

Regulatory Committee – 3 August 2021

Amendment to site layout to increase size of the compost maturation pad – Ufton Hill Landfill Site, Southam Road, Ufton, CV33 9PP

SDC/21CM004

Application No.: SDC/21CM004

Advertised date: 15th April 2021

Applicant(s) Mr Mike Harty
Biffa Waste Services Ltd.
Junction Works
Bickershaw Lane
Wigan

Registered by: The Strategic Director for Communities on 25 March
2021

Proposal: Amendment to existing site layout to increase size of the
compost maturation pad and associated works.

Site & location: Ufton Hill Landfill Site, Southam Road, Ufton, CV33
9PP.
[Grid ref: 439289.261246].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the amendment to the existing site layout to increase the size of the compost maturation pad and associated works, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 This application relates to an existing In-Vessel Composting Facility (IVC) located at Ufton Landfill Site. In-Vessel Composting is a treatment process used when green / garden waste contains an element of food waste. IVC is generally a two-stage process. The first stage involves treating the waste material within an enclosed environment or building which allows for accurate temperature control and testing. The second stage involves further composting or maturation of the material in the open air on a concrete pad.
- 1.2 The planning application seeks consent to amend the site layout (within the existing planning boundary) to increase the available area of the maturation pad located adjacent to the Ufton In-Vessel Composting (IVC) Facility. The maturation pad is used to mature/complete the composting of materials that have previously been composted/sanitised within the IVC facility. The application also seeks to improve health and safety measures through the provision of containment walls, fencing and lighting. The existing collection vehicle operatives welfare facilities and shelter and the storage container would also be relocated in close proximity to the weighbridge. A replacement subterranean Klargestor tank would also be provided.
- 1.3 The additional concreted area would be approximately 4,275m². The containment walls would measure 3.5m in height. The fencing and double access gate would be weld mesh moss green measuring 3.6m in height. The personnel walkway would measure 1.2m in width.
- 1.4 The existing and new areas would link together to form a generally rectangular maturation pad.
- 1.5 In support of the proposal the application states that the extension of the maturation pad would further maximise the site's ability to produce PAS100 compost. PAS100 standard compost requires a longer maturation period and therefore a larger area to produce this is necessary. All compost produced at the site needs to be of PAS100 quality in order to achieve targets following the nearby landfill restoration.

2. Consultation

- 2.1 **Stratford on Avon District Council – Planning:** No objections.
- 2.2 **Stratford on Avon District Council - Environmental Health:** Initial comments were received from Stratford Environmental Health which had concerns regarding odour, flies and lighting.

'We have periodically received complaints regarding odour and flies from the facility. I would also recommend that the Environment Agency are consulted on this proposal as they are regulator for this facility.

Odour

I am unclear as to how the proposals will increase the amount of compost at the facility and I am unsure as to how this will increase the odour impacts at nearby receptors. I would therefore request that an odour impact assessment is undertaken for the facility considering the increase in odour from the proposal.

Flies

I would like some more information on fly management for the site.

Lighting

I could not find the Lux plan as stated in the planning statement. I would like some more information on off site Lux levels as well as luminaire choice to reduce upward light as much as possible. The institute of lighting professionals guidance document guidelines for obtrusive light give some design criteria.

Further information from the applicant was then received relating to lighting, odour and flies, including lighting details and mitigation measures relating to odour and flies including the Environmental Permit which is monitored by the Environment Agency, the Operational Working Plan and an Odour Management Plan.

The Environmental Health Officer then responded with the below:

‘Odour,

As the tonnage is not increasing- no further comments on this aspect. I would note that I am concerned that they are not aware of complaints as we have certainly signposted residents to the EA and to Biffa- however this is a matter external to this process.

Flies,

No further comments

Lighting

No further comments

- 2.3 **Harbury Parish Council:** No comments received.
- 2.4 **Long Itchington Parish Council:** No comments received.
- 2.5 **Ufton Parish Council:** Raised objection on account of odour and flies from the site.

‘The ongoing issues of flies and repulsive smells from this site have never been addressed since the site came into being.’

