forest of Mercia; minimise pollution from noise, emissions and odours; minimise emissions and waste products, including airborne emissions, emissions to watercourses and ash; and minimise any adverse impacts on amenity and on existing residential development.
61. *Conclusion:* It is reasonable to conclude that the proposals accord with the relevant Government energy strategies and guidance and the energy related planning policies in the Local Plans which support renewable energy or low carbon energy and specifically bio-energy developments. The acceptability of the development from a waste planning policy point of view are considered below.

The waste planning policy considerations

62. The '[Waste Management Plan for England](#)' 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 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 complements sustainable waste management.

63. The [National Planning Policy Framework](#) (NPPF) does not contain specific policies about waste. Waste planning policy is provided in the [National Planning Policy for Waste](#) and in the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan](#). These documents promote the principles of sustainable waste management and also offer guidance on the provision of waste management facilities that are *the right type, in the right place and at the right time*. The proposals are now assessed against this general guidance before the site specific considerations are discussed later.

The right type

64. Staffordshire and Stoke on Trent Waste Local Plan Policy 1.1 recognises waste as a resource in its aim to divert waste away from landfill, and in supporting waste development which would manage waste higher in the 'waste hierarchy'.
65. Planning permission was granted to allow the export of woodchip from the site. The applicant has indicated that woodchip is a by-product of the permitted operations; however not all the by-product is required for the farm. The surplus chipped wood which is currently exported from the site to be used elsewhere either as biofuel or as animal bedding on other agricultural units would instead be used to fuel the biomass boilers to generate electricity.
66. It is considered that the use of woodchip at Manor Farm in a biomass boiler would provide an alternative method of managing the by-product of the compost facility and would reduce the transport of the woodchip.
67. *Conclusion:* The proposals are the right type as they would allow the over-size wood brought to the site as part of the existing composting operation, which is currently chipped and taken off site, to be used in a biomass facility on site.

The right place

68. The National Planning Policy for Waste provides criteria and guidance for determining whether proposals are in the right place. The relevant national criteria refer to the protection of water quality and resources and flood risk management; land instability; landscape and visual impact; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; noise, light and vibration; litter and potential land use conflict) and the locational implications of any advice on health from the relevant health bodies [Note: the national guidance warns against Waste Planning Authorities undertaking their own detailed assessment of epidemiological and other health studies]. The national guidance also refers to the design of waste management facilities to ensure that they contribute positively to the character and quality of the area in which they are located.
69. Staffordshire and Stoke on Trent Waste Local Plan Policy 4.2 similarly requires consideration to be given to the potential impacts of the proposed development on:

people, local communities and the highway network; the historic environment; the natural environment; the landscape; the Green Belt; the countryside; trees, hedgerows and woodland; agricultural land; open space; air, soil and water; flood risk; and, any other interests or acknowledged importance.

[Note: National guidance reminds Waste Planning Authorities to base their decisions on implementing the planning strategy in the Local Plan and not to concern themselves with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should also work on the assumption that the relevant pollution control regime will be properly applied and enforced].

70. The applicant contends that:

- the proposed development would facilitate the management of the waste in the most sustainable manner and aligns with national policy that promotes the generation of renewable energy.
- the proposed development would ensure that the waste would be managed further up the waste hierarchy, by recovering energy from the waste, reducing the amount of waste leaving the site in accordance with the waste management principles outlined within the National Planning Policy for Waste, Policy 1.1, 1.5 and 2.3 of the Waste Local Plan and Policy SC2 and NR1 of the Local Strategy;
- the proposed development would not undermine the provision of any other waste management facilities further up the waste hierarchy given that it will be managing waste that is produced at the site; and,
- the proposed development would maximise the amount of electricity that could be generated from the material with the excess heat used to dry the woodchip which is used in the process.

71. No adverse comments have been received from the Environment Agency who would control the site through the Environmental Permitting regime or from the Lichfield District Council's Environmental Health Officer who confirmed that he was satisfied with the air quality assessment. Further consideration is given to the potential site specific landscape and visual impacts; noise; odour/bio-aerosols and traffic implications later in the report.

