

# Agenda



**AGENDA for a meeting of the DEVELOPMENT CONTROL COMMITTEE in the Council Chamber, County Hall, Hertford on THURSDAY, 26 OCTOBER 2017 at 10.00AM.**

**MEMBERS OF THE COMMITTEE (10)** (Quorum = 3)

D Andrews, D J Barnard, S J Boulton, D S Drury, E M Gordon, J S Hale, M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), A D Williams

## **AGENDA**

### **AUDIO SYSTEM**

The Council Chamber is fitted with an audio system to assist those with hearing impairment. Anyone who wishes to use this should contact the main (front) reception.

### **PART I (PUBLIC) AGENDA**

Meetings of the Committee are open to the public (this includes the press) and attendance is welcomed. However, there may be occasions when the public are excluded from the meeting - for particular items of business. Any such items are taken at the end of the public part of the meeting and are listed below under "Part II ('closed') agenda".

### **MINUTES**

To confirm the minutes of the meeting of the Development Control Committee held on 28 September 2017 (attached).

### **PUBLIC PETITIONS**

The opportunity for any member of the public, being resident in or a registered local government elector of Hertfordshire to present a petition relating to a matter with which the Council is concerned, and is relevant to the remit of this Committee, containing 100 or more signatures of residents or business ratepayers of Hertfordshire.

Notification of intent to present a petition must have been given to the Chief Legal Officer at least 20 clear days before the meeting where an item relating to the subject matter of the petition does not appear in the agenda, or at least 5 clear days where the item is the subject of a report already on the agenda.

[Members of the public who are considering raising an issue of concern via a petition are advised to contact their local member of the Council. The Council's arrangements for the receipt of petitions are set out in Annex 22 - Petitions Scheme of the Constitution.]

If you have any queries about the procedure please contact Deborah Jeffery on telephone no. (01992) 555563.

## **MOTIONS (Standing Order C9)**

Motions may be made on a matter relevant to the Committee's terms of reference (other than motions relating to a matter on the agenda, which shall be moved when that matter is discussed).

Motions must have been notified in writing to the Chief Legal Officer by 9 am on the day before the meeting and will be dealt with in order of receipt.

No motions had been submitted at the time of agenda dispatch.

- 1. APPLICATION FOR PROPOSED CONTINUED USE OF AN EXISTING MATURATION PAD FOR THE PROCESSING OF GREEN WASTE AND ITS CONVERSION INTO COMPOST FOR USE AS A FERTILIZER ON LAND FORMING PART OF THE FARMING OPERATION UNDERTAKEN AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS**

*Report of the Chief Executive and Director of Environment*

Local Member: Caroline Clapper

- 2. APPLICATION FOR PROPOSED VARIATION OF CONDITION 2 ON PERMISSION 0/1097-09 TO CHANGE HOURS FOR DELIVERY AND TO DEFINE OPERATIONS, AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS**

*Report of the Chief Executive and Director of Environment*

Local Member: Caroline Clapper

- 3. APPLICATION FOR PROPOSED VARIATION OF CONDITION 6 & 7 ON PERMISSION 0/1097-09 TO ONLY INCLUDE HGV VEHICLES WITHIN THESE CONDITIONS AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM, HERTFORDSHIRE, WD25 8BS**

*Report of the Chief Executive and Director of Environment*

Local Member: Caroline Clapper

## **OTHER PART I BUSINESS**

Such other Part I (public) business which, the Chairman agrees, is of sufficient urgency to warrant consideration.

