

HERTFORDSHIRE COUNTY COUNCIL

**DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY, 22 MARCH 2017 AT 10.00AM**

DISTRICT: HERTSMERE BOROUGH

<u>Agenda Item</u> <u>No.</u> 3
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**PLANNING APPLICATION (0 / 0815-16 CM0888) FOR PROPOSED
EXTENSION TO EXISTING BUILDING TO ENCLOSE GREEN WASTE
COMPOSTING ACTIVITIES AT REVIVA COMPOSTING LTD, ELSTREE
HILL SOUTH, ELSTREE, HERTFORDSHIRE WD6 3BL**

Report of the Chief Executive and Director of Environment

Contact: Felicity J Hart, Principal Planning Officer [Tel: 01992 556256]

Local Member: Caroline Clapper

Purpose of Report

- 1.1 To consider application no. 0/0815-16 (CM0888). This is an application submitted by Reviva Composting Ltd for a large extension to the existing building on their green waste composting site at Elstree Hill South. The site was previously granted planning permission in 2011 for change of use to a green waste recycling and composting operation, erection of a building and the siting of temporary structures including skips, machinery and a portaloo.

Summary

- 2.1 This application has been submitted due to a requirement of St Albans Magistrates Court. This followed Hertsmere Borough Council issuing an Abatement Notice which was appealed. The notice prohibited the statutory nuisance and required the owner to prevent the recurrence of the statutory nuisance as soon as is reasonably practicable and in any event within 90 days of the date of the notice.
- 2.2 The Notice was appealed by the applicant and after the hearing at St Albans Magistrates' Court in June 2016 the Notice was amended to require the applicant to submit a full planning application to Hertfordshire County Council to extend the existing building in order to house green waste recycling activities. The applicant was also required to use their best endeavours to secure the grant of planning consent, and to pursue any necessary appeals.

- 2.3 This application is therefore for the erection of a large extension to the east side of the existing building. The proposed extension would extend the existing building to the east and would measure 91m x 45.7m with a height to the ridge of 10m. The existing building measures 49.2m x 45.7m.
- 2.4 No increase in quantity of material to be processed is proposed, nor would there be any increase in vehicle movements, nor change to the hours of operation.
- 2.5 The site is situated in the Metropolitan Green Belt and there is a general presumption against inappropriate development which by definition is harmful to the Green Belt. This proposal is considered to be inappropriate development. The applicant has, however, put forward very special circumstances that they consider, as to why planning permission should be granted. A full assessment of these very special circumstances has been undertaken, however, the main harm identified is that of odour together with impact on openness in the Green Belt.
- 2.6 The applicant's view is that the erection of the extension to the building would be to facilitate the 'outdoor' part of the operation being conducted indoors which, it is claimed would have the effect of significantly reducing any odour nuisance potential and therefore improve the amenity and protect human health within the area.
- 2.7 The applicant submitted further documentation in January 2017 to support the application, together with an amended (corrected) site plan. The amended site plan shows a different shape of building to take account of the site boundary, however, the details of the application remain the same.

Conclusion

- 3.1 It is concluded that the proposed development should be refused planning permission for the following reasons:
 - 1) The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated that would override harm to the Green Belt and any other harm. The proposed development is therefore contrary to The Hertfordshire Waste Development Framework Waste Core Strategy Policy 6 and advice set out in the NPPF and NPPW and policies SP1, CS12 & CS13 of Hertsme Core Strategy. The development would cause substantial harm to the Green Belt by reason of its visual appearance, bulk and scale and the encroachment of its built form into the countryside resulting in its loss of openness and the development would fail to conserve the natural environment that surrounds the site.

- 2) The proposal would have an adverse effect on the local area, due to the siting, scale and design of the building being inappropriate for its location. The application has not demonstrated that the proposed operation of the site (with indoor housing of waste activities) would not adversely impact upon the amenity and human health of local residents due to the potential for odour from the site. Therefore the proposal is contrary to Policy 11 of the Hertfordshire Waste Development Framework 'General Criteria for Assessing Waste Planning Applications' and the NPPW and NPPF.
- 3) The application has not demonstrated that the site will not increase flood risk to the site and elsewhere, nor that it can provide appropriate sustainable drainage techniques. Therefore the proposal is contrary to Policy 16 of the Hertfordshire Waste Development Framework, Soil, Air and Water, Hertsmere Policy CS16 Environmental Impact of Development, the National Planning Policy Framework and the National Planning Policy Guidance.

Description of the site and existing and proposed development

- 4.1 The application site comprises approximately 2ha of land situated to the south of Elstree village centre and immediately to the north of the A41 and M1 junction. The application site is currently used for green waste composting following planning permission being granted for the use in 2011. The site is situated in the Metropolitan Green Belt.
- 4.2 The application proposes the erection of a large extension to an existing building on the site. The proposed extension would measure 91m x 47.5m with a height to the ridge of 10m. It would stretch across the northern part of the site and would fill the bulk of the site area, leaving some open site area to the east and south of the building.
- 4.3 A revised site boundary plan (red line) has now been received (February 2017). This plan shows the site to have a slanting shape rather than an oblong shape as originally submitted with this application. Due to the slanting shape of the site, it has been necessary to alter the floor area of the proposed building extension and the proposed building is no longer rectangular but has a cut out corner with the front elevation being longer than the rear. No elevations have been submitted.

Current Operations

- 4.4 The current composting operation at the site sources material from local landscape gardening companies, waste transfer stations and Local Authority Household Waste Recycling Centres. There is a customer base that includes over 400 small businesses that rely on the site for the deposit of green waste from their trade. The applicant has an OMP

(Odour Management Plan) which is approved by the Environment Agency.

- 4.5 Currently, a large portion of the composting operation takes place out in the open. The original planning application showed a series of rows of composting material (windrows) in which this would take place. The current planning application now proposes that this material should be housed inside the proposed building if planning permission is granted.
- 4.6 The St Albans Magistrates' Court determined that in order to prevent the recurrence of the statutory [odour] nuisance that a full planning application to extend the existing building was required.
- 4.7 Currently, the site accepts green waste material delivered on small transit type vans or HGVs. The vehicles enter the site via a weighbridge and each driver is questioned by trained weighbridge staff to determine the description, nature and source of the waste they are delivering. All details of the registered waste carrier and the waste type are recorded on a weighbridge ticket. Unacceptable loads carrying contaminated wastes are rejected at the weighbridge. Currently those accepted are then directed to an outdoor waste reception area.
- 4.8 The applicant states that the material in the waste reception area is always processed as quickly as possible, often within a few hours and that material is not kept unprocessed for longer than 7 days.
- 4.9 The applicant states in this application that currently the green waste material is shredded in the outdoors using a slow speed shredder and then shortly afterwards the shredded material is moved into the existing building for sanitisation, screening and maturation. This shredded material is then formed into a windrow on the external pad to form a 'batch'. The shredded material is then moved inside the enclosed building within a maximum of 7 days. The application states that the existing building is odour controlled in that it is fully enclosed and there is an odour suppression system as well as having a biofilter installed, although there is also a large door to provide access. The application also states that the current building has a fan which is designed to pull any vapours emitted from within the building to an outlet in the rear gable wall of the building.
- 4.10 In the current operation of the site the windrow is transferred into a composting bay within the building where it is actively monitored for temperature and moisture levels to ensure optimum composting conditions. Each windrow is turned twice within a period of 7 days to achieve even temperature distribution. This is known as the sanitisation phase. Both this phase and the stabilisation phase are carried out within the existing purpose built building. The application states that the current building is ventilated with an extraction fan, which changes the air three times per hour and treats the air through a biofilter.