72. No adverse comments have been received from the County Council's Environmental Advice Team or the Planning Regulation Team.

73. The Staffordshire and Stoke on Trent Waste Local Plan also contains criteria to help determine whether proposals are in the right place. Policy 2.3 refers to the broad location. Policy 2.3 seeks to encourage a network of sustainable waste management facilities which enable the movement of waste to be minimised, ensure that waste is being dealt with as close as possible to where it arises, and aims to reduce the need to transport waste over great distances. The policy states that preference will be given to such developments on general industrial land (including urban and rural general industrial estates (alongside B2& B8 uses)), previously developed (provided that it is not of high environmental value) land and existing waste management sites, within or close to the hierarchy of urban areas defined and shown on the Policy Map. The biomass boiler facility would be located on an existing waste management

facility, close to Lichfield.

74. Policy 3.1 of the Staffordshire and Stoke on Trent Waste Local Plan refers to the general requirements for new and enhanced facilities; Policy 4.1 refers to the measures to support sustainable design; and, Policy 4.2 identifies the considerations that should be given to protect environmental quality. The biomass boiler facility would be contained within a purpose built structure and would also be expected to operate to high environmental standards in accordance with an Environmental Permit regulated by the Environment Agency. The biomass boiler facility would also be compatible with and complement the existing nearby composting operation and replace the permitted in-vessel composting facility.
75. *Conclusion:* It is reasonable to conclude that the waste management facility is in the right place. The development would be compatible with and complement the existing composting operations. No objections have been received from statutory consultees and for the reasons explained below there are also no reasons to consider that the site does not accord with the national and local waste locational planning policy criteria.

The right time

76. Planning Practice Guidance explains that sustainable waste management facilities must be delivered at the right time to support a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; to provide an environmental role in minimising waste; and, that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
77. The proposals would allow the recycling of wood waste reducing the transport associated with the removal of chipped wood waste from Manor Farm, Wall.
78. *Conclusion:* There is a need for the additional capacity; there is also no cap on provision; and, the proposals would support the aims of sustainable waste management and the drive to generate more renewable energy.
79. *Overall Conclusion waste planning policy considerations:* Having regard to the policies, guidance, consultation responses, and other material considerations, all referred to above, it is reasonable to conclude that the proposals would provide a facility to deal with the waste wood that is not composted at the adjacent composting facility. The proposals are therefore in general terms the right type, in the right place and at the right time. However it is also important to have regard to the site specific considerations discussed below.

Green Belt considerations

80. The site lies within the Southern Staffordshire Green Belt. It is therefore necessary to assess the proposed development against the [National Planning Policy Framework \(Section 9\)](#), the [National Planning Policy for Waste](#) and the relevant Local Plan policies (the [Staffordshire and Stoke on Trent Waste Local Plan](#) (Policy 4.2 (viii)) and the [Lichfield District Local Plan \(policy NR2\);](#) which all seek to protect the Green Belt from inappropriate development and to preserve its openness.

81. The National Planning Policy Framework (the NPPF) (paragraph 80) explains that the five purposes of the Green Belt are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and,
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
82. The NPPF (paragraph 87) states that 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 88, states that 'there will be harm to the Green Belt if inappropriateness and any harm are not clearly outweighed by other considerations'.
83. Paragraph 89 of the NPPF states that 'new buildings should be regarded as inappropriate in the Green Belt unless they fall within one of the listed exceptions'. One of the exceptions is: 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'. Paragraph 91 states that 'When located in the Green Belt, elements of many renewable energy projects will compromise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.
84. The National Planning Policy for Waste (Section 6), states that 'Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should also recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan'.
85. The applicant contends that the proposed development would have 'a similar, albeit marginally lesser impact, on the openness of the Green Belt compared to the previously accepted in-vessel composting building.
86. The applicant has also provided an assessment of the proposal against the five purposes of the Green Belt referred to above, namely that:
- the proposed development will be located in the centre of an operational site, in a location away from any built up area;
 - the proposed development will not result in the expansion of the operational site;
 - the proposed development will not adversely impact the setting and special character of any historic towns; and,

- whilst the site is not urban land, it will co-locate waste operations within an existing site avoiding the need to further encroach upon the Green Belt.