## **PART II ('CLOSED') AGENDA**

### **EXCLUSION OF PRESS AND PUBLIC**

There are no items of Part II business on this agenda but if an item is notified the Chairman will move:-

*"That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph \*\* of Part 1 of Schedule 12A to the said Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information."*

If you require a copy of any of the reports mentioned above or require further information about this agenda please contact Deborah Jeffery, Assistant Democratic Services Manager on telephone no. 01992 555563 or email: [deborah.jeffery@hertfordshire.gov.uk](mailto:deborah.jeffery@hertfordshire.gov.uk)

Agenda documents are also available on the internet  
<https://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings.aspx>

**KATHRYN PETTITT**  
**CHIEF LEGAL OFFICER**

# Minutes



To: All Members of the  
Development Control  
Committee, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Deborah Jeffery  
Ext: 25563

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## DEVELOPMENT CONTROL COMMITTEE 28 SEPTEMBER 2017

### ATTENDANCE

### MEMBERS OF THE COMMITTEE

D Andrews, D J Barnard, S J Boulton, D S Drury, M A Eames-Peterson (*substitution for E M Gordon*), J S Hale, M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), A Williams

Upon consideration of the agenda for the Development Control Committee meeting on 28 September 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

*Note: There were no declarations of interest.*

### CHAIRMAN'S ANNOUNCEMENTS

- (i) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the meeting.

### PART I ('OPEN') BUSINESS

#### MINUTES

The minutes of the Committee meeting held on 20 July 2017 were confirmed as a correct record.

#### PUBLIC PETITIONS

There were no public petitions.

#### ACTION

Democratic  
Services

**1. PROPOSED APPLICATION FOR CONVERSION OF EXISTING GYM BUILDING TO CREATE EXTRA FLOOR SPACE FOR A SIXTH FORM CENTRE AT THE WARWICK ROAD SITE AND CONSTRUCTION OF A SPORTS CENTRE, ALL WEATHER PITCH, TENNIS/NETBALL COURTS, CAR PARK, CYCLE PARKING, VEHICULAR ACCESS, DRAINAGE AND ACOUSTIC FENCING AT THE BELDAMS LANE SITE AT HERTS & ESSEX SCHOOL, WARWICK ROAD, BISHOP'S STORTFORD, CM23 5NJ.**

[Officer Contact: Christopher Martin, Planning Assistant ,  
Tel: 01992 556308]

- 1.1 The Committee considered application 3/1680-17 PL\0850\17 (CC0492), for the proposed conversion of the existing gym building to create extra floor space for a sixth form centre at the Warwick Road site and construction of a sports centre, all weather pitch, tennis/netball courts, car park, cycle parking, vehicular access, drainage and acoustic fencing at Beldams Lane site at Herts & Essex School, Warwick Road, Bishop's Stortford CM23 5NJ.
- 1.2 Members were informed that there was an additional application to create playing pitches at land at Bowling Lane, however this land fell just across the county boundary in Essex and it was noted that Uttlesford District Council had approved the application at their Development Control Committee on 27 September 2017.
- 1.3 Prior to questions and debate the Committee were addressed by local residents, Mr Jonathan Holder and Mrs Jill Wade, speaking in opposition to the application; and Mrs Ruth Gray from Vincent and Gorbing and Mrs Catherine Tooze, the Head Teacher of Herts and Essex School, speaking in support of the application.
- 1.4 Prior to the meeting, the local Member, John Wyllie, had circulated his concerns to the Committee in relation to the application with regards to the parking issues in Beldams Lane; construction traffic re weight restrictions; a crossing point required at Warwick Road; an entrance design for Coaches and HGV vehicles and operating hours. In response, it was clarified that there would be sufficient parking on site and no off street parking would be required; further clarification would be sought with regards to the weight restrictions for vehicles on Beldams Lane; an extra crossing would not be required at Beldams Lane as pupils were already accompanied by teachers within this area; a condition had already been included with regards to the right turn only for coaches and HGV vehicles; and the operating hours were discussed and clarified, as detailed

at item 1.5 below.