2.6 **Councillor Christopher Kettle:** *'I can see no reason to object to this as long as the HGV volume remains below the current thresholds. However, I note that the plant will now be producing a non-waste product which will in itself generate HGV movements transferring on the treated materials to customers. Historically all products from the plant had been incorporated into waste soils brought onto the site to improve the restoration of the neighbouring land tip site.*

It also changes the site from a temporary although long term waste receiving site into a permanent green waste processing facility.

It may therefore mean that the existing routings for a time limited facility might not be appropriate for a permanent one and, if there have been any challenges arising from the HGV routing that these are now considered and mitigated for. I am aware of specific complaints from residents about waste carrying HGVs using Bush Heath Road and Butt Lane in Harbury.

My second concern relates to lighting.

This is very rural setting and lighting needs to be limited to the very minimum required to enable safety compliant and not "comfortable" working. Further the lighting must be designed to minimise the reflection of wet impermeable surfaces, concrete etc so that there is no lighting halo over the site in winter. Current lighting energy efficient lighting systems, whilst directionally are very prone to creating reflective halos.'

The applicant responded to Councillor Kettle's queries with the below:

'The site remains a time limited facility as per condition 1 of the extant planning consent ref. S1751/08CM021 dated 08th October 2008 and as such the Planning Authority retain control of this aspect. For the avoidance of doubt condition 1 states:

"The development hereby approved shall cease to operate no later than 15 years from the date of first operation, and in any event within 18 years from the date of this permission."

A subsequent planning consent ref. SDC/13CM034 dated 30th January 2014 did not supersede the time limit restriction and the facility remains a temporary facility, as such I hope this provides suitable clarity.

In relation to queries regarding HGV movements, the 2013 planning application (approved in 2014) included the then future need to export all of the PAS100 compost following the completion of the landfill restoration.

The original 2008 planning consent included the provision of two Material Recycling Facilities (MRFs) in addition to the IVC (In Vessel Composting) facility and as such the site was assessed against and approved in accordance with the significantly higher vehicle movements associated with that development within the same timeframe for the development as per condition 1 of the planning consent.

Furthermore, significantly greater HGV movements were associated with the importation of soils to the Ufton facility when the 2014 consent was approved as the compost was blended with those soils as part of the site's restoration. Indeed at the peak of soil imports there were up to 125 loads per day into the site and these have now ceased and therefore HGV movements to and from the site will therefore actually be significantly fewer than previously experienced. The need to export all the compost product upon the successful completion of the landfill restoration scheme was previously approved as it was considered that the composting facility operates at substantially lower HGV movements than have previously been approved at Biffa's Ufton Facility and this remains the case.

Regardless of the reduced HGV movements connected with the site all vehicles will continue to adhere to the routing arrangements required by the Section 106 Agreement dated 8th October 2008.

The lighting scheme we have provided includes a lux level plan to demonstrate that it is appropriately designed to provide a suitably safe working environment and I can provide further reassurance that the lighting would only be utilised during the operational site hours (as required during the darker hours of those times) which are controlled by condition 10 of planning consent S1751/08CM021 which for the avoidance of doubt are:

*"0600 – 2200 Mondays to Fridays
0730 – 1600 Saturdays
0900 – 1600 Sundays and Bank/Public Holidays."*

Biffa appointed a specialist lighting contractor to design the lighting scheme to ensure we maintain a safe working environment for our operatives whilst ensuring that the lighting provision is a minimalist amount and that light spill is therefore avoided.'

Councillor Kettle: *'I would be interested in a site visit so that would be great if you could pass that on.*

I am assuming you are comfortable with the time limits comments. If the time limit is 8/10/08 plus 18 years, then that takes to 2026. Is there a requirement to reinstate after the end of that period? Or will the facility and concrete areas still remain but just be redundant?

About lighting, my understanding of current UK lighting standards is that they are focused on delivering adequate and cost-effective lighting. What

is clear is that UK standards, focusing around LED technology, may take into account light spill, LED's can be very focused, but not the impact of reflection of wet surfaces which cannot be directional and with the power of LEDs can be a significant cause of light pollution.

