

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 19 November 2009 **Parish:** Parish Of Rufforth With Knapton

Reference: 09/00460/FUL
Application at: Harewood Whin Landfill Site Tinker Lane Rufforth York YO23 3RR
For: Retention of Existing Compost Pad Extension.
By: Yorwaste Ltd (Mr Mark Hall)
Application Type: Full Application
Target Date: 12 May 2009

1.0 PROPOSAL

1.1 Harewood Whin comprises a substantial waste disposal by landfill operation located in an area of open countryside within the designated York Green Belt to the west of the City Centre. The site, which also encompasses a range of recycling and green waste composting activities, operates under a series of permissions dating back from the mid 1980s, the current principal permission being given in 2003. A proposal was submitted in late 2007 to construct a composting area comprising three concrete pads at the southern edge of the complex but a decision has not been issued on this proposal due to an outstanding unresolved objection from the Environment Agency in relation to bio-aerosols. The current proposal envisages the retention of an extension to the existing concrete composting pad to the north of the recycling building at the north western edge of the site to handle the current throughput of green waste material suitable for composting whilst the issues surrounding bio-aerosols in relation to the application site at the southern edge of the complex are resolved.

1.2 The application was previously deferred from consideration at the 16th July Committee for consideration of the need to undertake a formal Environmental Impact Assessment under Schedule 2 of the 1999 Town and Country Planning (Environmental Assessment) Regulations and to further consider concerns received in respect of the total volume of green waste passed through the site. Further clarification in respect of both matters was subsequently sought and incorporated into the recommendation.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation

Air safeguarding : Air Field safeguarding 0175

Contaminated Land :

City Boundary : York City Boundary 0001

DC Area Teams : West Area 000

2.2 Policies:

CYGB1

Development within the Green Belt

CYMW5

Landfill/landraising - considered on merits

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway Network Management raise no objection to the proposal;

3.2 Structures and Drainage Consultancy raise concerns in respect of the lack of information relating to drainage of the application site submitted with the application;

3.3 Environmental Protection Unit express some concern with respect to the proposal on the grounds of the impact of odours and bio aerosols generated by the composting activity. They suggest that in view of the level of complaint being received in relation to composting activity at the site that a change be seriously considered to the method of working at the site to one incorporating forced aeration in line with the recommendations of the DEFRA Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities(2009).This is justified on the basis of the need to follow the "precautionary principle" as outlined in PPS 23 "Planning and Pollution Control". Conditions attached to any approval should be used to ensure that the applicant uses an intensive method of odour abatement with suitable management controls.

EXTERNAL:

3.4 Marston Moor Internal Drainage Board were consulted with regard to the proposal on 25th March 2009. No response has been forthcoming.

3.5 Rufforth with Knapton Parish Council object to the proposal on the grounds that the work has been undertaken in advance of planning permission being granted ; the environmental safeguards put forward for the composting proposal at the southern edge of the site would not be put into place noise, smell and bioaerosol nuisance for nearby residents would significantly increase and the proposal would facilitate a substantial increase in industrial activity on what is a Green Belt location. They furthermore request that an appropriate Screening exercise be undertaken to determine the need or otherwise for a formal Environmental Impact Assessment in relation to the proposal and they draw attention to perceived discrepancies in the quoted figures for volumes of green waste processed through the site. Concern is also expressed in relation to the proximity principle and the reception of green waste material from outside of the immediate area.

3.6 One letter of objection has been received on the grounds that work has been undertaken in advance of planning permission being given.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS INCLUDE:

Impact of the proposal on the open character and purposes of designation of the York Green Belt;

Impact of the proposal upon the amenity of neighbouring properties by virtue of noise and traffic generation and the generation of bio aerosols;

Proximity Principle;

Impact of the proposal on the surrounding pattern of surface water drainage;

Retrospective nature of the application;

Need for Formal Environmental Impact Assessment;

Volumes of Green Waste Processed.

GREEN BELT POLICY:

4.2 Policy GB1 of the York Development Control Local Plan sets a firm policy presumption in favour of development which would not by virtue of its scale, location or design conflict with the open character or purposes of designation of the York Green Belt and is for an appropriate Green Belt use including limited infilling or re-development of existing major developed sites and other essential engineering works including waste disposal. The current proposal seeks to regularise the expansion of the existing hard-surfaced compost pad by some 3455 sq metres. The composting operation lies within the restored section of the site towards its north western edge north of the existing re-cycling building. The existing compost pad has been expanded to the west and south on a level section of the site. It is sheltered in long and short distance views from outside of the site by the existing green waste stock pile and preparation area and the surrounding topography of the restored tip area.