- 1.5 During discussion regarding the opening hours, concern was raised with regard to the outdoor times, especially as the school was near a residential area and the noise levels and flood lighting could cause concern for nearby neighbours, more so in the winter months. The Committee therefore agreed that the facility should remain open for the following hours:

Monday to Friday	Indoor	07:30 – 22:00
	Outdoor	09:00 – 21:00
Saturday	Indoor	09:00 - 22:00
	Outdoor	09:00 - 21:00
Sunday	Indoor	09:00 - 20:00
	Outdoor	09:00 – 17:00

Councillor A.D Williams raised concern that the 21:00 closing time was too early; therefore the Chairman stipulated that if after a year of running the facility the School considered the time too restrictive, they could come back for the Committee to reconsider an extension. It was also clarified that should the school wish to extend the hours for special events, written permission would be required from the Council for these occasions.

## CONCLUSION

- 1.6 The Committee unanimously agreed that the Chief Executive and Director of Environment be authorised to grant planning permission subject to the following THIRTY conditions: -

1. Time Limit
2. Approved Plans
3. Construction Management Plan
4. Lighting (1)
5. Lighting (2)
6. Contamination
7. Noise (1)
8. Noise (2)
9. Noise (3)
10. Highways – Beldams Lane
11. Highways – Sixth Form Centre
12. Highways – Warwick Road
13. Highways – School Travel Plan
14. Highways – Parking Management Plan
15. Highways – Coaches & HGVs
16. Flood & Drainage (1)
17. Flood & Drainage (2)
18. Flood & Drainage – SuDS management and maintenance
19. Landscaping – Detailed Landscaping Plan

20. Landscaping – Retained Trees and Hedges
21. Archaeology – Written Scheme of Investigation (1)
22. Archaeology – Written Scheme of Investigation (2)
23. Archaeology – Written Scheme of Investigation (3)
24. Sporting Requirements – Netball/Tennis Court specifications
25. Sporting Requirements – Community Use Agreement
26. Sporting Requirements – Management & Maintenance Scheme
27. Sporting Requirements – Phasing Plan
28. Sporting Requirements – Hockey Goals
29. Hours of Operation
30. Hours of Operation – Personnel and Floodlighting

**KATHRYN PETTITT**  
**CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

**CHAIRMAN'S**  
**INITIALS**

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**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
THURSDAY, 26 OCTOBER 2017 AT 10.00AM**

Agenda Item  
No.

**1**

**HERTSMERE BOROUGH COUNCIL**

**APPLICATION FOR PROPOSED CONTINUED USE OF AN EXISTING  
MATURATION PAD FOR THE PROCESSING OF GREEN WASTE AND ITS  
CONVERSION INTO COMPOST FOR USE AS A FERTILIZER ON LAND  
FORMING PART OF THE FARMING OPERATION UNDERTAKEN AT  
BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM,  
HERTFORDSHIRE, WD25 8BS**

**Report of the Chief Executive and Director of Environment**

Author: Shaun Wells Tel: 01992 555049

Local Member: Caroline Clapper

**1.0 Purpose of Report**

- 1.1 To consider application 0/1567-17 (CM0867) for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer at Blackbirds Farm, Aldenham, WD25 8BS.

**2. Summary**

- 2.1 The proposal seeks to regularise the continued use of a maturation pad in an area known as Broadfields at Blackbirds Farm.
- 2.2 Green waste is composted on the maturation pad in windrows and spread as fertilizer on Blackbirds Farm. The compost is for the use and purpose of Blackbirds Farm only and is restricted to this effect by condition 5 of 0/1097-09
- 2.3 The site is within the Metropolitan Greenbelt between the settlements of Aldenham and Radlett.
- 2.4 It should be noted that the site is part of a working farm, and the County Planning Authority are only responsible for consideration of issues relating to the waste operations (green waste to compost) and not general agricultural activity.
- 2.5 The application has been received following the issuing of an enforcement notice served 28 June 2017 with regard to Broadfields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of the notice taking effect of Notice and the removal of all waste from the land within 3 months of the Notice taking effect. The enforcement notice would have taken effect on 5 August 2017. An appeal has been lodged with regard to the enforcement notice, however, this application has also been submitted



seeking regularization of the use and operation of the Broadfields Maturation Pad.