In urban areas this might not be a problem but in very rural areas such as this site can be. I would encourage the light engineers to think outside the box and look at alternatives to standard LED technology. I have seen on council business in China, some very effective LED solutions that deliver a very different and environmentally friendly lighting solution to the problems I have raised.

Do the working days have to go through to 10.00 pm? Does the site really work that late on a consistent basis?

The applicant's response:

The site is covered by a restoration requirement as per the 2008 consent.

The hours have been approved similarly as per the 2008 consent but perhaps I can give some clarification as those hours are the times the site is operational but the hours of HGV movements are subject to separate hours. In reality on site operations will be fairly minimal shortly after final loads. Composting is also very seasonal so during the summer months when everyone is cutting the hedges and lawns etc then obviously there is more site activity than in winter months which usefully obviously correlates to the longer days and therefore less need for lighting.

*Delivery of Waste to and Removal of Processed Material from the Site:
0700 – 1800 Mondays – Fridays 0730 – 1400 Saturdays 0900 – 1600
Bank/Public Holidays No delivery of waste or removal of processed material shall take place on Sundays, Christmas Day or New Year's Day.*

I'm assuming the lighting details have not received any adverse comments from the technical consultees and as such considered acceptable in accordance with the details submitted.'

- 2.7 **Warwickshire County Council – Highways:** No objections.
- 2.8 **Environment Agency:** No objections.
- 2.9 **Warwickshire County Council – Flood Risk Management:** Provided all permits are in place, and the Environment Agency has no objections, no further comments.

3. Representations

- 3.1 2 Site notices posted – 15th April 2021
- 3.2 9 nearest residential properties individually notified on 15th April 2021
- 3.3 No representations received.

4. Previous Planning History

- 4.1 Planning permission (S1751/08CM021) was granted in 2008 to allow the development of two material recovery facilities (MRFs) (one for household, commercial and industrial wastes and one for construction and demolition waste) and an In-Vessel Composting (IVC) Facility (for the treatment of pre-segregated household and commercial/industrial organic wastes and green waste) within a compound on land at Ufton Landfill Site. To date only the IVC building, along with a single storey office building, has been constructed within the compound area. The IVC has been in operation since 2009.
- 4.2 Further planning permission (SDC/13CM034) was granted in 2014, which allowed for an increase in the area of the concrete pad for further maturation of compost.
- 4.3 The landfill has ceased accepting waste and is currently undergoing restoration which is due to be completed by 2024.

5. Assessment and Observations

Location

- 5.1 Ufton Hill Landfill Site is located 1.11km south-east of Ufton village. The village of Southam is 2.5km away to the east. The site extends to 0.9 hectares in area.
- 5.2 The site is located on the east side of the B4452 in a rural setting. The nearest listed building is 1.4km away, and there are a handful of listed buildings located in Ufton village. The most notable being Church of St Michael which is grade II*.
- 5.3 The nearest residential property at Monkey Barn Farm is over 150m away to the east of the application site. Ufton Hill Farm is approximately 300m to the south and uses the same access road as the IVC.
- 5.4 Ufton Fields Local Nature Reserve is approximately 250m to the west of the application site, on the western side of the B4452.
- 5.5 The landfill is generally bounded on all sides by agricultural land, and the farm buildings for Ufton Hill Farm and Monkey Barn Farm are just

west of the site. Aside from these properties there are no other residential properties within 500m of the site. There are some commercial units at Lower Farm House to the north of the landfill. The proposed route of HS2 would run to the north of the landfill site should it be constructed.

Planning Policy

The National Planning Policy Framework

5.6 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:

- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
- (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

5.7 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.8 **Paragraph 48** explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework.

- 5.9 The NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of the processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 5.10 In this case, there are development plans in place, the Stratford-on-Avon District Core Strategy (2011 – 2029) adopted in September 2017, and the Warwickshire Waste Core Strategy, which have relevant policies that are considered to be up to date so far as they relate to this proposal. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

5.11 The Development Plan Stratford-on-Avon District Core Strategy 2011-2013

The following policies of the Local Plan are considered to be of particular relevance for this proposal.