87. When determining the application for the in-vessel composting facility in 2008, the impact on the Green Belt was an important consideration. The Planning Committee accepted the following 'very special circumstances':

- The proposed development would be integrated with the existing permitted and operational composting facility.
- The compost product would be used within the farm holding.
- The co-location of the permitted open windrow facility and the in-vessel facility would reduce the environmental impact of the need to transport materials between the two operations which would otherwise potentially need to be transported to sites outside Staffordshire for treatment.
- In-vessel composting systems have the potential to improve the process control of composting organic material, restrict access to vermin and birds and ultimately deliver a more consistent higher quality compost which complies with the Animal By-product Regulations and reduces malodours associated with kerbside collected waste.
- There would be an increase in the level of visual intrusion in the locality as a result of the new building, areas of hardstanding and external storage of plant/equipment. However, the building would be located adjacent to the existing composting site and would be largely screened from views by the extension of landscaping bunds, existing mature hedgerows along the A5127 and additional tree planting in and around the site. The external materials of the building would also be treated in a recessive colour so as to minimise any visual intrusion.
- The proposals would make a significant contribution toward meeting regional and local composting and recycling targets and help to achieve self-sufficiency in the management of local waste.

88. In this case, it is considered that the proposed biomass boiler facility would constitute inappropriate development in the Green Belt and should therefore not be approved except in very special circumstances. However, it is considered that very special circumstances do exist in this case for the reasons explained below:

- The smaller biomass boiler facility would replace the permitted in-vessel facility ;
- The biomass boiler facility would be integrated with the existing composting facility and utilise chipped wood;
- The biomass boiler facility would maximise the use of waste as a resource, and would reduce the environmental impact of the management of different waste streams and remove need to transport woodchip and animal bedding to other sites in the local area which accords with Staffordshire and Stoke on Trent Waste Local Plan policies 1.1, 1.5, 3.1 and 4.1;
- The facility would generate 2 MW of bio-energy thereby making a contribution to

the targets for energy generation from 'renewable' sources which accords with government policy; and,

- The biomass boiler facility would be screened from views by bunds and mature trees. The external materials of the building would also be a recessive colour (dark brown) so as to minimise any visual intrusion which accords with Waste Local Plan policies 4.1 and 4.2.

89. When considering inappropriate development in Green Belt land, it is necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#). The Direction requires the Waste Planning Authority to consult the Secretary of State for Communities and Local Government on inappropriate developments in the Green Belt, where it intends to approve a building or buildings where the floor space to be created by the development is 1,000 square metres or more or the site area is 1 hectare or more; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
90. In this case, the building for the proposed biomass boiler facility would have a floor space in excess of the 1,000 square metres (1,312 square metres) and the site area is 2.7 hectare; and, by reason of scale or nature or location would have a significant impact on the openness of the Green Belt. Given the recommendation below is to approve the development it would be necessary to refer the decision to the Secretary of State for Communities and Local Government c/o the National Planning Casework Unit before planning permission can be issued.
91. *Conclusion:* Having regard to policies and guidance referred to above, it is reasonable to conclude that the proposals do constitute inappropriate development in the Green Belt, and that 'very special circumstances' exist that outweigh the harm to the openness of the Green Belt. However, before planning permission can be issued it would be necessary to refer this case to the Secretary of State c/o the National Planning Casework Unit.

The potential effects on the environment and local amenity (specifically the operating hours and the landscape, visual, air quality, noise and traffic impacts)

92. The documents submitted in support of the application considered the effects of the proposal on landscape and visual amenity; air quality and noise, ecological features, water resources and traffic. The potential effects on the environment and local amenity are discussed below.