4.3 The proposal involves the modest expansion of the existing composting operation to more effectively handle the existing through-put of green waste through the site. Some 59,536 tonnes of green waste are currently being processed at the facility based upon figures up to 31 Dec 2008, of which some 16,453 tonnes were from the City of York Council area. By reason of its location within the site and the nature of the development as a modest expansion of the existing developed footprint it would not have an adverse impact upon the open character or purposes of designation of the York Green Belt. As a limited waste disposal operation the proposal would constitute appropriate Green Belt development within the terms of the Draft Local Plan policy. As such the proposal complies with the terms of Policy GB1 of the York Development Control Local Plan. Strategy place particular emphasis upon the need to provide an adequate range of sites to deal with the various types of waste arising in close proximity to the source area. The current proposal would secure the fulfilment of those criteria.

IMPACT UPON AMENITY OF NEIGHBOURING PROPERTIES:

4.4 Policy MW5 of the York Development Control Local Plan sets a firm policy framework for the consideration of waste management facilities requiring a range of considerations to be taken into account. These include the need for the facility, its proposed location, its impact on adjoining land uses and the duration of the proposal, the proximity principle whereby waste is disposed of as close as possible to where it is produced and appropriate measures are taken to minimise the environmental impact of visual intrusion, noise, dust, odour and wind blown material. The current proposal envisages the extension of the existing open air composting pad to accommodate the increasing volume of green waste passing through the site whilst the concerns surrounding the proposed green waste composting facility at the southern edge of the site are resolved.

4.5 The composting process involves the shredding of the received green waste into smaller particles and its open air storage in moist regularly turned piles or windrows lying on a hard concrete surface. The length of the process takes on average 6 to 12 weeks. Regular sifting of the material is intended to tackle the problem of anaerobic conditions occurring with resultant smell nuisance to surrounding properties. A major reason advanced in justification of the proposal is the need to create a larger hard surfaced area to reduce the risk of the composted material becoming anaerobic and as result a hazard to amenity through the production of bio aerosols. This is seen as an increasing risk as a consequence of the increasing quantities of green waste suitable for composting recovered in the York area. Concerns remain in respect of the generation of odour through the composting process, however the Environmental Protection Unit has suggested a series of detailed conditions that would bring the issue of odour and bio-aerosol generation under control. This would involve a modification to the mode of working according to the precautionary principle outlined in PPS 23 " Planning and Pollution Control", to bring the process in line with current best practise outlined in the DEFRA Good Practise and Regulatory Guidance on Composting and Odour Control for Local Authorities (2009). Particular attention has been drawn to a property within 250 metres to the north as identified receptor. The characteristics of receptors for the purpose of monitoring odour or bio aerosols suggest some element of residential use however we are not aware of any in that area.

4.6 In terms of noise generation, the process would not involve any greater degree of intensity of operation or additional machinery, as a consequence there would not be any significant impact upon amenity through noise as a result of the proposal. As the proposal would simply result in the more efficient processing of material already received at the site there would only be a negligible impact upon traffic generation. Subject to the issue of odour control being conditioned as part of any permission then the proposal would comply with Policy MW5 of the York Development Control Local Plan.

PROXIMITY PRINCIPLE

4.7 The proximity principle underlies much of the principles behind planning for waste related facilities and is set out in York Development Control Local Plan Policy MW5. Concern has been expressed in relation to the reception of material from outside of the immediately area, specifically from the north eastern section of the

Leeds conurbation. This however need not necessarily break the proximity principle as Harewood Whin in many cases remains the most appropriate facility to handle the waste. In any case the volume of material received from out with the immediate geographical area does not form a materially significant proportion of the overall total.

IMPACT OF THE PROPOSAL ON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:

4.8 Concerns have been expressed in relation to the impact of the proposal on the local pattern of surface water drainage associated with the site. The applicant has confirmed that any surface water arising from the proposal must be treated as polluted leachate in accordance with their operating consents from the Environment Agency. All such discharges are directed to the on-site leachate treatment plant and then discharged in the normal way to the foul sewer in accordance with the site operating permit from Yorkshire Water Services.

RETROSPECTIVE NATURE OF THE PROPOSAL:

4.9 The construction of the compost pad extension had been substantially completed by the time the planning application was submitted for determination. The applicant has submitted a written statement to justify this indicating that the construction of the proposal had become urgent in order to handle the anticipated sharp rise in domestic green waste during the months of May and June. To leave the pad unchanged in area would in their opinion put them at risk of enforcement action or possible prosecution by the Environment Agency as a result of increased odour nuisance because of the difficulty of managing the composting process over such a small area. They furthermore draw attention to the fact that the extension is only required for a temporary period whilst the issues surrounding the proposed enlarged composting area towards the southern area of the site are resolved. Central Government advice in respect of dealing with planning applications for retrospective development requires that they be considered by the Local Planning Authority in the same fashion as applications submitted in the usual way for development to be undertaken in the future. The planning system should not of itself be used punitively to punish those who have constructed otherwise acceptable development in advance of gaining planning permission.