### **Conclusion**

- 2.6 Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director Environment should be authorised to grant planning permission subject to the following conditions (the full wording of which can be found at the end of this report) :

1. Approved Plans and Documents
2. Height of Waste Throughput
3. Landscaping
4. Odour
5. Dust Suppression
6. Resale of Green Waste Throughput
7. Operating Hours

### **3. The Proposal**

- 3.1 The proposal seeks to regularise the continued use of a maturation pad in an area known as Broadfields at Blackbirds Farm. Planning Approval was granted on 25 September 2009 under application 0/1097-09 for the change of use of existing silage pits to use as open windrow composting of green waste at Blackbirds Farm. As part of that approval, condition 18 required details to be agreed for the location of maturation areas.
- 3.2 Whilst the approximate location of the Broadfields Maturation Area was indicated by a cross on a plan received by the Council, this was outside of the initial red edge approved under 0/1097-09 and also was not within a red edge plan as part of the discharge of condition 18. Legal advice is that the details of the maturation pads should have been within a defined red edge location plan as part of a planning application. As such this application seeks to the generally regularise that position and brings the maturation pad within a defined area clearly indicated in red ink on a plan submitted with the application.
- 3.3 An application for a Certificate of Lawful Use with regard to maturation pads at the farm including Broadfield was refused by the Council under delegated powers 14 June 2017, as Officers were of the opinion at that time that insufficient evidence had been submitted with the application to clearly demonstrate that the maturation areas had been in that use continuously for a period of 10 or more years.
- 3.4 The Council served an enforcement notice 28 June 2017 alleging the material change of use of land from agriculture to the importation of waste, storage of compost and use of storage of associated machinery. The applicant has submitted an appeal against that enforcement notice but has also submitted this application in an attempt to regularise the situation.

- 3.5 Green waste is brought to the farm via HGV to a reception area (this process area was approved under application 0/1097-09). Having being inspected for rogue material and shredded if necessary, the green waste is then transferred by trailer and tractor within the farm to the maturation pad in Broadfield where it is stored in open windrows of no more than 4 metres in height.
- 3.6 In total the maturation pad at Broadfield covers an area of approximately 4000m sq. including a concrete pad of 1,375m sq. (55m wide x 25 m deep) where the green waste is stored whilst it matures and an associated working area of 2625 sq. m. The concrete pad has a sealed drainage system which drains directly to the existing dirty water lagoon which has been in existence for many years.
- 3.7 The temperature of each windrow is recorded on a daily basis and the material is turned as necessary by a compost turner (an aerator) to maintain aerobic conditions.
- 3.8 The maturation process typically takes 6 weeks depending on the type of material being composted, time of year and weather conditions. The material is classed as waste all the time it sits on the maturation pad until the final screening takes place at which point it achieves the national compost benchmark accreditation being PAS 100 and ceases to be waste, having become compost. It then becomes an agricultural product and is ready for spreading on the fields which form part of the farming operation of AF Pinkerton & Partners. Once it becomes an agricultural product planning permission is no longer required since agricultural activities do not constitute development.

#### **4. Site and Access**

- 4.1 Blackbirds Farm is located within the Metropolitan Green Belt. The settlement of Radlett is located approximately 700m the east of the application site, and Aldenham is approximately 800 metres to the south. The farm is accessed from the B642 by Kemprow and Blackbirds Lane which are minor roads with some residential properties adjacent. The nearest residential properties are found at Pelham Lane approximately 400 metres to the south west, and along Kemprow, including Kemprow Farm, approximately 500 metres south east of the maturation area at Broadfields. HGV access is taken from the Blackbirds Lane road only.
- 4.2 The Broadfields maturation area within the farm is approximately 4000m sq. including a concrete pad of 1,375m sq. and is located 200 metres to the west of the main farm complex of agricultural buildings. A sewage works is located to the immediate north east of the main farm complex. The farm holding is approximately 440 hectares in total.
- 4.3 FP10 is the closest public right of way to the application site which runs to the eastern edge of Broadfield.