The operating hours

93. The applicant has indicated that the biomass boilers would be operational 24/7 and the operations to feed and maintain them would be carried out during the same times as those currently allowed under the in-vessel permission, namely: 07:30 to 18:00 (Monday to Friday); 07:30 to 13:00 (Saturdays); and, deliveries only from Local Authority vehicles between 07:30 to 18:00 (Bank and Public Holidays). However the adjacent composting permission currently restricts the operational hours to 08:00 to 18:00 (Monday to Friday) and 09:00 to 13:00 (Saturdays) [Note: the preceding report on the agenda to this Committee recommended the approval of changes to the

composting permission operating hours to include 09:00 to 18:00 on Sundays and Public/Bank Holidays.] Therefore, for the same reasons as stated in the preceding report, namely, having regard to: the HWRC operating hours); 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 recommended that the biomass facility operating hours should also be 08:00 to 18:00 (Monday to Friday), 09:00 to 13:00 (Saturdays) and 09:00 to 18:00 (Sundays and Public/Bank Holidays).

Landscape and visual impacts

94. Government policy (the [UK Renewable Strategy](#), National Policy Statements [EN-1](#) and [EN-3](#), and also the [NPPF](#)) and local plan policies (Lichfield District Local Plan (policies NR2, NR4 and BE1); and Staffordshire and Stoke on Trent Waste Local Plan Policy 4.2) all seek to protect and / or enhance the landscape and visual amenity and ensure that development is informed by, or sympathetic to, the character and qualities of its surroundings, its location, scale and design.
95. Shenstone Parish Council commented that the use of renewable materials in the construction of the building and lowering the ground level to reduce the overall height of the building should be considered.
96. The applicant has stated that the proposal has been designed to complement the existing operations at the site and that consideration was given to its rural location.
97. The proposed development would be slightly smaller but similar in appearance to the previously permitted in-vessel building benefits from the existing landscape mitigation measures, including screening bunds, which would be retained throughout the lifetime of the development.
98. The Environmental Advice Team has no objections subject to the provision of an updated scheme of landscaping and visual mitigation.
99. *Conclusion:* Having regard to the policies, guidance, other material considerations and consultation responses, referred to above, it is reasonable to conclude that, subject to the recommended conditions, the biomass boiler facility would not give rise to any unacceptable adverse landscape or visual impact.

Air quality and noise

100. [Paragraph 123 of the NPPF](#) requires that local planning authorities make decisions that:
 - *“avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”;*
 - *“mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”;* and,
 - *“recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have*

unreasonable restrictions put on them because of changes in nearby land uses since they were established.”

101. The [Staffordshire and Stoke on Trent Waste Local Plan policy 4.2](#) and the [National Planning Policy for Waste](#) explain that consideration should be given to the likely impact on the local environment and on amenity including air emissions including noise and odour.
102. Planning Practice Guidance on [Noise and Air quality](#) explains that the planning system controls the development and use of land in the public interest. The guidance also explains, as mentioned earlier, that these matters are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively.
103. The applicant provided a ‘Noise Note’ which concluded that the predicted levels at the nearest sensitive receptors are considered to be low, and ‘given the receptors’ close proximity to existing sources of noise (including Parker Hannifin UK PLC, One Lichfield South Wall Island, Birmingham Road; Holiday Inn Express, One Lichfield South Wall Island, Birmingham Road and Harehurst House, Birmingham Road), it is unlikely that noise from the site would be perceptible’.
104. An air quality assessment has also been provided which states that biomass boiler is capable of smokeless operation. The assessment concludes that there would be no exceedances of the relevant air quality objectives. The assessment (Table 4) states that the proposed fuel does not fall under the Waste Incineration Directive and the plant size is below 20MWth and therefore not covered by a permit; and would not require Clean Air Act Approval.
105. The air quality assessment also indicates that the plant must meet requirements set by CAA (Clean Air Act) ‘grit and dust’ provisions, and that the Local Authority are required to approve the chimney height.
106. Since the composting permission and the in-vessel permission were determined in 2002 and 2008 respectively, Lichfield District Council has permitted development to the south of the Manor Farm site. Planning permission was granted for the erection of two buildings to provide office, studio and laboratory/workshop space (ref. [14/00395/OUTMEI](#) dated 23 December 2014) [varied in Nov 2016 (ref. [16/00589/FULMEI](#) dated 18 November 2016)]. The location of the composting facility was taken into account by the District Council when approving the adjacent development. The District Council report explains that:

‘the impact on the occupiers of the proposal would not be significantly affected by the adjacent land use, due to the indicative building designs and the applicants intention to be BREAMM compliant, subject to conditions as recommended to mitigate any air quality and odour issues’.
107. The Environment Agency raised no objections to the proposals with regard to odour and bio-aerosols from the adjacent site. The Environment Agency has also commented that the operator has an exemption for clean wood storage and chipping (for export to other biomass facilities) and that a permit would be needed, if the proposed biomass plant is to use oversize wood from the composting operation. The County Council’s Noise Engineer and Lichfield District Council Environmental Health

Officer also raised no objections.