- 4.11 After the stabilisation process has taken place, the material is screened inside the existing building. This separates the material into different size fractions, and removes any contamination.
- 4.12 The final product produced is compost produced to PAS100 standard endorsed by the Environment Agency. The high grade 10mm compost is stockpiled in the open for a further 2 weeks, this is known as the maturation phase. There are then 2 final output streams; a 0-10mm product which is sold predominantly in 1 tonne bags to the domestic market and a coarser 10-40mm product which is sold to farmers as a soil conditioner and fertiliser.

The proposal and proposed operations

- 4.13 The applicant maintains that all Best Practicable Means (BPM) have been employed to reduce the potential for odour over the last five years. However, despite the best endeavours of the applicant to control odour emissions, the local community consider that there is an unacceptable odour issue emanating from the site and consistently lodge complaints with the Local Authority and the Environment Agency.
- 4.14 As a result of the complaints and the order of St Albans Magistrates Court this planning application has been submitted. The site does not seek to increase the overall throughput of green waste at the site (this is restricted to a maximum of 78,000 tonnes per annum via condition on the original planning permission). This proposal seeks to enclose the majority of existing site waste activities inside a large building in order to try to abate most of the possible odour nuisance generated as a result of the composting process. The large building proposed would be attached to the existing building and would have a similar appearance.
- 4.15 The application states that there are no unacceptable environmental impacts and that the very nature of the application is designed to **reduce** impacts and emissions associated with the composting process. By housing the site activities inside the building it is proposed by the applicant that it will have the effect of reducing the potential for odour, noise, vibration and dust. The applicant considers that the development is sustainable and meets policy objectives.

5 Planning History

- 5.1 0/0375/09 - Change of use of land to green waste composting and erection of building - refused planning permission May 2009
- 0/1816/09 – Change of use of land to green waste composting and erection of building – Planning permission granted January 2011

6 Consultations

- 6.1 Hertsmere Borough Council – Environmental Health comments that in 2011 Hertsmere Borough Council referred to the possible detrimental impact that this proposed site could have on the area if planning permission was approved due to the potential increase in air pollution, noise and odour.

Composting does have the potential when not properly controlled to cause environmental pollution, harm to human health and nuisance through odours, leachate and potentially harmful bioaerosols. On 9 December 2015, HBC served an Abatement Notice upon the operator due to the intensity, frequency and duration of odour nuisance from the composting site on residents in the area. The Notice was appealed and by order of the Magistrates Court the operator was required to submit a full planning application to extend the existing building in order to house green waste recycling activities.

Whilst HBC Environmental Health Department welcomes this planning application as a possible way forward for the operator, the application has failed to provide any detail as to how the odour will be abated by the new extension. HBC would expect the application to give a more detailed robust, technical assessment on how this new building is going to contain the odour and ensure that no odour is detected beyond the boundary of the site. We are concerned that the movement of the green waste material into and out of the building will still have the potential to cause odour.

HBC also note from the Working Plan that not all of the waste recycling activities will be taking place inside the building. The green waste reception area for Non-HGV vehicles is located outside the building together with the oversize storage and finished compost stockpile. Therefore, HBC Environmental Health department objects to this application for the following reasons:

a) No detailed technical assessment to justify the new extension and demonstrate that the odour will be contained;

b) Some of the green waste activities which have the potential to cause odour are shown on the Working Plan as taking place outside the building.

Further comments from HBC Environmental Health received March 2017

Hertsmere Borough Council Environmental Health department has reviewed the additional information submitted in support of the application and request that the objection remains in place based on the following reasons:

a) the applicant has provided details for a proposed air management scheme for the new enclosure. This includes an air extraction system that removes the stale air which is then treated in a properly designed biofilter. However, the applicant's 'Odour Management Plan' dated April 2015 details under their 'Control Measures' that the current building is ventilated with an air extraction system with the extracted air treated through a biofilter. We therefore raise the question, if the current building uses a biofilter, how will the proposed extension with a new biofilter be any different to controlling odours. The supporting documents do not make reference to the fact that there is an existing biofilter in place for the existing building. We therefore consider the additional information provided in the 'Composting Process Enclosure and Air Management Report' dated 19 January 2017 not to provide any further evidence, based on what is currently in place in the building, that the odours will be controlled any more effectively.

b) In the supporting document 'Response to Hertfordshire County Council' page 3, Table 1, it details the composting processes from start to finish, with the maturation of the compost being shown to be taking place outside. The maturation of the compost is part of the composting process, which as detailed in the HACCP is a process step with control measures and corrective action. Maturation has the potential to cause odour if aerobic conditions are not sustained. Therefore, as the maturation is proposed to take place outside, we do not consider the application to have fully enclosed all green-waste activities.

c) Finally, the applicant has failed to provide in the supporting documentation any detail with regard to the Health and safety of the workers if all green waste activities are to be fully enclosed. Compost bioaerosols are a substance hazardous to health as defined by the Control of Substances hazardous to Health regulations (COSHH) 2002 (as amended). In order to encourage efficient composting, the materials have to be well aerated. The applicant has not indicated in the documentation that they will be using forced air ventilation within the building for the windrows and therefore regular turning of the material will be required to ensure that the material remains aerobic. Turning actively composting material and screening composted material will create bioaerosols. It is recognised that bioaerosols are diluted and dispersed in the open air, but with the operations being fully enclosed the applicant has failed to provide details that the COSHH Regulations have been considered and adequate controls would be in place for the workers inside the building.

Other hazards also need to be considered by fully enclosing the green waste activities including the build up of bio-gas (carbon dioxide, hydrogen sulphide etc) from the biodegradation process and exhaust gases from the mobile plant and delivery and collection vehicles. If these are allowed to build up sufficiently they may cause an asphyxiation hazard. Increased dust and volatile organic compounds (VOCs) exposure, potential thermal discomfort from excessive heat and humidity, poor visibility due to high moisture content in the

atmosphere and odour may also result in enclosed buildings. We would advise Hertfordshire County Council to consult the Health and Safety Executive to ensure that the proposal has adequately considered the Health and Safety Executive to ensure that the proposal has adequately considered the Health and safety at Work etc. act 1974 and COSHH Regulations.

6.2 Hertsmere Borough Council (Planning) comments as follows:

The site is within Hertsmere Borough Council's Green Belt, as defined within SADM23, with the result that both national and local policies restrict all new development which is harmful to the openness and purposes of keeping land within the Green Belt.

The site has planning permission for the processing and recycling of green waste but it is apparent from the Council's records on the site that the operations on site are not being carried out in accordance with requirements of this permission.

This application seeks to erect a substantial extension (4182m²) to an existing building within the site. The substantial extension of the existing building on the site is proposed by the operator of the site to reduce harm being caused by the waste processing activity on site. It is considered that the proposed development does not result in a material change of use of the site.

As the proposed development relates to the erection of a considerable extension of an existing building within the Green Belt, it is important that the development is assessed against Paragraph 89 of the National Planning Policy Framework (NPPF). This is because this paragraph provides within it provisions for the erection and extension of buildings within the Green Belt as long as they comply with the relevant conditions found within this paragraph. Paragraph 89 of the NPPF states:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

As the development proposed by this application relates to the construction of an extension of an existing building it is considered the relevant parts of Paragraph 89 that this development needs to be assessed against is indent three and indent six.

As the proposed development would result in an unequal extension to the original building with an increase of over 100% of its original size (both in terms of volume and area) it is considered that this development results in a disproportionate addition which over and above the size of the original building. As a result it is considered that this proposal does not comply with requirements within indent 3 of Paragraph 89.

Given that the proposed development would result in the infilling of the site it is considered that it should be assessed against indent 6 of Paragraph 89 as well. As indent 6 allows for limited infilling of a site where it does not result in a greater impact on the openness of the Green Belt and the purpose of including land within the Green Belt it is important to assess the development against these criteria.

