

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 3rd April 2007

Report Title Bubbenhall Landfill Site – Five Metre High Litter Fence

Summary The application proposes the installation of a five metre high litter fence at Bubbenhall Landfill Site.

For further information please contact Matthew Williams
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Submitted application, received 13/2/2007.
 Letter from Bubbenhall Parish Council, dated 22/2/2007.
 E-mail from Countryside Recreation, dated 22/2/2007.
 Letter from Environment Agency, dated 2/3/2007.
 Letter from Campaign to Protect Rural England, dated 6/3/2007.
 Letter from Warwick District Council, dated 12/3/2007.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

- Other Committees
- Local Member(s) Councillor M Doody – no comments received as at 20/3/07.
(With brief comments, if appropriate)
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott – comments incorporated.

- Finance
- Other Chief Officers
- District Councils Warwick District Council – no objection.
- Health Authority
- Police
- Other Bodies/Individuals Bubbenhall Parish Council, Environment Agency
– See paragraph 2.

FINAL DECISION **YES/NO** (*If 'No' complete Suggested Next Steps*)

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Regulatory Committee - 3rd April 2007

Bubbenhall Landfill Site – Five Metre High Litter Fence

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the installation of a five metre high litter fence at Bubbenhall Landfill Site, Weston Lane, Bubbenhall, subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

Application No : W118/07CM004

Received by County : 13/2/2007

Advertised Date : 23/2/2007

Applicant(s) : Waste Recycling Group, Ground Floor West, 800 Pavilion Drive, Northampton Business Park, Northampton, NH4 7RG.

Agent(s) : Mr S Bowley, Ferndale, Albury View, Tiddington, Thames, Oxfordshire. OX9 2LQ.

The Proposal : Five metre high litter fence.

Site & Location : Bubbenhall Landfill Site, Weston Lane, Bubbenhall.
[Grid ref: 364.713].

See plan in **Appendix A**.

1. Application Details

- 1.1 The application proposes the installation of a five metre high litter fence at Bubbenhall Landfill. The fence, measuring 800 metres in length, would be located along the eastern boundary of the site adjacent to Bubbenhall Wood. The fence would be set back approximately four metres from the existing perimeter fence. The fence would be constructed of a loose open green nylon mesh supported on reclaimed telegraph poles.

2. Consultations

- 2.1 **Warwick District Council** – no objection.
- 2.2 **Bubbenhall Parish Council** – no objection to the application. However, would like to see that the fence is litter picked very regularly and raise no objections provided there is no breach of compliance of this.
- 2.3 **Councillor M Doody** – no comments received as at 20/3/07.
- 2.4 **Environment Agency** – no objection to the proposed development.

Litter fencing is detailed in the site's 'Nuisance and Health Risk Assessment' as being one of the mitigation measures to prevent the escape of litter from the operational area of Bubbenhall Landfill. The current Permit requires that appropriate measures to prevent litter shall be implemented. The proposal to add in further permanent fencing on a stretch of the site's boundary will act as a further measure to prevent litter escaping the site. The applicant must ensure that the fence is maintained on a regular basis to ensure that it remains effective in preventing litter escaping the site.

3. Representations

- 3.1 The Warwickshire Branch of the Campaign to Protect Rural England make the following points:-
 - (i) This site is in the Green Belt and Special Landscape area. Development should only be permitted in 'very special' circumstances.
 - (ii) We support proposals to limit the spread of litter.
 - (iii) However, the proposed fence is very high.
 - (iv) It will not be seen through when it is covered in trapped litter.
 - (v) A condition may be appropriate to require removal of trapped litter at regular intervals.

4. Observations

- 4.1 The nature of landfill operations are such that litter is a potential problem, particularly during windy conditions. Litter blowing off site, especially into Bubbenhall Wood, was highlighted as a concern by residents during consideration of the recent planning application to amend the restoration profile of the landfill. Recent high winds have shown that litter blowing off site is a current and continued problem.
- 4.2 The proposed litter fence, set back slightly from the existing low level boundary wire stock fence, would be erected along the length of the boundary adjoining Bubbenhall Wood. Concern has been expressed about the height of the proposed fence. However, temporary litter fencing used elsewhere on the site is