108. *Conclusion:* Having regard to the above mentioned policies and guidance, consultee comments, and to the conditions recommended below, it is reasonable to conclude that the biomass boiler facility would not give rise to any unacceptable adverse air quality or noise impacts.

Traffic impacts

109. Government guidance (the NPPF paragraphs 32 and 144 and the National Planning Policy for Waste) and local plan policies (the Staffordshire and Stoke on Trent Waste Local Plan policy 4.2) aim to protect the local highway network and the safety of residents.
110. Highways Development Control has no objections to the proposal subject to a condition concerning the provision of wheel cleaning/washing facilities. Highways Development Control also recommended that the restriction on the number of deliveries should continue to minimise the impact of the development on the highway network. This limitation on the new permission would need to be secured by a new / supplemental Section 106 Legal Agreement (see 'The need for a new / supplemental Section 106 Legal Agreement' below).
111. Network Rail requested clarification concerning the possibility of vehicles entering the site via an underpass beneath the adjacent railway. The applicant has confirmed that vehicles would continue to access the site from the side road leading to the Birmingham Road.
112. *Conclusion:* Having regard to the policies, guidance, other material considerations and consultee responses, referred to above, it is reasonable to conclude that, subject to the imposition of the recommended conditions and a new / supplemental Section 106 Legal Agreement, the proposed development would not give rise to any unacceptable adverse impact on the highway network or in terms of highway safety.

Other matters raised by Shenstone Parish Council

Processing of woodchip

113. Concerns have been raised by Shenstone Parish Council that the planning application does not contain confirmation that the production and export of woodchip will remain inside the existing planning approval which sets a 35% threshold.
114. The planning permission allowing the limited export of chipped waste wood restricted the quantity of 'chipped waste wood' exported off site to 35% of the waste recycled (condition 2 of the composting permission). The woodchip was considered to be a 'by-product' of the permitted composting operations and is currently re-used on the farm with any surplus chipped wood exported and used as either as biofuel or as animal bedding on other agricultural units.
115. The applicant has explained that the current arrangement to the export the waste woodchip is inefficient and it would be more efficient to use it to fuel a biomass boiler on site.

116. The applicant has not proposed to amend the amount of chipped wood exported and therefore the amount of chipped wood 'exported' to the biomass boiler facility would continue to be restricted to 35% of the total amount of waste brought to the site for composting (20,000 tonnes per annum), which equates to 7,000 tonnes per annum being processed to produce wood chip to fuel the boilers.

Height of the biomass boiler facility

117. Shenstone Parish Council has also indicated that consideration should be given to reducing 'the negative vertical impact' of the building and the ground level should be lowered.
118. As previously indicated, the biomass boiler facility would be located on an area of land that has planning permission for an in-vessel composting facility and the existing concrete pad (slab) would be utilised in the construction of the biomass boiler facility. The applicant has confirmed that the foundation works have been carried out in accordance with the previous permission.
119. It is considered that the height of the biomass boiler facility (11.85 metres to the ridge of the building) would be similar to the height of the in-vessel composting facility building (12 metres in height). The only difference is the new facility requires two steel stacks measuring 3.5 metres higher than the roof ridge height.
120. No objection has been raised by the County Council's Environmental Advice Team subject to the provision of an updated scheme of landscaping and visual mitigation.
121. As concluded earlier, it is considered that the change would not give rise to any unacceptable adverse visual impact.