With regards to openness, this is about the physical permanence of the extended building. The proposed extension of the existing building on the site would result in a significant increase of the built form on the site. This development would therefore considerably increase the built physical presence on the land compared to what is currently on the site and, as such, would fail to preserve the openness of the Green Belt.

Paragraph 80 of the Framework states that the Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The application site is not located within a large built up area and is not within close proximity of a historic town. The nature and location of the development would also ensure that the extension of the building on the site does not result in neighbouring towns merging into one another and the development would not fail to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. However, the development spreads a substantial amount of additional built form into the site. As such, the proposal fails to assist in the safeguarding of the countryside from encroachment, contrary to bullet point three of paragraph 80 of the Framework.

As such, it is considered that the development proposed by this application represents inappropriate development within the Green Belt because it fails to meet the requirements set out within Paragraph 89 for operational development which may be appropriate within the Green Belt.

Paragraph 88 of the Framework then states;

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Taking the above into account, substantial weight has been afforded to the harm to the Green Belt by virtue of the inappropriate nature of the proposed development.

Therefore as with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and paragraph 87 of the Framework states that it should not be approved except in very special circumstances.

The Planning Statement which accompanies this document states that the very special circumstances for this development are locational need, the lack of available land for this activity outside the Green Belt and the fact that construction of the new building will result in a reduction in odours emanating from the site. It is important to note that no evidence accompanies these assertions and it is therefore difficult to assess the validity of them. As a consequence, it is considered that little weight can be attached to them and that they do not amount to very special circumstances which would overcome the substantial harm caused to the Green Belt by this proposal.

Further to the harm already identified to the Green Belt, it is considered that the proposed extension to the building on the site would fail to conserve or enhance the natural environment of the borough because it would considerably increase the size of an existing building on the site

by more than doubling its size. As a consequence the development would fail to conserve or natural environment that surrounds the site with the result that it would be contrary to Policy SP1 & Policy CS12 of the Council Core Strategy.

Planning Balance

In the overall balancing exercise required, it is considered that the proposal would cause harm to the Green Belt by reason of inappropriateness. It would cause harm to the openness of the Green Belt and would result in the encroachment of built form into the countryside, conflicting with one of the five purposes of including land within the Green Belt. Given the size of the extension it is considered that it is a disproportionate increase of the original building. To these factors it is considered that substantial weight should be attached.

Taking all matters into consideration, the considerations in support of the proposal do not outweigh, let alone clearly outweigh the harm that arises. The very special circumstances that are therefore required to justify the proposal do not exist with the result that the development is contrary to the NPPF. In addition, it is considered that the proposed development does not accord with Policy SP1, Policy CS12 and Policy CS13 of the Core Strategy (2013) or Policy SADM 27 of Site Allocation and Development Management Policies Plan (2016). Accordingly the Council would respectfully ask that Hertfordshire County Council refuse this application.

Accordingly the Council would respectfully ask that Hertfordshire County Council refuse this application.

6.3 Highways England no objection.

6.4 Environment Agency **object** to the grant of planning permission based on a lack of detail submitted to address the odour concerns.

The composting development currently operates under an Environmental Permit under the Environmental Permitting Regulations 2010. We do not currently have enough information to assess whether the proposed changes to the development would meet our requirements to prevent or minimise and/or control pollution, and we have concerns that these requirements might not be met through the current planning application. We must therefore object to the proposal as submitted. We need to consider whether odours can be adequately managed through the design of the new building. In the absence of a detailed odour management plan based on the new building design, we are unable to assess the associated risks. This objection is supported by paragraph 122 of the National Planning Policy Framework (NPPF) which recognises that the planning system and pollution control regimes are

separate but complementary. Planners are asked to consider the acceptability of the proposed use of land and the impacts of that use, but not the control of processes and emissions that will be covered by a permit. In cases where the generation of odours from developments can be readily anticipated, you should expect to be provided with objective evidence that demonstrates that odour emissions will be adequately controlled to prevent any significant loss of amenity to neighbouring sensitive land users. This is important because possible odour mitigation measures could in themselves have land use and amenity implications. The parallel tracking of planning and Environmental Permit applications offers the best option for ensuring that all issues can be identified and resolved, where possible, at the earliest possible stages. This will avoid the potential need for amendments to the planning application post-permission. We therefore advise joint discussions with the applicant, planning authority and ourselves, as well as parallel tracking of the planning and permit applications.

Resolution

In order to overcome this objection, we need to see an odour management plan which addresses the concerns outlined below:

- It is stated that the proposed building is to house 'green waste recycling activities', and that 'all green waste will be processed within the existing and proposed building'. However, the plan submitted with this planning application has some green waste being stored outside the building. It seems contradictory to erect a building in order to prevent odours yet still store unprocessed material outside. There is insufficient detail submitted with this planning application outlining how long this waste will be stored there.
- Point 5.5 of the planning statement says that 'at times treatment facilities will cause an odour'. This is not acceptable, and the applicant has not provided any details as to how they will minimise the odours, or what is meant by 'at times'. There is no detail as to how frequent this will be.
- Point 5.8 of the planning statement states that odour sources are fats and carbohydrates. At the moment the site should only be taking green waste, and the planning statement does not seem to refer to any plans to change what is to be brought onto the site. Can this be clarified?
- Point 6.8 of the planning statement states that oxygen is monitored, along with temperature and moisture. However we are not aware that Reviva monitors oxygen at this site. Can this be clarified?
- Point 6.15 of the planning statement mentions unacceptable loads regarding physical contamination, however there is no mention of waste that is very odorous. This needs to be discussed within their plan, stating what they will do with odorous waste.
- Point 6.26 of the planning statement mentions monitoring of the windrow. However, this refers only to temperature and moisture,

and does not mention monitoring oxygen, which is a contradiction to point 6.8 above. Details need to be provided of what is to be monitored on the site.

- Section 15.1 of the planning statement states that the applicants are not planning to increase the overall throughput of the site. However, the applicant has voluntarily reduced their annual throughput, so it is not clear whether this statement applies to the reduced throughput or the throughput allowed under their permit. There should be a definitive figure. Overall, there is a lack of information regarding any odour abatement at the site. We would expect a detailed odour management plan to incorporate the following measures:
 - first-in-first-out procedures
 - closing the doors whilst tipping waste
 - how it is known whether the biofilter is big enough for the proposed building
 - how negative air pressure will be achieved
 - how big the fans will be, or where they will be in the building etc

Further comments from the Environment Agency received March 2017

Having reviewed the additional information submitted by the applicant in January, our concerns raised in our previous response have not been addressed and we therefore maintain our **objection** to the grant of planning permission. It has not been demonstrated that the proposed building in its current design will adequately address odour generated at the site.

We are not opposed to the principle of a building to enclose operations, however, we must ensure that the building is designed, built and maintained in such a way that any reduction in odour is maximised. For instance, the plans do not currently show the building to be fully enclosed as there is no evidence of negative air pressure, airlocks, or fast action roller shutter doors etc. These are necessary to prevent odours escaping from the building.

In the absence of a satisfactory odour management plan we do not consider it has been demonstrated that the building will work as intended. We therefore cannot advise you as to the suitability of the building extension with regard to amenity impact of odour from the proposed development. With respect to our permitting process, whilst an updated odour management plan may not necessarily be needed under this regime until the building is constructed, the applicant should recognise that it will help all relevant parties now to see how they intend to manage the site operations and their subsequent odour issues when the proposed development is fully operational.

We are concerned that if planning permission is granted using current plans, the chance to reduce the odour impact through site and building design will have been lost. These aspects of the development will need to be decided at the planning stage as they cannot then be changed when we look to regulate the site through its permit.