## **5. Policy Considerations**

- 5.1 National Planning Policy Framework 2012:  
Chapter 3, Supporting a Prosperous Rural Economy  
Chapter 9, Protecting Greenbelt Land  
Chapter 11, Conserving and Enhancing the Natural Environment
- 5.2 Hertfordshire Waste Core Strategy 2011-2026  
Policy 1A: Presumption in Favour of Sustainable Development  
Policy 6: Greenbelt  
Policy 11: General Criteria for Assessing Waste Planning Applications  
Policy 15: Rights of Way
- 5.3 Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013:  
Policy CS13: Greenbelt
- 5.4 Hertsmere Borough Council Site Allocations and Development Management  
Policies Plan Adopted November 2016:  
Policy SADM26: Development Standards in the Greenbelt
- 5.5 Aldenham Parish Council are the first parish council in Hertsmere to begin preparing a neighbourhood plan. This plan will cover the urban area of Radlett within Aldenham Parish however which excludes the application site within the rural area.

## **6. Relevant Planning History**

- 6.1 0/1097-09, Application for Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. Approved 25 September 2009, subject to conditions.
- 6.2 00/0966-17, Application for a Certificate of Existing Lawful Use (CLUED) for use of former silage pits and land for the storage, shredding, maturation and composting of green waste. Refused 14 June 2017.
- 6.3 Enforcement Notice served 28 June 2017 with regard to Broadfields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of effect of Notice (Effect of notice date 5 August 2017), and the removal of all waste from the land within 3 months of the Notice taking effect. An appeal has been lodged with regard to the enforcement notice.
- 6.4 Enforcement Notice served 28 June 2017 with regard to School Fields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of effect of Notice (Effect of notice date 5 August 2017), and the removal of all waste from the land within 3 months of the Notice taking effect. An appeal has been lodged with regard to the enforcement notice
- 6.5 Other Applications Pending with the Local Planning Authority:-

PL\0854\17- Variation of condition 2 on permission 0/1097-09 to change hours for delivery and operation(Pending decision)

PL\0855\17-Variation of conditions 6 and 7 on permission 0/1097-09 to only include HGV vehicles within these conditions (Pending Decision)

PL\0800\16- Proposed application for the variation of condition 3 on permission 01/1097-09 to increase the maximum throughput of green waste from 8,000 tonnes per annum to 31,000 tonnes per annum (Pending Decision)

## **7. Consultations & Representations (In Summary)**

7.1 Hertsmere Borough Council(Planning):No comments received

7.2 Hertsmere Borough Council (Environmental Health):No objections. It is requested that Mr Pinkerton achieves PAS100 compliance for the compost to be used as fertiliser at Blackbirds farm [by condition] and produces an odour management plan for the spreading of compost at Blackbirds Farm to prevent odour nuisance to neighbouring properties[by condition].

7.3 Environment Agency No objections.

7.4 Aldenham Parish Council :No objections, provided that the Environment Agency and Highways Agency are satisfied with the continued use of the maturation pad.

7.5 Hertfordshire County Council as a Highways Authority were not consulted as the maturation pad in itself is not directly accessed by public highway, but by internal tracks within the farm.

7.6 Lead Local Flood Authority: No objections. We acknowledge that the site drains into an existing dirty water lagoon. This lagoon receives not only the effluent from the cattle yards but also the surface water runoff from the former silage pits used for the initial stages of composting drains. According to the information provided the Environment Agency (EA) has approved the existing wastewater treatment system at the site and carries out inspections of the system. It is considered that the dirty water lagoon is a wastewater treatment system and not a surface waste drainage system. The LLFA therefore have no comments as they are not statutory consultee on the matter, and suggest that the Environment Agency should be consulted.