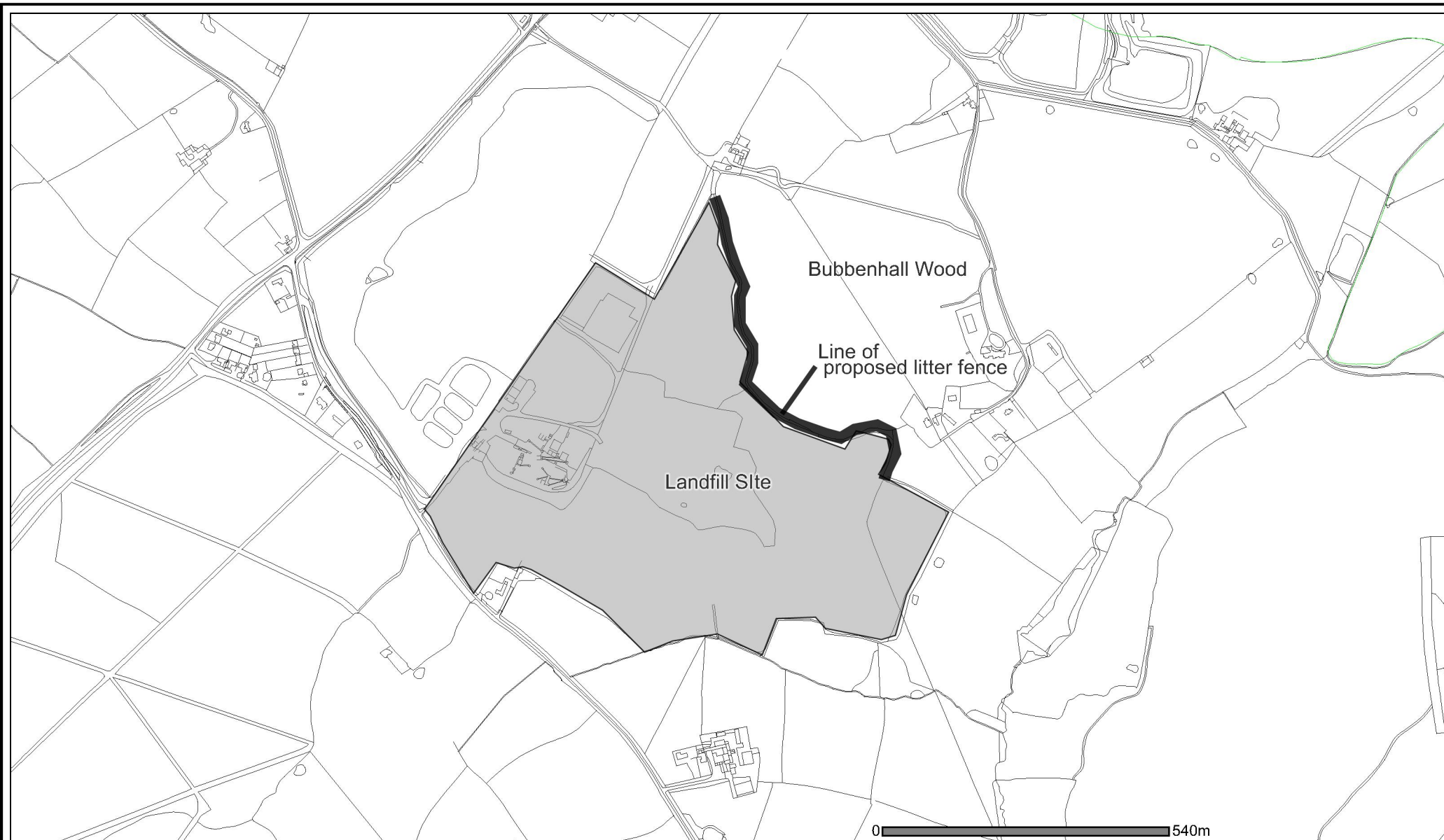
a similar height and is not intrusive. Furthermore, the proposed height is considered necessary in order to be effective in preventing litter leaving the site.