This will avoid the potential need for amendments to the planning application post permission. The applicant can overcome our objection by submitting a satisfactory and detailed odour management plan for the proposed development, which is subsequently approved by the Environment Agency. Submitted documents will also need to be updated and resubmitted to reflect relevant aspects of the odour management plan.

Whilst we appreciate that updating the odour management plan is an additional expense for the applicant at this time, should this decision go to an appeal the costs may prove greater for them in the future.

For further information regarding our objection and how to overcome our concerns, please refer to our previous consultation response dated 22 November 2016. I have attached this for ease.

We have also responded with some specific comments in Appendix 1 and 2 below in regard to points raised within the new documents submitted in support of the planning application. We have mentioned the following documents within these comments, which the applicant should refer to in their development of a satisfactory odour management plan: 'H4 Odour Management'

- 'How to comply with your environmental permit. Additional technical guidance for: composting and aerobic treatment sector'

- 'An Industry Guide for the Prevention and Control of Odours at Biowaste Processing Facilities'

We would be happy to work with the applicant to work up these proposals to a satisfactory level.

6.5 Hertfordshire County Council – as Highway Authority does not wish to restrict the grant of permission and provides the following advice note.

This application seeks planning permission for extension of the existing building to enclose green waste composting activities at Reviva Composting, Elstree Hill South. The site covers an area of approximately 2 ha. and currently operates as a composting and biomass site for processing green waste through composting and recovery of the woody fractions as biomass and was granted permission to do so on 28 January 2011. Due to the foul smell being generated by the composting operation, a Statutory Nuisance Abatement Notice has been issued and the prevention of recurrence steps of the notice have stated that this can be via submission of a planning application. This application is intended to address this issue.

This application does not propose to change the hours of operation at the site, the amount of vehicle movements or anything other changes other than those stated above. Therefore the hours of operation for the site will be 6am-6:30pm Monday to Friday and 6am-1pm Saturdays with no working on Sundays or Public Holidays. The vehicle movements will remain at 200 vehicle movements per day (100 in / 100 out) in accordance with the current planning permission.

There are no highway issues associated with this proposal as the number of vehicle movements will remain as currently permitted, therefore the Highway Authority does not wish to restrict the grant of planning permission.

6.6 Elstree & Borehamwood Residents Association Residents' Association (EBRA)

Reviva's planning application does not present any independent expert evidence to support the proposal that a proposed extension of their existing building to enclose green waste composting activities is the correct/only/best solution to the odour problem.

What other options have been explored ?

Do other Green Waste Composting facilities have odour issues as Reviva ?

What is actually causing the odour problem and where is the independent expert evidence to identify the source or sources of the odour ? Green waste composting should not be emitting such odours. It was on this basis that Reviva were given permission to operate in the Elstree Lane South site back in 2011 and residents were given assurances that odours would not be an issue.

Reviva is only permitted to compost green waste which if correctly processed outdoors should, (according to independent Compost experts we have Googled) not cause bad odours, since the materials are not in a state of advanced decomposition emitting noxious odours. Is it possible that waste delivered is contaminated with food waste or animal waste and this is not detected by Reviva ? The odours Residents reported to the Environment Agency are very strong and pungent and can last for one or two days on particular episodes. The odours can be widespread and have been reported as far away as Edgware, Stanmore and Harrow.

Is it possible that a source of the odour is from the indoor processing facility itself, possibly when the systems fail ?

This question is not addressed.

Given that the source of the problem is not technically evidenced, the solution can only be viewed as being 'self prescribed' by Reviva themselves, and as such is unreliable. Reviva is a commercial organisation and could be seen as looking to extend their existing building to increase their business productivity and profitability. Reviva say they have 'state of the art' facilities. If this is the case, then are there issues related to how the site is managed and the levels of process control which require addressing? And why is the odour problem so longstanding ?

Reviva's business was in 2011 granted permission to operate on Green Belt Land in close proximity to a residential area, a reknown hospital currently undergoing a massive redevelopment programme, a large business park and an upmarket large hotel and luxury leisure club. In our opinion we find it quite extraordinary to think that permission was given at all for Reviva to operate in this location and especially to an operator who had already a proven track record in not managing their composting operation competently. This surely is a prime example of

inappropriate development on green belt land with no 'very special circumstances'.

Due to the particular nature of composting businesses, and as Reviva in their Planning Statement admit that 'the treatment of biodegradable resources will have the potential to cause odours', it is essential that these premises are properly geographically located. As our locality becomes more urbanised, we recognise this presents a problem as recycling centres are a required facility but this should be incorporated in proper strategic town planning.

The proposed extension is huge in terms of its bulk, size and volume. Although the site is set back from the road, surely this extension would be so large as to out of place with its locality and would visually impair the environment ?

Reviva's composting site is monitored by various authorities and we are not sure 'how joined up' all these authorities are in actually monitoring and policing activity and sharing results and information. There seems to be a lot of 'loopholes' which need to be expressly documented about how Reviva can and can't operate and perhaps more severe (financial) penalties in place when Reviva fails to operate properly and odours are emitted. Could a possible solution be for Reviva to internally remodel their existing building to accommodate the green waste currently stored outside ?

It is EBRAs view that planning permission should not be granted to Reviva to extend their existing building. There is simply no independent expert evidence to identify the problem and therefore, identify the solution. There are many risks in a larger composting facility - eg. Fire, water pollution and air pollution, which would need to be fully assessed.

6.7 The Brockley Hill Residents Association

We hereby object to the proposal from Reviva to extend their buildings to accommodate the recycling waste that they are storing on their site off Elstree Hill South (A5183). The area is Green Belt land and it is questionable whether permission was correctly given for a recycling centre in the first place. To enlarge the buildings would further compound the situation and would not stop – indeed could increase - the offensive effluvia that frequently make life a misery for residents of Elstree and surrounding areas. The construction of this large warehouse on Green Belt Land does 'harm' to the Green Belt and impacts on the 'openness' of this land. The 'odour' released during the composting process negatively impacts on residential amenity. We are most concerned about the dangers of 'enclosing' rotting vegetation as there could be an attendant overheating and fire risk. We believe that the site is far too close to residential, business premises, hospitals and nursing homes and should be relocated at the earliest opportunity. We question whether Reviva provided any evidence that their proposals had been used effectively on another site? If so, which sites have they cited for that evidence and how effective was the technology?

Further, the consequences are too serious to experiment or gamble with untried or untested technology given the propensity for technology to fail from time to time.

There is additional 'odour' generated by the HGV activity to and from the site and loading and unloading. In the original planning application there was a restriction of lorry size and movements. Who is responsible for monitoring this to ensure that Reviva comply and with what result?

How often is the site monitored by the Environment Agency? It is perceived that lorry movements have increased significantly since the previous site closed at Woodcock Hill farm. Reviva should keep records about waste in and waste out for business purposes. Who checks those?

Reviva has changed their intake from purely green waste to biodegradable waste: they state that methane sulphur and ammonia are generated. An original restriction was that no biodegradable waste would be recycled on that site. When was permission given for the biodegradable waste to be recycled there? Who monitors the type of waste handled at The Elstree site?

We are concerned about the consequences this new waste product may be having on the ground water? Is the Environment Agency responsible for monitoring this, or are other agencies involved and what are the results of their controls and investigations.

The nearby crossroads at the top of Elstree Hill has been identified as a pollution hot spot by Hertfordshire County Council. There can be little doubt that the air quality at the recycling location by the busy A41 and M1 routes also has poor air quality. We wonder what contribution the Composting site makes to these pollution hot spots.