7.7 Hertfordshire Ecology (HCC) does not object to the proposal. The Ecology Officer does not consider there to be any ecological constraints associated with the proposals, which seek to continue present use. Notwithstanding this position, the proposals themselves do not enhance the site ecologically in any way, which is what the NPPF seeks to achieve. Consequently it is advised that the planting of a native hedgerow around the perimeter of the feature would be beneficial. This would serve to reduce any visual impact but also restore the hedgerow/field interface which has been lost at this location. This could be suggested as an informative if the application was approved. If the

local impact is considered higher for other reasons also, securing any new planting by Condition may be appropriate , as part of a simple landscaping scheme.

## 7.8 Landscape Officer (HCC)

### Landscape and visual baseline

The site lies within the Aldenham Plateau landscape character area as defined within the Hertfordshire Landscape Character Assessment.

The landscape character is described as ‘An area of predominantly gently undulating arable farmland...Medium to tall hedgerows and sunken lanes help to enclose the open arable fields and retain a rural and tranquil character...’

The visual and sensory perception is described as ‘The relatively elevated level nature of the land and the enclosing vegetation means it is only locally visible from the surrounding areas.’

The strategy for managing change in this area is to **improve** landscape condition and **restore** the strength of character. The guidelines for managing change include:

- promote enhanced habitat and visual linkage through a substantially improved and restored network of hedges and hedgerow trees

### Landscape effects

There is some concern for the relative isolated location of the site; in general it is encouraged to cluster new development with the existing farm complex as far as possible to avoid scattered development across the open countryside.

The creation of a new hedgerow with trees along the southern and eastern site boundaries would help mitigate the impact upon landscape character to an extent, reinforcing the local network of hedgerows and trees. It may also deliver some environmental benefits helping to ameliorate the impacts of any dust and noise.

### Visual effects

The visual envelope (the area from which there is potential views of the development) is well enclosed by the existing woodland along the northern site boundary, the woodland associated with Wood Hall in close proximity to the western site boundary, the settlement of Aldenham to the south, and the settlement associated with Kemprow Road to the east.

The most significant views are from users of the public right of way (FP10) to the east that runs between Blackbirds Farm and Aldenham. From here there are open views into the site of the windrows, and the plant and machinery associated with the maturation operation.

The creation of a new hedgerow with trees along the southern and eastern site boundaries would help mitigate the impact upon visual amenity.

### Conclusion

It is recommended that limiting the height of windrows to 4m, and creating a new hedgerow boundary with trees to the southern and eastern site boundaries should help mitigate the landscape and visual effects of the proposed development.

## 7.9 Waste Management (HCC)

HCC as Waste Disposal Authority (WDA) does not currently hold a contract with Blackbirds Farm. In line with the Authority's Local Authority Collected Waste (LACW) Spatial Strategy 2016, the WDA would support the proposed continued use of an existing maturation pad for the processing of green waste. 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 transport costs and provides environmental benefits by reducing the distance waste is transported for treatment.

### 7.10 Historic England: No objections.

### 7.11 National Grid- No objections but state that the application site is within close proximity to a High Voltage Transmission Overhead Line.

### 7.12 Ramblers Association- No view either for or against application so long as FP 10 Aldenham right of way which coincides with part of the access track to the pad is not affected.

### 7.13 Neighbours / Publicity; Publicity for this application was as follows: 2 site notices were erected on 17<sup>th</sup> August 2017. One was positioned close to the access to the farm at the intersection between Kemprow and Blackbirds Lane, and the second was placed on the sign for FP 10 Right of Way to the east of the Maturation Pad. An advert was also placed in the Watford Observer on Thursday 3rd October 2017.

### 7.14 A total of 445 properties were consulted and **11** responses have been received. Of these 2 responses objected to the application and 9 responses support the application.

