

STRATEGIC PLANNING BOARD 6TH OCTOBER 2010 - UPDATES

APPLICATION NOS: 10/1005N and 10/2551W

PROPOSAL: Application to Vary Planning Conditions 5 and 6 on Planning Permission 7/2009/CCC/1 and 7/2007/CCC/7, in order to vary the description of permitted waste and specify a percentage of contaminated waste allowed.

ADDRESS: Whittakers Green Farm, Pewit Lane, Bridgemere.

REPRESENTATIONS

Having read the Committee Report the Agent acting on behalf of the applicant wishes the following to be brought to the attention of members.

I understand that the chair of the Strategic Planning Committee has decided to defer this item following views expressed by a parish council. Notwithstanding the issue of what authority the Chair has to make decisions outside committee as to those items that are on the agenda or not there are a number of issues in the present committee report which provide mixed messages to the members and I would like to take this opportunity to have these addressed before the item comes before the planning committee.

I am asking therefore that the following comments are reported to the members of the committee in writing, in advance of them considering the application.

1. The report only includes a selective reporting of the views of the Association for Organics Recycling which you received in respect of your consultation with them. With regard to the acceptable level of contaminants the Association provided you with the following information;

“With respect to levels of contaminants the Association have discussed this issue widely with the industry and a number of local authorities and advise that a maximum of 5% (by volume) contaminants be accepted by processors”

Subsequent references in the report to the unsuitability of the 5% contamination proposed in the application relate to weight and not volume and fail to point out that following wide research by the Association they are of the view that the figure of 5% which has been applied for is acceptable.

2. The report is inconsistent with regard to views on traffic. It is clear that following consultation the Strategic Highways and Transport Manager has

not raised an objection to the proposal and yet the report later asserts that the importation of non green waste will lead to additional traffic movements with impacts on local amenity. This later assertion is incorrect. The current permissions on site, set in absolute terms, by condition the number of vehicle movements that the local authority regard as acceptable. This current application makes it clear that all operations will continue to be within the set vehicle movements. No additional movements are being sought by this application. It is ambiguous for the report to assert an increase in traffic movements given the clear views expressed by the Strategic Highways and Transportation Manager.

3. The report alludes to some characteristics of on farm composting. It is important to recognise that the operations at this site are carried out under permissions which are for “the use of land for the composting of green waste”. This is the permitted use of the site. The permission does not refer to on farm composting although that is what the operator chooses to carry out.

Can I ask that the comments set out in item 1-3 above are reported to the committee, in writing, in advance of the meeting so that they have sufficient time to consider them before coming to a decision.

OFFICER COMMENTS

With regard to the first point, the Association for Organics Recycling (AfOR) is the leading trade organisation for the biodegradable waste management industry in the UK. The Association is therefore an authority on composting and oversees the quality control standard for composting sites such as Whittakers Green Farm. As a trade organisation AfOR has no statutory or legal role relating to the handling and disposal of waste. It is the planning system, appropriately undertaken by Cheshire East Borough Council and the waste permitting system, organised by the Environment Agency that adjudicates such matters.

The Association response concentrates on the issues relating to the co-mingling of green waste with paper and cardboard, indicating that this can lead to high levels of contamination due to coatings, plastics, waste adhering to this material and non-biodegradable material. It does not address the issue of the importation of general mixed waste which has been the issue on this site that caused the Council to undertake enforcement action. AfOR does not consider any of the material delivered to the site to be mixed waste as they believe it comes from a source segregated collection scheme. Experience from the site shows a different picture.

The Association has provided a useful guidance note with their consultation response the beginning of which states;

‘Treating paper and cardboard presents significant challenges for composting operators, particularly those that are investing significantly in compost quality and

market development. Paper and cardboard is not suitable to process in all composting facilities, and co-mingled types are especially challenging. In light of these challenges AfOR's advice to local authorities is that, wherever possible, paper and cardboard are collected separately from green waste and food waste and possibly not sent to composting. There is an inherent risk posed of contamination entering the 'organics' waste stream when these materials are collected as a co-mingled waste stream.'