6.8 Elstree & Borehamwood Green Belt Society

The area is Green Belt land and it is questionable whether permission was correctly given for a recycling centre in the first place. To enlarge the buildings would further compound the situation and would not stop – indeed could increase - the offensive effluvia that frequently make life a misery for residents of Elstree and surrounding areas

The process of loading and unloading the removal lorries generates really horrible stench and must surely be a health hazard for staff and nearby households.

EBGBS suggest that it is dangerous to enclose rotting vegetation as there would be an attendant overheating and therefore fire risk.

Also wonder whether the attempt to control the foul smell by extraction and filtration would be unnecessarily costly and question whether it would actually be effective, especially given the propensity for technology to fail from time to time.

EBGBS believes that the site is far too close to a residential area and should be relocated at the earliest opportunity.

It is questioned whether Reviva provided any evidence that their proposals had been used effectively on another site? If so, which sites have they cited for that evidence and how effective was the technology?

Much of the smell is generated by the lorries loading and unloading. In the original planning application there was a restriction of lorry size and movements. Who is responsible for monitoring this to ensure that Reviva comply and with what result?

How often is the site monitored by the Environment Agency? It is perceived that lorry movements have increased significantly since the Conway site has closed at Woodcock Hill farm. Reviva should keep records about waste in and waste out for business purposes. Who checks those?

Reviva has changed their intake from purely green waste to biodegradable waste: we believe that methane sulphur and ammonia are generated. An original restriction was that no biodegradable waste would be recycled on that site. When was permission given for the biodegradable waste to be recycled there? Who monitors the type of waste handled at The Elstree site?

What effect is this new waste product having on the ground water? Is the Environment Agency responsible for monitoring this, or are other agencies involved?

The nearby crossroads in Elstree have been identified as a pollution hot spot by Hertfordshire County Council. There can be little doubt that the air quality at the recycling location by the busy A41 and M1 routes also has poor air quality. Who is monitoring this now for fungal spores and harmful particulates which could be generated by the recycling site?

The application should be put on hold until all of these points are addressed and satisfactory answers provided from the Environment Agency, Hertfordshire County Council, the agency responsible for air quality control etc. etc.

6.9 Elstree Village Preservation Society – objects.

6.10 Hertfordshire County Council – Ecology

The site is situated within the Green Belt therefore a judgment on the appropriateness of the development will need to be made by planners. There are no other designated sites within or adjacent to the application site. There are species records nearby of breeding birds and great crested newts (GCN). The GCN records are not within 500 m of the proposed site; however there are suitable habitats and a possible breeding pond in close proximity. I do not believe that GCN surveys are justified however I would caution that they could be on site. The tree lined ditch that runs along the northern boundary of the site could also be suitable for reptiles, other amphibians and breeding birds and is likely used by foraging bats. There is also suitable foraging habitat for badgers adjacent to the proposed site. However a majority of the works are to be done on hardstanding with little or no habitat removal, with the exception of what looks to be a small patch to the east of the proposed extension.

Given the above mentioned habitats and possible protected species I would suggest the *Informatives* are included in any planning decision relating to protection of nesting birds during spring/summer season and the following:

The area of vegetation affected by the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for reptiles, great crested newts and other amphibians;

Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of protected species using the piles for shelter;

Trenches or excavations are backfilled before nightfall or a ramp left to allow protected species to escape;

Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;

If a protected species is found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England or an ecological consultant.

6.11 Hertfordshire County Council – Waste Management

Hertfordshire County Council in its role as the Waste Disposal Authority (WDA) does not currently hold a contract with Reviva Composting, Elstree Hill South, Elstree, WD6 3BL.

In line with the Authority's Local Authority Collected Waste (LACW) Spatial Strategy 2016 the WDA would support the improvement of the current facility and has no objections to the proposed enclosure of Reviva's Elstree site.

The changing nature of LACW organic waste collections means it is important to have facilities in the county that can provide a range of

organic waste treatment methods. Having facilities within the county enables waste to be treated locally. This reduces transports costs and provides environmental benefits by reducing the distance waste is transported for treatment.

6.12 Hertfordshire County Council - Lead Local Flood Authority

Objects to the application and recommends refusal of planning permission until a satisfactory surface water drainage assessment has been submitted. In order for the Lead Local Flood Authority to advise that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the surface water drainage assessment should as a minimum include the following;

- Statement of compliance with the NPPF and NPPG policies, LPA local plan policies and HCC SuDS Guidance and Policies.
- Anecdotal information on existing flood risk with reference to most up to date data and information.
- Location of any ordinary watercourses including any which may be un-mapped.
- The location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (River) and surface water flood maps.
- Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.
- Detailed drainage calculations for all rainfall return periods up to and including the 1 in 100 year + climate change event including pre-development greenfield run-off rates.
- Full detailed drainage plan including location of SuDS measures, pipe runs and discharge points, informal flooding (no flooding to occur below and including the 1 in 30 Year rainfall return period).
- Provision of a SuDS management train to manage surface water runoff.
- Full details of any required mitigation/ management measures of any identified source of flooding.

A surface water drainage assessment is required under the NPPF for all Major Planning Applications as amended within the NPPG from the 6 April 2015.

A surface water drainage assessment is vital if the local planning authority is to make informed planning decisions. In the absence of a surface water drainage assessment, the flood risks resulting from the

proposed development are unknown. The absence of a surface water drainage assessment is therefore sufficient reason in itself for a refusal of planning permission.

The applicant can overcome our objection by undertaking a surface water drainage strategy which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

Further comments of LLFA received February 2017

We object to this application and recommend refusal of planning permission until a complete surface water drainage assessment has been submitted.

The documents submitted in support to this application do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In order for the Lead Local flood Authority to advise the relevant authority that the site will not increase flood risk to the site and elsewhere and can provide appropriate sustainable drainage techniques, the surface water drainage assessment should as a minimum include the following;

- Updated detailed drainage calculations for all rainfall return periods up to and including the 1 in 100 year + 40% climate change allowance event including pre-development greenfield run-off rates.
- Evidence that if the applicant is proposing to use a ditch as discharging point, they have confirmation from the owner that he agrees and have the capacity to take the proposed volumes and run-off rates.
- Investigation on the capacity of the ditch and where the ditch discharges into.
- Maintenance and adoption plans of the drainage scheme for the lifetime of the development.

Overcoming our objection

We acknowledge that the applicant has considered the relevant National Planning documents in order to comply with the required national and local policies. However on the 19th February 2016, the updated climate change allowances were released to support the NPPF. Therefore all Flood Risk Assessments and Drainage Strategies for planning applications validated on or after this date should apply the updated

climate change allowances when calculating peak rainfall intensity. Looking at worst case scenario, for the design of SuDS feature we require that upper end allowance (+ 40% in this case) to be applied. Considering this we would expect that the applicant could provide updated calculation for all SuDS component to cater for all rainfall events up to and including the 1 in 100 +40%.

As it is rightly reminded, discharging to surface water features (ditch/ponds) located around the site is subjected to agreement/permission of relevant third party. We would also remind that the suitability of this feature should be demonstrated to prove it has the capacity to cater for the required volumes and flows and to prove they discharge into somewhere.

The applicant can overcome our objection by undertaking a surface water drainage strategy which demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall and gives priority to the use of sustainable drainage methods, the SuDS hierarchy and management train. If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of a surface water drainage assessment will not in itself result in the removal of an objection.

Informative to the LPA

We notice that it is applicant's intentions to install an petrol interceptor located on the network at the downstream connections taking runoff from the access road and car parking area. Nevertheless we would prefer a more natural treatment stage it is up to the LPA to be satisfied with this proposal.