NEED FOR FORMAL ENVIRONMENTAL IMPACT ASSESSMENT:

4.10 The proposal as an installation for the disposal of non-hazardous waste falls short of the criteria for requiring Environmental Impact Assessment under Schedule 1 of the 1999 Town and Country Planning (Assessment of Environmental Effects) Regulations. The indicative criteria for projects requiring Assessment under Schedule 2 suggests a threshold figure of 50,000 of material as being more likely to require formal Assessment. The current proposal relates to a temporary expansion of an existing operation to handle materials presently arriving at the site whilst a more permanent solution involving the establishment of three composting pads at the southern edge of the site is finally resolved. Doe Circular No 02/99 "Environmental Impact Assessment" does specifically address the issue of expansion of existing development and counsels the need to examine environmental impact in the context of the effects of the existing development. The key environmental impacts of the existing operation are felt to be noise and odour. The

environmental impact of the temporary extension is not felt to be materially different from the existing operation and conditions establishing suitable safeguards have been recommended. As a consequence a formal Environmental Impact Assessment under Schedule 2 of the Regulations has not been requested.

VOLUMES OF GREEN WASTE PROCESSED:

4.11 Information supplied to the Authority suggests that some 59,536 tonnes of green waste are processed via the existing composting operation. The application details allow for a possible expansion of the volume of material to a maximum of 70,000 tonnes per annum. The theoretical maximum utilisation of the pad as extended would amount to 88,000 tonnes. However the applicant has indicated that the figure of 70,000 tonnes would at no time be exceeded and the requirement of draft condition 3 for a comprehensive raw material delivery plan would work to ensure throughput of Green Waste remaining at reasonable levels.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial waste disposal by landfill operation with ancillary composting and re-cycling activity located within the designated York Green Belt to the west of the City Centre. The proposal which has been substantially completed envisages the construction of a 3455 sq metre extension to the existing composting pad to handle the increasing volumes of green waste passing through the site. Permission is sought for a temporary period of the order of three years whilst concerns surrounding the longer term proposal for three composting pads at the southern edge of the site are resolved. Concerns have also been expressed in relation to odour/bio aerosol generation relating to the current proposal, however the extension is intended to secure the more efficient operation of the composting process, with the use of appropriate conditions as suggested by Environmental Protection Unit then the issue of odour and bio aerosol generation can be dealt with, with minimal impact upon amenity. Any approval would furthermore be conditioned to secure the minimisation of odour nuisance. In terms of its impact upon the open character and purposes of designation of the Green Belt the proposal would represent a modest increase of the existing built footprint supporting existing activities at the site. On balance the proposal would have little material impact upon the amenity of neighbouring properties and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 The hard-standing shall be removed by 17th June 2012 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The applicant has requested a consent on a temporary basis and to secure compliance with Green Belt Policy outlined in York Development Control Local Plan Policy GB1.

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

HAR-PLOO-YO852-010; HAR-PLOO-YO627-001 I. Date Stamped 13th March 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 An odour management scheme, incorporating an Intensive Method of Compost Management using forced aeration or other suitable method shall be submitted to the Local Planning Authority for written approval within two months of the date of this permission. The requirements contained in the approved odour management scheme shall be implemented prior to the use hereby permitted and adhered to thereafter. The odour management scheme must be developed in line with the DEFRA guidance document Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities Appendix C.

Reason: To protect the amenity of nearby residents from odour and to secure compliance with Policy MW5 of the York Development Control Local Plan.

Informative:

It is recommended that the developer consults the Local Planning Authority when developing the odour management scheme and should include:

- An agreed method of predicting the amount of green waste that shall be brought on to site;
- Contingency plans to divert unexpected levels of green waste to other sites;
- Detail each step of the process, indicate where odour emissions could be released and show that the applicant has applied BAT (Best Available Techniques) to reduce the odour at each and every stage;
- A systematic review system of the odour management scheme to include , both routine reviews and reviews where unforeseen circumstances have led to increased odour emissions;
- A comprehensive raw material delivery plan.

4 The odour management scheme shall be reviewed on a yearly basis to ensure that the development has been undertaken in accordance with the details approved under Condition 3. This review must be submitted in writing along with any amendments to the odour management scheme to the Local Planning Authority for written approval, once approved these changes shall be implemented immediately and works/operations shall be undertaken in accordance with the approved details at all times.

Reason: To protect the amenity of nearby residents from odour and to secure compliance with Policy MW5 of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact of the proposal on the open character and

purposes of designation of the York Green Belt, the impact of the proposal upon the residential amenity of nearby properties by virtue of odour/bio aerosol, noise and traffic generation, the proximity principle, impact of the proposal on the local surface water drainage pattern and the retrospective nature of the development. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB1 and MW5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

ODOUR MANAGEMENT PLAN

2. If the developer is notified by the Local Planning Authority that the composting activities are giving rise to odour at any residential site boundary which is likely to amount to a loss of amenity, a revision of the odour management plan shall be submitted to the Local Planning Authority for written approval within a timescale to be notified by the Local Planning Authority, this revised odour management plan shall be implemented from the date of approval, unless otherwise agreed in writing by the Local Planning Authority.

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