With regard to the second point it is correct that maximum vehicles numbers have been applied to the site and subject to the operator remaining within these limits the Highway Engineer raises no objection. However, it is very clear that if 5% contamination was allowed, on average out of every 100 vehicles entering the site 5 would be filled with unsuitable waste. An additional 5 vehicles would be required to remove the unsuitable waste from the site. This equates to an unnecessary 10 vehicles or just over 10% compared to a situation where no contamination was allowed. These additional vehicle movements whilst remaining within the overall limits attached to the site are nevertheless unnecessary and unsustainable. In addition to the amenity impact of extra vehicles, the handling, sorting and storage of unsuitable and currently unauthorised waste on the site will also impact on residential amenity in terms of increased noise, dust, odour, bio-aerosol emission and visual intrusion. As indicated above AfOR consider the site should only take source separated waste, allowing the requested 5% deviation from this is therefore considered unacceptable, as stated within the main body of the report.

With regard to the third point, it is correct that the planning permissions refer to the use of the land for the composting of green waste. However, a condition limits all the permissions by excluding the export of compost from the site, in effect producing an on-farm composting facility. The operator does not, as the agent implies, choose to run an on-farm composting facility, he is obliged by the permission to do so.

RECOMMENDATION

After consideration of the additional information received, it is recommended that:

The original recommendation should stand however, following further consideration of the representations made by the agent and the advice supplied by AfOR that the recommended rewording of condition 5 be amended to remove reference to paper and cardboard and the percentage volume of this, as Council collections of green waste are source separated and exclude paper and cardboard for which separate collections exist. This would then accord with AfOR recommendations. The revised wording should now read;

Only waste materials consisting of green garden type waste originally from gardens, parks, cemeteries and highway verges, specifically plant tissue including cuttings/trimmings from trees, hedges and shrubs, vegetation including

weeds, crops and grass, but excluding litter bin contents, unless pre-sorted, kitchen waste and wastes including any produce of animal origin, shall be imported to, deposited, processed or stored at the site.

Reason: to define the type of waste allowed on site.

The request to amend the wording of condition 6 is still recommended for refusal on amenity grounds as set out in the main body of the report.

APPLICATION No: P06/1001

PROPOSAL: **Report in Relation to (1) Amendments to Plans for the Outline Planning Application and Section 106 Agreement and (2) Amendments to Conditions for Planning Application P06/1001 for Outline Application for Redevelopment and Relocation of Existing Garden Centre Facilities, A1 and A3 Retail Units, Construction of Class C3 Residential Development, B1 Office Development, Car Parking, Ancillary Facilities and Associated Infrastructure.**

ADDRESS: **Stapeley Water Gardens, London Road, Stapeley**

REPRESENTATIONS

A representation has been received from a resident of London Road, Stapeley (also at Cranfield University, Bedfordshire.)

The observations made can be summarised as follows:-

-No objections to the proposed amendments but note that the plans remove a substantial area of existing structural landscaping on the south side of Peter Destapleigh Way. This will have a knock on effect for reducing the area of green space/ tree and shrub planting originally proposed in the outline application for Stapeley Water Gardens. Extra land within the red line application area should be provided to compensate for the loss of this area.

-Since the overall application area is reduced amendments should be made to reduce the proportion of the different uses within the application area.

-No objections to the alteration to the timescale for the submission of the tree survey (condition 18) as long as it is submitted.

-The removal of condition 19 is common sense but consider that a compensatory area of planting should be provided within the red line boundary.

OFFICER COMMENTS

The area which is to be removed is a small area compared with the overall size of the application area. It is a narrow triangular area which measures approximately 10m deep in a north west – south east direction and 140 wide in a south west- north east direction. Whilst the person making the representation considers that a large area of green space/ planting has been removed, this larger area was excluded prior to the consideration of amendments to the application by the Strategic Planning Board in April 2010. The additional area, to

which this report relates, is that which is to be removed following consideration of the report in April 2010.

As stated in the report this area will be removed from the land zoned for use for the relocated Water Gardens. It is situated behind the planted area of land adjacent to Peter Destaplegh Way and is protected as a Landscape and Nature Conservation Area in the Cronkinson Farm S106 agreement. Bearing in mind the limited area of the land proposed it is not considered necessary to make alterations to the areas of the three proposed uses as shown on the Zone Plan. Further this land to be removed is grassland and its removal from the application area does not affect existing planting in the locality or proposed planting at the development site.