The need for a new / supplemental 106 Legal Agreement

122. There is currently a Section 106 Legal Agreement (S106) which relates to the composting permissions (ref. [L.05/04/823 W](#) and also [L.12/01/823 W](#)) and 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 delivered to the site should not exceed 20 per day (Monday to Saturday).
123. 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 in-vessel planning permission.

124. 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.

125. 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*

126. 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 biomass facility), is applicable to the biomass facility: for the sake of consistency (it was recommended in the preceding 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 shorter 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).

127. 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 in-vessel planning permission should not be further implemented.*

128. This undertaking would require the applicant to agree not to further implement the in-vessel permission (ref. [L.07/15/823 W](#)) to:

- ensure that the new building is developed in accordance with the new permission and no redundant elements of the in-vessel building remain on site;

- avoid any potential unacceptable adverse effects that might arise if the applicant decided to revert back to the in-vessel permission (e.g. there are differences in the design, size and use of the buildings);
 - assist the Planning Regulation Team in the effective monitoring and enforcement of the site; and,
 - ensure that the site operates to high environmental standards.
129. 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](#).
130. *Conclusion:* It is reasonable to conclude 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

131. 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 a new / supplemental S106 Legal Agreement and planning conditions.

RECOMMENDATION

As the proposal is inappropriate development on land in the Southern Staffordshire Green Belt the recommendation is....

.....to consult the Secretary of State for Communities and Local Government (c/o the National Planning Casework Unit) to advise that having regard to the matters referred to in the report, the County Council is **MINDED TO PERMIT** the proposed development, subject to the conditions recommended below and 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 are highlighted in **bold**]

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 in-vessel permission ref. [L.07/15/823 W.](#)

The planning conditions to include the following:

Definition of Permission

1. To define the permission with reference to approved documents and plans;
2. To define the commencement of the development;

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 wood to- 7,000 tonnes per annum;
7. To require record keeping of the quantity of waste wood used to fuel the boilers; and, records of the electricity generated and exported from the site.
8. 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

9. To limit noise c generated by the operations on the Site to 65 dB LAeq, (1 hour), Freefield;
10. To require best practicable means to be employed to minimise noise generated by the permitted operations;
11. To require best practicable means to be employed to minimise dust generated by the permitted operations;

General Environmental Protection

12. To require the site to be maintained in good condition and fit for purpose;

13. To require that redundant vehicles, plant or machinery are not stored or parked at the site;
14. To require that no materials are burnt on the site other than in the biomass boilers;
15. To require the site to be secured outside the working hours;
16. To require the removal of non-conforming wastes;
17. To require that no import of waste to the site takes place other than between the following hours:
 - 08.00 to 18.00 Monday to Fridays; and,
 - 09.00 to 13.00 on Saturdays;
 - 09.00 to 18.00 Sundays, Public or Bank Holidays;
18. To require the submission of a written record of any emergency event shall be provided to the Waste Planning Authority within 3 days of the emergency event.
19. To define the entrance and exit to the site;
20. To require of the submission of details of the wheel cleaning/washing facility;
21. To require that all loads of waste or recycled materials imported to the site are covered;
22. To require that no mud or deleterious material are deposited on the public highway from vehicles leaving this site;
23. To ensure safe storage of oils, fuels and chemicals;
24. To require that any lighting including site security lighting required on-site for safe working outside of daylight hours is directed to minimise light spillage;
25. To require the submission of an updated Landscaping and Visual Mitigation Scheme;
26. To limit the use of the site to the uses hereby permitted and to restrict permitted development rights;
27. 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 the Section 106 Legal Agreement.

2. Staffordshire Council County – Principal Archaeologist

To inform the applicant and statutory undertaker in relation to the installation of the underground cable from the biomass boiler facility to the National Grid, of the demonstrable archaeological sensitivity of the area.

3. Staffordshire Council County - Rights of Way Team

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

4. Western Power Distribution and National Grid/ 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.

5. Network Rail

To remind the applicant about the advice given by Network Rail to ensure that the proposal, both during construction, after completion of works on site does not affect the safety, operation or integrity of the operational railway / Network Rail land and our infrastructure. The works on site must not undermine or damage or adversely impact any railway land and structures.

Case Officer: David Bray - Tel: (01785) 277273
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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).