The applicant will need to satisfy the LPA that the proposed drainage . Therefore we recommend the LPA to obtain a maintenance plan that explains and follows the manufacturer's recommendations for maintenance or that it follows the guidelines explained by The SuDS Manual. A maintenance plan should also include an inspection timetable with long term action plans to be carried out to ensure efficient operation and prevent failure. For further guidance on the maintenance of SuDS components, please refer to the SuDS Manual by Ciria.

6.13 Hertfordshire County Council – Landscape

Landscape Policy & Guidelines

National Planning Policy Framework

The NPPF promotes the conservation and enhancement of the natural environment and good design, ensuring that developments respond to local character and are visually attractive as a result of good landscape design.

With regards Greenbelt the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations...A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Hertfordshire Waste Development Framework Adopted Nov 2012

Policy 6: Green Belt

Applications for new and/or expansion of existing waste management facilities within the Green Belt will be required to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt together with any other harm identified. In considering proposals within the Green Belt the following criteria will be taken into account as material considerations...The site characteristics...

Hertsmere Borough Council, Core Strategy Adopted Jan 2013

Policy CS13 The Green Belt

There is a general presumption against inappropriate development within the Green Belt, as defined on the Policies Map and such development will not be permitted unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the NPPF.

Hertfordshire Landscape Character Assessment

The site lies within the Elstree Ridge and Slopes landscape character area as defined within the Hertfordshire Landscape Character Assessment. The site is located within the M1/A41 corridor that is identified as creating a major impact in this area. The following guidelines should help shape the proposed development:

- Promote the extension of existing woodlands, particularly with a view to visually integrating the intrusive motorways and urban fringe development
- Encourage effective management along transport corridors to ensure thinning, selective felling and replanting is undertaken to achieve a varied age structure and locally indigenous species mix.

Quality of Submitted Information

The submitted 'Proposed Site Plan' (CLA drawing no. 16-158-110 Rev A) is not consistent with the approved 'Landscaping Scheme' (Bidwells drawing no. 25037/ConDisc011 Rev B).

For example the proposed plan shows the existing building in a different location to that shown on the approved plan. Furthermore it shows the proposed building extension overlapping an area that is shown on the approved plan as an earth bund with fencing, and planting including orchard.

The inconsistencies in information raise the question as to whether or not the site has been developed in accordance with the planning permission; indeed there is strong concern that the landscape scheme has not been implemented in full.

The proposed development negatively impacts upon the approved landscape scheme resulting in the removal of important landscape/visual/acoustic mitigation measures. The displacement of these features has not been acknowledged or adequately compensated for within the proposal.

Siting, Scale & Design

The proposal is to extend the existing building by 4182m² (91.4m long by 45.7m wide by 10m high). This is considered a substantial addition to the building footprint, and on plan appears to almost triple the size of the existing building. It represents a *'disproportionate addition over and above the size of the original building'* and is therefore considered inappropriate development in the Green Belt in line with NPPF para. 89. Overall the proposals are not supported for the reasons as discussed above.

6.14 Oliver Dowden MP

Objects to the application and raises deep concerns.

He comments that he knows from personal experience, and from correspondence from residents, the serious distress caused by the pungent smells that the site produces when operating. These have a considerable adverse effect on the quality of life of those nearby. Also share the serious concerns of the Elstree & Borehamwood Green Belt Society over the impact of this development on our precious green belt. Enlarging the site would blight more of this land, which we should be committed to preserving.

6.15 A total of 597 consultation letters were sent out and **52** letters objecting to the application have been received (a further consultation has been undertaken and the total amount of letters received so far is). The issues of concern can be summarised as:

- Loading and unloading of vehicles will still smell
- Opening the doors to the building will let the smell out
- The smell currently is awful and affects residents' health
- There is a bioaerosols hazard

- The site is a blot in a peaceful and tranquil area
- The smell has upset the entire community
- The site needs to be closed down not expanded.

6.16 Publicity for the application was as follows: A site notice was erected on 16 November 2016 and the application was advertised in the Borehamwood and Elstree Times on 10 November 2016.

7 Planning Policy

National Planning Policy Framework 2012 (NPPF)

- 7.1 The NPPF was released in March 2012. The NPPF contains the presumption in favour of sustainable development. The document also promotes the development plan as the starting point for decision making and that decisions should be made in accordance with an up to date Local Plan unless material considerations indicate otherwise.
- 7.2 The NPPF refers to three dimensions of sustainable development; economic, social and environmental and the purpose of the planning system being to contribute to the achievement of sustainable development. In order to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life and improving the conditions in which people live, work, travel and take leisure.
- 7.3 The NPPF also seeks to protect Green Belt land stating that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics being their openness and their permanence. Green Belt purposes include checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.4 Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

National Planning Policy for Waste 2014 (NPPW)

- 7.5 This policy document seeks to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, together with ensuring the design and layout of new development and other infrastructure such as safe and reliable transport links complements sustainable waste management.
- 7.6 Waste Planning Authorities should assess the suitability of sites/areas for new or enhanced waste management facilities against a list of criteria which includes the following:
- The extent to which the site will; support the other policies set out in the document,
 - The physical and environmental constraints on development, including existing and proposed neighbouring land use, and having regard to the factors in Appendix B,
 - The capacity of existing and potential transport infrastructure to support the sustainable movement of waste,
 - The cumulative impact of existing and proposed waste disposal facilities and the well-being of the local community, including any significant impacts on environmental quality, social cohesion and economic potential.
 - Green Belts have special protection in respect to development.
- 7.7 In determining planning applications, applicants would need to demonstrate the quantitative or market need for new or enhanced waste facilities where proposals are not consistent with an up-to-date Local Plan. The likely impact on the local environment and on amenity also needs to be considered and judged against Appendix B. Waste management facilities should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 7.8 Appendix B – Locational criteria: in determining planning applications the following factors should be taken into account:
- Flood risk; land instability; landscape & visual impacts (localised height restrictions); nature conservation; conserving the historic environment; traffic & access – considerations will include the suitability of the road network and the extent to which access would require reliance on local roads; air emissions, including dust; odours; vermin & birds; noise, light and vibration for which considerations will include the proximity of sensitive receptors and potential for noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site.

Development Plan

- 7.9 The Development Plan is the Hertfordshire Waste Development Framework Waste Core Strategy and the Welwyn Hatfield District Plan. The NPPF and the NPPW are both material considerations and how policies from the Development Plan are in conformity with these need to be considered.
- 7.10 The relevant development plan policies are:

Hertfordshire Waste Development Framework Waste Core Strategy Adopted November 2012

Policy 1- Strategy for provision for waste management facilities
Policy 1A- Presumption in favour of sustainable development
Policy 6 - Green Belt
Policy 7- General criteria for assessing planning applications outside of identified locations (part iv).
Policy 9 - Sustainable transport
Policy 11- General criteria for assessing waste planning applications
Policy 13- Road transport and traffic
Policy 16 – Soil, Air and Water

Hertsmere Core Strategy 2013

Policy SP1 Creating sustainable development
Policy CS12 The Enhancement of the Natural Environment
Policy CS13 The Green Belt

Site Allocations and Development Management Policies Plan 2016

Policy SADM 27

8 Planning Issues

- 8.1 The principal issues to be taken into account in determining this application are:
- Background to the submission and proposed development
 - Impact on residential amenity and odour
 - Impact on the Green Belt
 - The planning balance
 - Flood risk

Background to the submission and the proposed development

- 8.2 This application has been submitted due to a requirement set out in an amended Abatement Notice served on the applicant by St. Albans Magistrates Court in June 2016. The applicant was required to submit a full planning application to extend the existing building in order to house green waste recycling activities. The application shows a large extension