- 5.12 **CS.1 Sustainable Development:** states that the planning authority will support planning that secures high quality environment, managed economic growth and social equity. All development proposals should improve the economic, social and environmental conditions in the area.
- 5.13 **CS.1 Climate Change and Sustainable Construction:** requires development to demonstrate that measures are included that mitigate and adapt to the impacts of climate change.
- 5.14 **CS.3 Sustainable Energy:** requires that provision for renewable energy and low carbon generation within the District to maximise environmental, social and economic benefits whilst minimising any adverse local impacts.
- 5.15 **CS.5 Landscape:** requires that development will maintain the landscape character and quality, ensuring that development takes place in a manner that minimises and mitigates impact.

Warwickshire Waste Core Strategy 2013-2028

- 5.16 **DM1 – Protection and enhancement of the natural and built environment:** development should conserve, and where possible enhance, the natural and built environment by ensuring that there are no adverse impacts upon:
- Natural resources (including water, air and soil);
 - Biodiversity;
 - Geodiversity;
 - Archaeology;

- Heritage and cultural assets and their settings;
- The quality and character of the landscape;
- Adjacent land uses or occupiers; and
- The distinctive character and setting of the County's settlements

5.17 **DM2 – Managing Health, Economic and Amenity Impacts of Waste Development:** Planning permission will not be granted for waste management proposals which have unacceptable adverse impacts on the local environment, economy or communities through any of the following:

- Noise
- Lighting/illumination
- Visual intrusion
- Vibration
- Odour
- Dust
- Emissions
- Contamination
- Water quality
- Water quantity
- Road traffic
- Loss of best and most versatile agricultural land
- Land instability

5.18 **The Waste (England and Wales) Regulations 2011:** Regulation 18 of the Regulations requires that planning authorities shall have regard to certain provisions in Articles 13 and 16 of the EU Waste Framework Directive when exercising their planning functions. This requirement continues to apply notwithstanding the departure of the United Kingdom from the European Union. Article 13 concerns the protection of human health and the environment. Article 16 sets the objective of establishing an adequate and integrated network of installations which enable waste to be disposed of or recovered in one of the nearest appropriate installations, by means of one of the most appropriate methods and technologies, to ensure high level of protection for the environment and public health.

To help deliver these objectives, the Government published the National Planning Policy Framework (NPPF) in 2014 to be read in conjunction with the NPPF and the Waste Management Plan for England. Its Introduction explains that it is the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and that positive planning has a pivotal role in delivering these ambitions.

The NPPF requires that in determining planning applications waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan;
- consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW and the locational implications of any advice on health from the relevant health bodies;
- ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
- concern themselves with implementing the planning strategy in the local plan and not with the control of processes which are a matter for the pollution control authorities;
- ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

The criteria in Appendix B of the NPPW are:

- a) protection of water quality and resources and flood risk management
- b) land instability
- c) landscape and visual impacts
- d) nature conservation
- e) conserving the historic environment
- f) traffic and access
- g) air emissions, including dust
- h) odours
- i) vermin and birds
- j) noise, light and vibration
- k) litter
- l) potential land use conflict.

Analysis

5.19 Amenity and Environmental Issues

- 5.20 The site is located in a rural location approximately 1km away from Ufton village.
- 5.21 The maturation pad is effectively the second stage of the composting process, following the In-Vessel stage. The material is left on the pad for a period of approximately six to ten weeks to mature to an appropriate quality before being screened and prepared ready for export and sale. In order to meet requirements of the Animal By-products Regulations the process is repeated a second time. To meet PAS100 standards, stockpiles need to be traceable to their point of origin. It is therefore necessary to have a series of separate windrows which means the whole maturation pad area cannot be used and therefore it is necessary to extend the pad to allow for space for the windrows.
- 5.22 The further extended compost maturation pad would be located entirely within the compound previously approved for the development of waste facilities. The pad would be developed in place of the two approved MRF buildings and as such would result in greatly reduced visual and landscape impact. The extended pad would allow greater quantities of compost to be stored on site at any time. However, this would not result in significantly greater visual impact than the compost currently stored on the existing maturation pad. Relocation of the buildings plus the addition of the concrete walls would not result in greater visual impact on the surrounding buildings.
- 5.23 The containment walls are within the planning boundary and provide protection to the existing infrastructure, whilst ensuring vehicle movements can be safely maintained and protecting people by providing a physical barrier to the pad operations.

