

# APPENDIX ONE

**Sue Atkinson**

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**From:** Planning Department <planning@aldenham-pc.gov.uk>  
**Sent:** 25 August 2017 13:53  
**To:** Spatial Planning  
**Subject:** Blackbirds Farm PL/0854/17 and PL/0855/17  
**Attachments:** Objection\_to\_Condition\_Variation\_Notices\_--\_Condition\_2 LETTER CONTENTS ONLY.docx; Objection\_to\_Condition\_Variation\_Notices\_--\_Condition\_6-7 LETTER CONTENTS ONLY.docx

REF: Planning Application at Blackbirds Farm  
Vary condition 2 of permission 0/1097-09 and  
Vary condition 6 & 7 of permission 0/1097-09

Aldenham Parish Council met on 21<sup>st</sup> August 2017 to discuss the above planning applications and it's comments were as follows:-

'b) The Herts County Council Consultation on the planning application for a 'Variation of Condition 2 on permission 0/1097-09 to change hours for delivery and operation at Blackbirds Farm, Blackbirds Lane, Aldenham, Hertfordshire WD25 8BS.'

Members object to this application. Members support the letter of objection written by a neighbour of the site and support all the points made in the letter as attached:-

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c) The Herts County Council Consultation on the planning application for a 'Variation of Conditions 6 & 7 on permission 0/1097-09 to only include HGV Vehicles within these conditions at Blackbirds Farm, Blackbirds Lane, Aldenham, Hertfordshire WD25 8BS.'

Members object to this application. Members support the letter of objection written by a neighbour of the site and support all the points made in the letter as attached:-

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Please would it be possible to acknowledge these comments?

Kind regards

Paula Paley

Planning Officer

Aldenham Parish Council



'The Application Should Be Refused And No Application Relating To the Compost Business At Blackbirds Farm Should Be Considered Until The Current Enforcement Notices and Condition Breach Notices Have Been Complied With, Any Appeals Have Been Determined, And A Complete New Business Application Has Been Submitted

As you will be aware, the compost operations at Blackbirds Farm have been the subject of extensive correspondence and enforcement proceedings involving residents and the County. In December 2016, following an extensive investigation, and the consideration of a legal opinion by an experienced planning law barrister, the County issued a letter to Blackbirds Farm setting out the County position that there was no planning permission for maturation sites being used for compost; that the restrictions on vehicle movements in the 2009 Permission included all vehicles, not simply green waste HGVs; and that the compost was not permitted to be used at Garston (the **December 2016 Letter**). In June 2017, the County issued enforcement notices in respect of the maturation sites at School Field and Broadfield, and thereafter also issued a breach of condition notice concerning the vehicle movements and hours of operation. The applicant has ignored these notices, and has carried on his compost operations. The applicant has appealed one of the two enforcement notices (only as to Broadfield), but has not appealed the notice as to School Field, but nevertheless continues his unlawful operations there. In May 2017, the applicant filed a request for a Certificate of Existing Lawful Use, seeking to regularise his compost business. This was denied by the County. This has not been appealed.

In 2016, the applicant filed an application to substantially increase the amount of compost that could be processed annually, from 8,000 cubic metres to 32,000 cubic metres. This application, which prompted the County's 2016 investigation, has not been withdrawn and remains pending.

It should be obvious that no consideration of conditions to the compost business can be determined without the applicant setting out the parameters of the business he is applying for leave to operate. These parameters must include the volume of compost he is seeking to process, the location of any maturation sites he is seeking permission to use, whether and the extent to which the public highways are intended to be used for any aspect of the operations, the number of every type of vehicle (HGV, JCB/trailer, staff cars, etc.) that are proposed to be allowed as part of the business, hours of operation, extent of operations at a maturation site (including hours), extent of operations at the silage pit area, including the hours of operation, and so on.

These relevant parameters are not set out on the face of this application; nor could they be, given the present status of the record. The appeal on the Broadfield enforcement notice remains pending; the farmer has not appealed the condition breach notice but is violating the current conditions; the farmer has not withdrawn his 2016 application to increase

the amount of compost he intends to process. Nor has the farmer set out any proposal as to how many vehicles he intends to operate as part of the business, how many will go up and down the road in front of our home, etc.