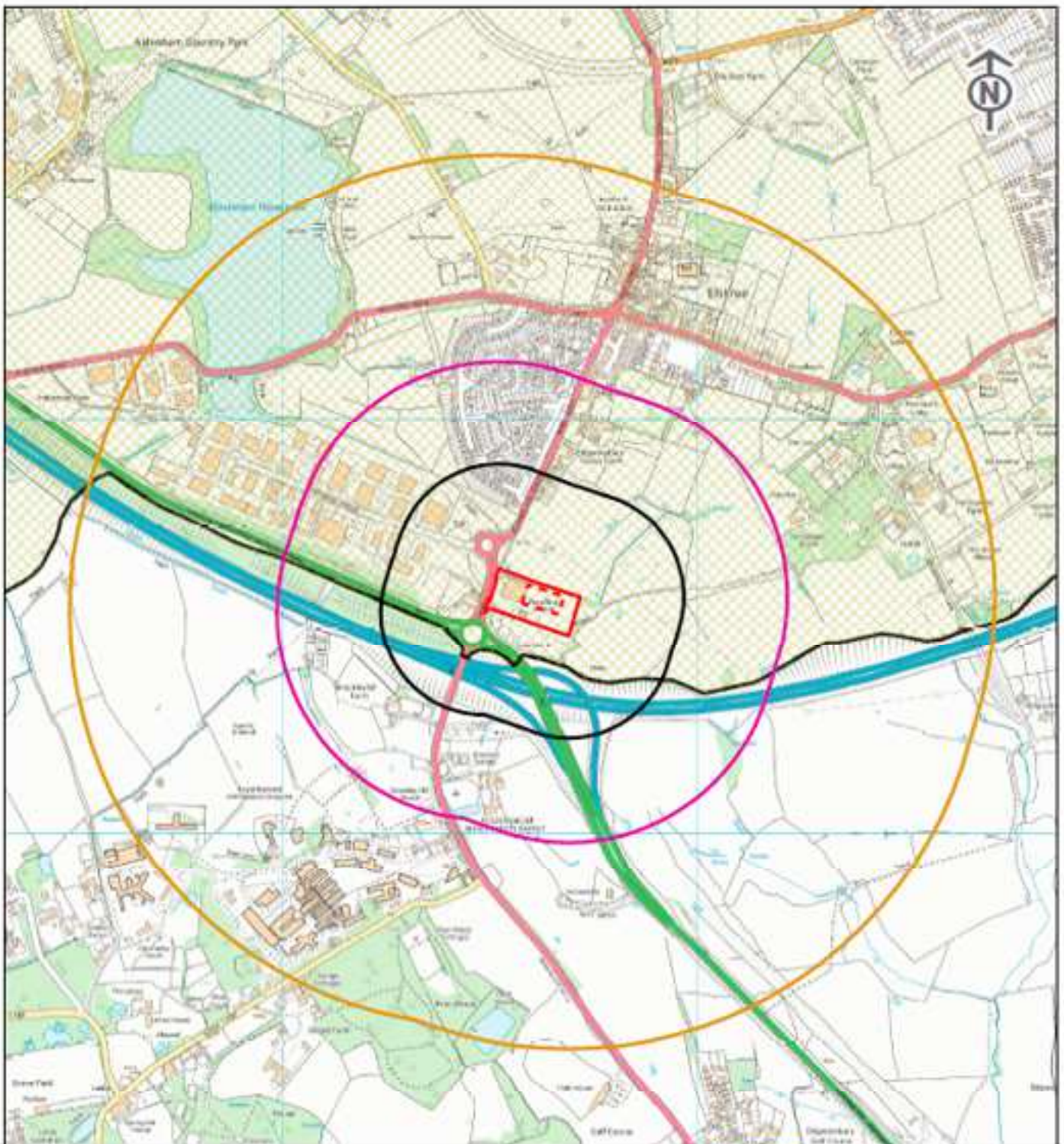
measuring 91m x 47.5m which would treble the size of the existing building. The amended plan submitted recently has amended the shape of the proposed building although the proposed floor area is similar to that originally proposed.

- 8.3 The submitted Working Plan shows some activities to be sited outside the building to include waste wood storage, biomass storage and oversize storage; green waste reception area for non HGV vehicles and finished compost stockpiles. The plan also shows a significant part of the yard area as 'empty'. It is not clear if there will be amendments to any outside working proposed for the yard area as no details have been submitted with the revised site boundary plan.
- 8.4 Over the last few years, the site has generated a significant number of complaints from residents and businesses in the local area which has led to Hertsmere Borough Council serving an Abatement Notice. The purpose of the amended Abatement Notice served by St Albans Magistrates Court is to seek to find a solution that would solve the problem of odour and mitigate the effects.
- 8.5 Therefore Hertfordshire County Council needs to be assured from a technical perspective that the proposed building would guarantee to solve the odour problem.
- 8.6 The Environment Agency advises that not enough information has been submitted to assess whether the proposed changes to the development would meet the EA's requirements to prevent or minimise and/or control pollution, and there are concerns that these requirements might not be met through the current planning application. Sufficient detail needs to be submitted in order to consider whether odours can be adequately managed through the design of the new building. In the absence of a detailed odour management plan based on the new building design, it is not possible to assess the associated risks.
- 8.7 The submitted planning statement states that the erection of an extension to the existing building to facilitate the 'outdoor' part of the operation being conducted within the proposed building will have the effect of "significantly reducing any odour nuisance potential and therefore improve the amenity of the locality and protect human health". However, in the original planning statement submitted in 2009 it was stated that.. "The process does not create unpleasant odours and the site is located a significant distance away from any 'sensitive receptors'". Therefore even with the proposed erection of the extension to the building, the submitted information has changed from not creating any unpleasant odours to significantly reducing any odour nuisance potential. The amount by which the odour nuisance potential would be reduced by is not quantified.







Impact on amenity and odour complaints

- 8.8 Numerous complaints have been received by the Environment Agency and Hertsmere Environmental Health over the last few years. The complaints all point to a very unpleasant odour emanating from the site. People have been unable to stay in their houses and lives have been disrupted due to the smell including local business, hotels and hospitals. It remains a significant concern.
- 8.9 Hertsmere Borough Council Environmental Health Department have confirmed that composting does have the potential when not properly controlled, to cause environmental pollution, harm to human health and nuisance through odours, leachate and potentially harmful bioaerosols. An Abatement Notice was served upon the operator of the site due to the intensity, frequency and duration of odour nuisance coming from the site. As such, it was expected that the application would have given a more detailed robust, technical assessment on how this new building would contain the odour and ensure that no odour is detected beyond the boundary of the site. It is also possible that the movement of the green waste material into and out of the building will still have the potential to cause odour and the Working Plan continues to show some elements to still be out in the open.
- 8.10 The map on page 32 of this report shows the buffers around the site with the nearest residential properties being within 150 metres to the north and the Royal National Orthopaedic Hospital a short distance to the south. Complaints have been recorded from all directions.
- 8.11 Policy 11 of the Hertfordshire Waste Development Framework lists general criteria for assessing waste planning applications, one of which states that planning permission will only be granted if the proposed operation of the site would not adversely impact upon amenity and human health. The submitted application does not conclusively indicate that this would be the case.
- 8.12 The NPPW also requires under *odours* that 'Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment'. Additionally, the thrust of the NPPF is to seek to improve the conditions in which people live, work, travel and take leisure. Yet site operations over the last few years have caused the reverse to happen and it has not been proven in this current application that there would be a guarantee that the situation would improve.
- 8.13 Recent site inspections have shown that the site is not being run entirely in accordance with the details of the original planning permission, with materials other than green waste (wood waste) piled up for processing and the quantity and extent of material in the outdoor area appearing to be spread over a significantly larger area than the neat windrows shown on the original working plan. It may be possible that the methods of

working and the lack of adherence to the approved plan and details could have contributed to the creation of odour, where it was originally thought (as submitted by the original planning agent) that there would be no odour produced from site operations.



