

Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **4th September 2013**

AGENDA
ITEM
NUMBER

RESPONSIBLE OFFICER: Lisa Bartlett, Development Control Manager,
Planning and Transport Development (Telephone:
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TITLE: **Briefing update – Parcel 5319, Charlton Field Lane, Queen Charlton**

WARD: ALL

BACKGROUND PAPERS: None

AN OPEN PUBLIC ITEM

05/00723/VAR, Variation of condition 13 and 16 of Planning Permission: 97/02626/MINW dated 02/12/1998 to allow permanent recycling of cardboard waste and increase in truck movements.

05/01993/FUL - Increase size of concrete storage area and variation of condition 13 of planning permission 97/02626/MINW to accept wood waste.

11/00022/VAR Variation of conditions 13, 16 and 19 of permission no. 97/02626/MINW to extend composting operations, increase vehicle movements and permit cardboard and wood recycling (Temporary use of land for 10 years for manufacture of organic green compost as amended by revised drawings received 14th April 1998 at land formerly Queen Charlton Quarry)

The Committee considered these three applications at the meeting on 5 June and resolved to approve the applications subject to conditions.

There has been some delay in issuing the decision notices because of queries raised by the applicants in relation to some of the conditions.

During that time it has been brought to the attention of the Council by the landowner that the distance between the site and the nearest dwelling was incorrectly stated to be 150m in the committee report. The reference was on pages 148 and 150 of the reports bundle in the committee papers – copies attached in Appendix A. The correct distance is 131m, boundary to boundary.

The difference in the reported distance is not considered material, as the key distance from the perspective considered is whether or not the property is within 250m of the site, which it clearly is.

The relevance of the 250m distance is that further scrutiny is afforded to the control and monitoring of bioaerosols from a composting operation via the Environmental Permitting regime operated by the Environment Agency when 'sensitive receptors' are within 250m of a composting site. This is set out in specific guidance on the control of bioaerosols issued by the Environment Agency.

The advice to the committee was that because the nearest dwelling was within 250m of the site, tighter control and monitoring on bioaerosols was already in place via the Environmental Permit for composting and that the Permit covered the recycling of cardboard and wood. The committee's attention was also drawn to the claim by the landowner that the nearest field should be regarded as a

'sensitive receptor'. The committee was advised that agricultural land did not fall within the definition of 'sensitive receptor' in the EA guidance on control of bioaerosols.

Recommendation

That the committee notes that the actual distance between the boundary of the composting site and the boundary of the nearest sensitive receptor is 131m, not 150m as reported. However this does not alter the recommendation that the applications should be approved subject to conditions.

Appendix A

Pages 148 and 150 of report to Development Committee meeting 5 June 2013.

References to 150m highlighted.

PAS 100 is an industry standard for the manufacture of compost. The site is registered to produce compost to this standard, and appropriate documentation to demonstrate this has been included in the ES.

The site management regime includes provision for detecting imported material that might lead to the compost not meeting the standard, and its removal from the site. This is considered adequate measures within the control of the applicant to prevent the spreading of non PAS compost within the NVZ.

Other impacts.

HEALTH: Concern has been expressed by objectors that emissions of bioaerosols from the site cause harm to the health of local residents. Policy 1 of The West of England JWCS includes consideration of the distance between the site and any sensitive receptors in the assessment of the suitability of proposed sites. The footnote to the policy explains that the origin of this criterion is the EA 2007 Policy Position Statement on composting and potential health effects from bioaerosols. Environment Agency. The 2007 Position Statement has now been updated with a later interim statement dated November 2010. The policy position statement requires the production of a site specific bioaerosol risk assessment if the distance between a composting site and the nearest sensitive receptor is less than 250 metres as part of the Environmental Permitting of the site.

The definition of Sensitive Receptor in the EA Policy Position Statement is:-

'Sensitive receptors refers to people likely to be within 250 metres of the composting operation for prolonged or frequent periods. This term would therefore apply to dwellings (including any associated gardens) and to workplaces where workers would frequently be present. It does not apply to the operators of composting facilities or their staff while carrying out the composting operation as their health is covered by Health and Safety legislation'

In this case, the distance between the site and the nearest sensitive receptor (as defined above) is 150m. The objector considers that the distance is much less (only 20m) because he claims that his open farmland should also be regarded as 'sensitive receptors' because it requires the presence of staff to farm it. Although the farmland is currently pasture land which would not normally require the presence of farm staff for the same level of intensity as the occupation of a dwelling or other work place, the objector claims that there is no removal of permitted development rights on the farm holding to prevent different farming practices that may require more intensive levels of presence of farm staff being introduced.

The adjoining land is not classed as among the best and most versatile grades of agricultural land, and no specific proposal has been put forward by the objector which would suggest that any such different farming practices might be introduced nor what that practice might be. There is no basis to include livestock in the definition of 'sensitive receptors'.

It is relevant to know that the Environment Agency advises that the permit for the site is supported by a Bioaerosol Risk assessment which requires Bioaerosol Monitoring to be undertaken. This has been done since November 2009, and to date no evidence has been produced which would indicate that the levels of bioaerosols from the site as measured in accordance with the Monitoring Regime are above levels regarded by the EA as acceptable.

of another and is therefore notably visible above the site screening within a short period and this can be enforced by condition.

ARCHAEOLOGY: The development covered by the present application will have no effect on any archaeological assets which the site may have.

POPULATION: The closest residential property is approximately 150m from the site boundary but is surrounded by tall hedges. The next closest property is approximately 380m away. The use of the site has no material visual impact on these properties. The implications in terms of odours, bioaerosol emissions, noise and traffic generation are considered above.

WASTE MANAGEMENT: Government policy supports proposals for the recycling and composting of waste and policy 3 of The West of England Joint Waste Core Strategy provides for the provision of open windrow composting on existing waste management sites, or on sites that constitute previously developed land. This is subject to satisfaction on the question of bioaerosols, which is addressed above. In this case the site was previously a quarry before being used for composting.

Officers consider that the previous use of the site in fact makes it more rather than less 'appropriate' for use as a composting site. Accordingly officers consider that the location of the development falls within the terms of Policy 3.

The proposed development is considered to be in accordance with the principles of sustainable waste management which seek to drive the treatment of waste up the waste hierarchy and help implement targets for diverting waste from landfill whilst not causing harm to human health and the environment. These matters have been addressed above.

Other matters raised by Objectors

Objectors refer to failure to comply with existing conditions and limits, including a compound on adjacent land and the unauthorised sale of wood and mulches from the site. These matters are being investigated with the applicant and will be reported to the committee if found to require enforcement action. Other alleged infringements have been found not to comprise breaches of planning control.

On the question of the change in the applicant's name from Hinton Organics to ReOrganics, this is not a material planning matter. Any planning permission will run with the land, not with the applicant. The company has changed its name for legitimate commercial reasons and the new name is correctly registered with Company's House.

It is not agreed that the ES fails to adequately describe the project, mitigation, data to measure impacts. The project description now includes restoration of the site, relevant mitigation measures, and includes data necessary to assess the impacts. On the question of alternatives, the Regulations only require an 'outline of the alternatives studied by the applicant'. There are no real alternatives available to the operator, so this does not apply. What has been done is sufficient to explain this.

The objectors allege that an incorrect baseline has been used. It is true that the 'further information' includes a reference to the marginal difference to the operation made by the importation of wood and cardboard and of the enlargement of the hardstanding. However