### 7.15 The concerns raised in the 2 objections are in summary as follows:-

- There is overproduction of compost at the farm. On land between Pegmire Land and Radlett Road there are several long mounds of green waste. This surely suggests that too much compost is already being produced.
- Increase in odours, smells from uncovered compost.
- Noise from Broadfield and silage pit operations, and JCB traffic
- Mud spread on Radlett Road

- The applicant has ignored enforcement notices and has continued his operations. Applicant has appealed one notice but not the second notice at School Field.
- There is still an application to consider an increase in compost production from 8000 to 31000 tonnes which has not been withdrawn.
- The consideration of use of conditions cannot be determined without the applicant setting out the parameters of the business he is applying to operate which aren't set out in the application
- The County Council should not consider the application when the applicant has refused to comply with conditions for existing operations.
- The County Council should reject the application as premature and incomplete, and contrary to the enforcement notice served.
- The application is misleading with regard to officers logs relating to odour
- The proposal that the farmer should be able to operate at any hour of day or night and not be restricted by condition is absurd.
- The County Council should not determine the application until an appeal on the enforcement notice is determined.

Comments made from 9 responses in support of the application stated the following in summary:-

- Is betterment to the environment using natural resources instead of artificial fertilizers
- Full support given to green composting
- A respondent who lives on Blackbird Lane stated that they could see no issue with the application, and were happy that green waste could be recycled and composted
- Several local people indicated that they have never encountered significant traffic problems at the site
- Community needs composting sites
- One respondent stated that they were grateful for the manner in which the farm/operation is managed
- There is no impact on surrounding areas
- Service to the community is being carried out. If the operation did not occur it would encourage fly tipping of the waste
- Proposed works would not affect a local livery business
- Head of Lower School Edge Row confirmed that they have no objections to the proposals, however had concern with traffic in the locality generally –not specifically from the development(concerns passed to Highways HCC)
- Recycling of green waste is environmentally better solution than sending to Landfill
- The recycling creates a valuable resource(compost) which supports food production
- A nearby resident (who resides at Kemp Row) confirmed that they have never been disturbed by the farm activities

## 8. Planning Issues

- 8.1 The principal planning issues to be taken into account in determining this application are:

The Principle of the Development  
Development Within the Green Belt  
Residential Amenity  
Ecological Impact  
Landscape Impact  
Traffic and highways impact  
Drainage and Flood Risk

### The Principle of the Development

- 8.2 The principle of development was considered acceptable at the stage of the approval of /1097-09, for the proposed change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25<sup>th</sup> September 2009).

- 8.3 The decision notice recognized the need for maturation pads as part of that proposal under condition 18 of the previous approval which stated that,

*“Prior to the removal of any waste for maturation, details of the location of the maturation areas shall be submitted to the Waste Planning Authority. Only those areas which have received approval for maturation purposes shall so be used.”*

*Reason- To minimise the adverse impact of operations on the local community*

- 8.4 That condition was subsequently discharged by the Local Planning Authority on 15<sup>th</sup> February 2010, on the basis of a plan identifying Broadfields as one of four areas to be used as maturation pads. These areas were outside of the ‘red edge’ location plan however of the original application, and subsequent legal advice has been that any maturation areas should have fallen within the application site, hence the need for this application to regularize that position.

- 8.5 The NPPF supports sustainable development and the rural economy.

Paragraph 14 of the NPPF states that,

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.....and for decision making this means approving development proposals that accord with the development plan without delay”*

Paragraph 28 of the NPPF promotes development of agricultural and other land based rural business.