Reviva Composting Ltd

-  1000m Buffer
-  500m Buffer
-  250m Buffer
-  Building Extension
-  Application Site
-  Greenbelt

0 130 260 390 520 650 780 910 1,040 1,170 Meters

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Green Belt

- 8.14 The application site lies within the Metropolitan Green Belt and it is considered that the proposed development represents inappropriate development in the Green Belt. The NPPF does include exceptions to the presumption against inappropriate development, by stating, 'limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, (excluding temporary buildings), *which would not have a greater impact on the openness of the Green Belt* and the purpose of including land within it than the existing development'.
- 8.15 Hertfordshire County Council's Waste Core Strategy, Policy 6 states that applications for new and/or expansion of existing waste management facilities within the Green Belt will be required to demonstrate very special circumstances sufficient to clearly outweigh the harm to the Green Belt together with any other harm identified. Six criteria are listed to be taken into account as material considerations as follows:
- The need for the development that cannot be met by alternative suitable non Green Belt sites;
 - The need to find locations as close as practicable to the source of waste;
 - The availability of sustainable transport connections;
 - The site characteristics;
 - Any specific locational advantages of the proposed site; and
 - The wider economic and environmental benefits of sustainable waste management, including the need for a range of sites.
- 8.16 The applicant has put forward some 'very special circumstances' in the application as follows:
- The proposed development will be well designed to ensure that there is no harm to human health by reducing the impacts associated with odour generation. The continued viability of the business will ensure that green waste continues to be diverted from landfill and is used sustainably as a resource.
 - The site is located to accept and treat green waste from within the locality and provides a much needed service for appropriate waste management.
 - All compost material produced on site is reused as a resource within the locality as it is sold into the domestic and agriculture sector.
 - The woody fraction of the waste inputs is used as a feedstock for renewable energy
 - The site employs 20 staff from the locality and the continued operation of the business will safeguard these jobs.

- 8.17 The proposed new extension clearly represents inappropriate development in the Green Belt and very special circumstances have been put forward by the applicant as indicated in para. 8.16 above. It is necessary for the applicant to show that these very special circumstances exist and that they clearly outweigh the harm by reason of inappropriateness and other harm.
- 8.18 The NPPF confirms that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It says that the essential characteristics of Green Belts are their openness and their permanence. When considering planning applications LPA's should, it says, ensure that substantial weight is given to any harm to the Green Belt. Having regard to this it is considered that the extension of the existing building with a very substantial extension within the Green Belt would seriously compromise openness and would conflict with one of the main purposes of including land within the Green Belt namely that of preventing encroachment into the open countryside.
- 8.19 The NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight should be given to any harm to the Green Belt and that 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. This particular case appears to be a difficult planning balance as there is clearly 'harm' being caused by the current operation of the site, and the erection of the new building is intended to mitigate that harm. However, in building that building more 'harm' would occur to impact on the openness of the Green Belt. This harm could potentially be outweighed by other considerations such as the reduction of odour, but it is considered that this application has not demonstrated sufficiently that odour would be reduced sufficiently by the erection of the building and therefore it is concluded that this proposal is inappropriate development in the Green Belt. The proposal would result in significant harm to openness in the local Green Belt area which would outweigh the very special circumstances put forward.
- 8.20 All the very special circumstances have been taken into consideration in reaching this conclusion, including the potential loss of employment if the operation does not continue in this location.
- 8.21 The National Planning Policy Framework and the National Planning Policy Guidance raise the importance of dealing with flooding and climate change. The development proposal is for major development and a substantial increase in the size of the building on site. The planning application documents say that a flood risk assessment is not required. The Lead Local Flood Authority however consider that a flood risk assessment is required for this development proposal and that permission should be refused. This is an important consideration for the planning application and the proposal is therefore contrary to Policy 16 of the Hertfordshire Waste Development Framework, Hertsmere

9 Conclusions and the planning balance

- 9.1 This application has been submitted due to a requirement set out in an amended Abatement Notice served on the applicant by St. Albans Magistrates Court in June 2016. However it is considered that insufficient details and insufficient evidence to support the applicant's assertions have been put forward to demonstrate conclusively that the erection of the proposed building would reduce the odour from the site to a level that would not be detrimental to amenity and human health.
- 9.2 The issue is severe and this application has not demonstrated that the problems would be solved by this planning application proposal, and therefore in terms of the planning balance, having considered both national and local policy, it is concluded that more harm would occur in the Green Belt if planning permission were granted and therefore it is recommended that planning permission should be refused. The proposed development would cause harm to the openness of the Green Belt and would result in the encroachment of built form into the countryside, conflicting with one of the five purposes of including land within the Green Belt.
- 9.3 The planning application is not accompanied by a flood risk assessment and the proposed increase in building size is substantial. The Lead Local Flood Authority object and advise that a flood risk assessment should be submitted. The lead Local Flood authority maintain their objection even after assessing the further submission in January 2017.
- 9.4 The national policy context contained within the NPPF is that there should be a presumption in favour of sustainable development in order to approve applications wherever possible. This is only possible however, where the proposed development improves the economic, social and environmental conditions in the area. Although in certain circumstances justifications will exist for developments to be approved, in this case it is considered that whilst there is a presumption in favour of sustainable development this does not override the material planning considerations that exist and the harm that would occur if planning permission were to be granted.
- 9.5 The extra supporting documentation submitted by the applicant in January 2017 has been assessed by both the Environment Agency and Hertsmere Borough Council Environmental Health Department. Both of these experts conclude that there are serious flaws in the proposed details and it is not clear that the idea could even be feasible in terms of the human health impact on employees working in the building if it was to be so enclosed to contain the odour. The further information

submitted with the application does not demonstrate to HCC's expert advisers that the odour would necessarily be contained within the building and there are many question marks over its viability.

It is therefore considered that nothing has changed from the original submission to alter the views formed in this report and therefore It is still recommended that planning permission should be refused.

10 Recommendation

10.1 It is recommended that planning permission be refused for the following reasons:

- 1) The proposal constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated that would override harm and harm to the Green Belt. The proposed development is therefore contrary to The Hertfordshire Waste Development Framework Waste Core Strategy Policy 6 and advice set out in the NPPF and NPPW and policies SP1, CS12 & CS13 of Hertsmere Core Strategy. The development would cause substantial harm to the Green Belt by reason of its visual appearance, bulk and scale and the encroachment of its built form into the countryside resulting in its loss of openness and the development would fail to conserve the natural environment that surrounds the site.
- 2) The proposal would have an adverse effect on the local area, due to the siting, scale and design of the building being inappropriate for its location. The application has not demonstrated that the proposed operation of the site (with indoor housing of waste activities) would not adversely impact upon the amenity and human health of local residents due to the potential for odour from the site. Therefore the proposal is contrary to Policy 11 of the Hertfordshire Waste Development Framework 'General Criteria for Assessing Waste Planning Applications', the National Planning Policy Framework and the National Planning Policy Guidance.
- 3) The application has not demonstrated that the site will not increase flood risk to the site and elsewhere, nor that it can provide appropriate sustainable drainage techniques. Therefore the proposal is contrary to Policy 16 of the Hertfordshire Waste Development Framework, Soil, Air and Water, Hertsmere Policy CS16 Environmental Impact of Development, the National Planning Policy Framework and the National Planning Policy Guidance.

Background information used in compiling this report

Planning application

National Planning Policy Waste

National Planning Policy Framework

Herts Waste Development Framework

Hertsmere Core Strategy

Representations received