- 4.3 Bubbenhall Landfill is located within the Warwickshire Green Belt as identified within the Warwick District Local Plan. Within the Green Belt there is a general presumption against inappropriate development. Policy ENV1 of the Warwick District Local Plan makes it clear that within the Green Belt the rural character of the area will be retained, protected and wherever possible enhanced by safeguarding areas of mainly open countryside to take account of the interests and needs of agriculture and forestry and to provide a source of recreation and enjoyment. Policy DAP1 of the Warwick District Local Plan – Revised Deposit Version 1996 – 2011 further states that uses of land which preserve the openness of the Green Belt and do not conflict with the purpose of including land within it will be permitted in appropriate circumstances.
- 4.4 Planning Policy Guidance Note (PPG) 2 – Green Belts sets out the purposes of the Green Belt that include preventing urban sprawl and safeguarding the countryside from encroachment and maintaining openness. The key objectives include retaining attractive landscapes and enhancing landscapes near to where people live.
- 4.5 The proposed litter fence is not insignificant in scale and would constitute inappropriate development in Green Belt terms. However, there is an identified operational need for the provision of a litter fence at the site that is considered to represent very special circumstances sufficient to outweigh its inappropriateness. Furthermore, the fence would be constructed of green mesh netting, which when seen against the woodland would limit its visual impact. In addition, the litter fence would only be required during the operational life of the landfill. Therefore, its impact upon the Green Belt would be temporary. A suitably worded condition is suggested.
- 4.6 Policy 1 of the Waste Local Plan sets out the environmental considerations, including; visual impact, odour, noise, dust, traffic, impact upon features of nature conservation, etc, that should be taken into account when considering all waste applications.
- 4.7 Concern has been raised that litter would become caught in the netting resulting in the fence becoming unsightly. It is possible that litter could become caught in the fence. However, with regular litter picking and maintenance the fence should be maintained to a satisfactory standard. A suitably worded condition to require removal of litter is suggested.
- 4.8 Public footpath W150 runs along the boundary of the site between the landfill and Bubbenhall Wood. Whilst the litter fence would be tall, it is considered that its construction of open mesh netting and position set back approximately four metres from the footpath would not result in any overbearing impact. Furthermore, the fence would remove the likelihood of litter accumulating on the footpath and would improve the condition and amenity value of the path.

- 4.9 The proposed litter fence would assist with preventing litter blowing off site and address an existing problem. The design and temporary nature of the fence would not result in any long term impact upon the openness of the Green Belt or rural character of the area. Whilst the litter fence would have a visual impact in the short-term its installation is considered necessary to address the existing litter problem.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick

19th March 2007



Scale 1: 10000

Ref No. W118/07CM004

Drawn Richard Forbes

Regulatory Committee - 3 April 2007

Subject

Bubbenhall Landfill Site - 5m high litter fence



John Deegan
Strategic Director for
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Regulatory Committee - 3rd April 2007

Bubbenhall Landfill Site - Five Metre High Litter Fence

Application No : W118/07CM004

Commencement Date

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by, Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-Commencement

2. The development hereby permitted shall not be commenced until a litter management and fence maintenance plan has been submitted to and approved in writing by the County Planning Authority. Such a plan shall include detail of level and frequency of litter picking, level and frequency of checks upon integrity of the fence, contingencies for repair and maintenance of the fence and measures to retrieve any litter that does blow off site. Following approval the management plan shall be implemented accordingly.

Reason: In the interests of the amenity of the area.

3. Unless otherwise agreed in writing by the Mineral Planning Authority the development hereby permitted shall not be carried out other than in accordance with the submitted application ref. W118/07CM004, plans ref. SB/370/1A, SB/370/2, SB/370/2A and in accordance with any details or samples approved in accordance with this condition.

Reason: To ensure a satisfactory standard of development.

4. The litter fence shall be removed from the site and ground reinstated in accordance with the site restoration scheme within one month of completion of landfilling operations.

Reason: To ensure satisfactory restoration of the site and to maintain openness of the Green Belt.

Development Plan Policies Relevant to this Decision

- (a) Warwickshire Structure Plan – 1996-2011 – **Policies GD.1, GD.2, GD.3, GD.4, GD.5, RA.1, ER.1, ER.2, ER.4, ER.5 and ER.8.**

- (b) Warwick District Local Plan – Adopted April 1995 – **ENV1, ENV3 and ENV12.**
- (c) Warwick District Local Plan – Revised Deposit Version 1996 – 2011 – **Policies DP1, DP2, DP3, DP4, DP6, DP7, DP9, DP10 and DAP1.**
- (d) Waste Local Plan for Warwickshire – **Policies 1, 2 and 3.**

Reasons for the Decision to Grant Permission

The development hereby permitted would improve the management of litter on site which is considered to represent very special circumstances sufficient to outweigh its inappropriateness in this Green Belt location.