Highways and Traffic

- 5.24 Vehicular movements to the site are now greatly reduced due to the landfill ceasing operation. Current levels of traffic are acceptable in highway terms and will not increase as a result of the extension.

Odour and Noise

- 5.25 Operations undertaken on compost pads, including handling and turning of materials and screening of compost, are noise generating activities. The facility is remote from sensitive receptors and existing activities have not resulted in noise complaint. The extended pad would largely be used for storage only and is therefore unlikely to result in significantly greater noise impact than the existing operation.

- 5.26 Composting facilities by their nature can generate odour and impact upon air quality as materials breakdown via the composting process. Odour has on occasion been a cause for complaint at the facility, as noted by the Environmental Health Officer. This has in part been attributed to materials being removed from the pad and therefore disturbed before they are fully matured. These proposals will assist with any odour issues as the materials will be left longer to compost on the new pad. We are not aware of any recent odour complaints, although Ufton Parish Council comment that flies and odour have been an ongoing problem and have never been addressed. The facility operates under the provisions of an Environmental Permit administered by the Environment Agency which includes measures to control odour and flies. The EHO and the EA have not raised any concerns in this respect.
- 5.27 The extended compost pad would not result in an increase in the overall quantity of material processed on site and therefore should not result in any greater potential odour impact.
- 5.28 The extended pad would be located within the confines of the existing approved waste facility which comprises of land disturbed by previous developments on site. Extension of the maturation pad into this area would therefore result in no significant impact in terms of ecology and archaeology.

External Lighting

- 5.29 Operation of the IVC Facility requires the use of external lighting within the operational hours of the site during the winter months. This has been raised as a potential concern given the rural location of the site. The initial planning permission included a condition requiring the external lighting to be approved prior to first being used on site. The Facility has been operational for a number of years with external lighting which is not believed to have resulted in adverse impact or complaint. The current proposals include additional / amended external lighting on the site, details of which have been provided. The Environmental Health Officer at Stratford-on-Avon District Council has reviewed the submitted lighting proposals and has raised no objection.

Policy Considerations

- 5.30 The National Planning Policy Framework (NPPF) has at its heart a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan making and decision taking.
- 5.31 The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. The NPPW states that planning plays a pivotal role in delivering this country's

waste ambitions through, amongst other things; delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste up the waste hierarchy.

- 5.32 When determining planning applications, waste authorities should, amongst other things; consider the likely impact on the local environment and on amenity (see Appendix B of the NPPW) and ensure that waste management facilities in themselves are well designed, so that they contribute positively to the character and quality of the area in which they are located.
- 5.33 The proposed development is in line with policy CS.1 of the Stratford-on-Avon Core Strategy which takes a positive approach to sustainable development.
- 5.34 The proposed development is located within the confines of an approved waste facility which is situated within one of the broad locations where the Warwickshire Waste Core Strategy directs new waste developments. Policy CS2 of the Waste Core Strategy states that within the broad locations new waste developments should be located to, amongst other locations, sites operating under an existing waste management use. The proposed development therefore receives in principle policy support.
- 5.35 Policy CS.3 of the Stratford-on-Avon Core Strategy and policy DM2 of the Waste Core Strategy seek to manage the potential adverse impacts, including noise and odour, arising from waste development. The extended pad would provide greater space to enable compost to be fully matured which should address potential odour problems. The proposal therefore generally accords with these policies.
- 5.36 The extended maturation pad would result in no greater visual impact than the existing facility and therefore would accord with policy CS.5 of the Stratford-on-Avon District Local Plan and policy DM1 of the Waste Core Strategy which to protect the quality and character of the landscape.

6. Conclusions

- 6.1 In conclusion the development accords with relevant planning policy and is considered to be acceptable in landscape and amenity terms. The proposed development is controlled under permits which will mitigate impacts and is positive in sustainability terms. Therefore, this development is recommended for approval subject to the recommended planning conditions.

7. Supporting Documents

7.1 Submitted Planning Application – Planning reference SDC/21CM004

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

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