We are all too aware from experience over the past three years that these parameters are vital and material – under the farmer's current operations, the disruption to our use and enjoyment of our home from the Broadfield and School Field maturation sites, including smell from Broadfield and the silage pit area, noise from Broadfield and the silage pit operations, smell from the transport of uncovered compost in front of our home, noise from JCB traffic, is intolerable. Our concerns have been documented in dozens of emails in the County's possession.

We should not have to even set out our objection to this kind of piecemeal application; nor should the County even consider such an application, especially when the applicant has refused to comply with the conditions of the existing operations, as interpreted by the County. For these fundamental reasons, we respectfully submit the County should reject the application as premature and incomplete, and direct the applicant, if he intends to pursue any aspect of the compost operations, to submit a comprehensive application that addresses all of the relevant parameters he intends to form a part of the business. Only then will the County and the public be in a position to determine the extent to which any such proposal would impact on the residents.

**In The Event The County Considers The Application, It Should Be Denied**  
Even were the County to consider the application to vary Condition 2 to the 2009

Permission, the application should be denied.

First, the request for deliveries on Saturdays is unreasonable. Deliveries involve HGVs carrying raw green waste in and out of the farm. These vehicles go along the road within 10 metres or so of our home, and in particular our kitchen, where there is a vent for our AGA and where weather permitting our window is open. The vehicles emit a sickly smell, even when only carrying raw green waste, which permeates our home and lingers once it enters. The vehicles are also noisy. Under the existing vehicle movement condition, there would be up to six HGV movements on a Saturday movement (3 in and 3 out). We should not have to have our weekends ruined by this business, as it is bad enough that we are subjected to noise and smell from the HGVs during the week. There is no justification proposed as to why an additional three deliveries are required, especially given that the scope of the business has not been expanded from what has already been permitted. The proposed Saturday delivery request should be denied.

As to the definition of "operations" – this is wholly unreasonable as well. The legal opinion we submitted in 2016 explained that operations as currently outlined in the permission includes departures of HGVs from the site – which the farmer currently undertakes long before the 7:30 a.m.

start time. On many days, he has HGVs departing before 5 in the morning. This is unreasonable and disruptive. Under the proposed definition, these departures would fall outside the definition of operations, thereby exempting them from the hours restrictions – which is obviously one of the goals of the waiver. This should be rejected.

In addition, the proposed definition exempts operations at the maturation sites – it is limited to the operations at the silage pit itself, and then the “onwards transmission to maturation pads.” But much of what is disruptive about this business occurs at the maturation pads themselves. Once the processed compost is delivered to a site, heavy equipment, with noisy reverse alarms, moves it into the windrows. This operation, at Broadfield site, can be heard from our home. There is no reason the farmer should be entitled to make noise from this business outside the current operation hours – indeed, it is our position that he should not be permitted to conduct this business at all, at least at a site that can be heard or smelled from our home, such as Broadfield.

Essentially, what the farmer is asking is that only the silage pit processing be subject to any hours restrictions – he wants to be able to operate compost business at the maturation sites at all hours of the day or night. Depending on where the maturation sites would be located, these operations could then include JCBs and trailers coming back from a site on the road in front of our home, again at all hours (under the applicant’s proposal, only the transmission from the silage pit would be regulated, but any other equipment used for the operations at the site would not). That on its face is unreasonable, and shows how this applicant has no care whatsoever for the residents whose lives have been ruined by this compost business that the County improperly approved in 2009.

These concerns are heightened by the fact that the applicant has not submitted any details with the application outlining the overall scope of the proposed operations, as explained in the first section of this objection. We cannot possibly be in a position to determine whether a proposed condition is appropriate absent details of how many vehicles will be operating at a maturation pad, where the pad will be located, etc. Absent such detail, the County should assume that there will be unlimited vehicle movements, noise, and odour at a location or locations that will impact our home, and will render it impossible for us to live here. It is not for the residents to make assumptions that will conceivably limit the impact of what is being proposed. It was for the applicant to explain how what is being proposed is reasonable. He has not done so, and the application should be rejected for this reason as well.

Finally, we note that the site map submitted with this application includes only the silage pit area, and not any particular maturation pads. Given that the restrictions should govern all aspect of the compost operations, assuming any maturation pads are to be permitted, they would need to be shown in the site map for this application in order for it to be valid. As the applicant failed to include these, the application should be rejected.

For these reasons, we urge the County to reject the application, refuse any variance to Condition 2 of the 2009 Permission, and enforce the Condition as per the December 2016 Letter and the Breach of Condition notice served in 2017.