- 8.6 Policy 1A of the Hertfordshire Waste Core Strategy similarly states that planning applications that accord with policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 8.7 Policy 11 of the Waste Core Strategy sets out General Criteria for assessing waste applications planning applications for proposals for waste management facilities will be granted provided that *inter alia* iii) the proposed operation of the site would not adversely impact upon amenity and human health..
- 8.8 Whilst this facility does only serve the purposes of Blackbirds Farm, the natural composting of green waste is a very sustainable method of farming as opposed to using artificial fertilization methods and is sustainable form of waste management.
- 8.9 It is recognized that there is significant benefit in the re-use of green waste to use as compost within the farm, and that the maturation pad at Broadfields is key to that operation.
- 8.10 Planning approval remains for the reception area and green waste processing at Blackbirds Farm through the earlier planning approval. The maturation pad at Broadfields is a key part of the operational process to convert green waste to compost, however does not have approval due to a technical oversight. The principle of the development is considered acceptable therefore being in general accordance with local and national planning policy.
- 8.11 One of the objections complains that there is an over production of compost and that there are mounds of compost around the farm. The current planning permission has a limit for the amount of compost through put at the site. The Environment Agency receives data on production and this has shown that in previous years the production is below the limit, 8,000 tonnes per annum. Compost is applied to the land at specific times of the year depending upon the what happens with different crops in fields around the farm, the compost is then stored for when it is needed.

#### Development Within the Greenbelt

- 8.11 Chapter 9 of the NPPF sets out the 5 purposes of the Greenbelt as follows:- 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.
- 8.12 It is not considered that the proposal would be at odds with any of the purposes of the Green Belt . There are some appropriate uses within the Green-Belt, such as agricultural uses and buildings, many of which benefit from permitted development rights. Although this relates to the proposal of the recycling of a waste product and hence requires planning permission, it does support an agricultural use which would be generally considered to be appropriate within the Green Belt.

- 8.13 Policy 6 of the Waste Core Strategy has some relevance as it sets out a number of criteria for 'waste management facilities' within the Green Belt. It is noted that this is not what might be considered to be a regular waste management facility, given that the green waste which is turned into compost can be spread only at Blackbirds Farm and is not for sale (this is required by condition 5 of the planning approval 01/1097-09). The condition limits the use to Blackbirds Farm and that it should not be used for resale. The intention of the condition is to make sure that the compost is not sold on outside of the farm. The siting within the green belt is acceptable providing it is used by Blackbirds Farm for its own use. Policy 6 requires that there is a need for the development that cannot be met by alternative suitable non-Greenbelt Sites. In consideration of this, the location cannot be met by alternative non-Greenbelt sites as it relates to an existing agricultural activity within the Green Belt which is Blackbirds Farm. It is also noted that the use of the site as a 'waste management facility' is also accepted through the grant of application 01/1097-09, and again the application should only be considered in the context of the maturation area and pad, the waste reception area and use already benefitting from planning permission.
- 8.14 There are sustainable transport connections to the site with a good access to the local and major road networks and the wider economic and environmental benefits of the proposal weigh in its favour. As such there is no significant conflict with policy 6 of the Waste Core Strategy.
- 8.15 Policy CS13 of the Hertsmere Borough Council Local Plan Core Strategy DPD, and Policy SADM26 of the Site Allocations and Development Management Policies Plan, similarly seek to restrict inappropriate development and set standards for appropriate development within the Green belt. For the reasons given above however, it is not considered that this would be inappropriate development being related to an established use with the benefit of planning permission and with intrinsic links to an agricultural use. It is not considered that there would be conflict with any of the significant criteria set out in the policies. The proposal is considered to be therefore in general accordance with planning policy which seeks to protect the Greenbelt and its functions.

#### Residential Amenity

- 8.16 Policy 11 of the Hertfordshire Waste Core Strategy sets the general criteria for assessing waste applications and states that planning applications for proposals for waste management facilities will be granted provided that *inter-alia* iii) the proposed operation of the site would not adversely impact upon amenity and human health.
- 8.17 There have been 2 objections received to the proposal which express concern with regard to amongst other issues odours and one referred to noise issues.
- 8.18 This application relates to the operations at Broadfields. There is a mitigating distance however from the maturation pad of approximately 400 metres to the closest properties on Pelham Lane and approximately 500 metres to the

properties on Kemprow. Noise should not present an issue given these distances, the Environmental Health Officer from Hertsmere Borough council has not raised any concerns in respect of noise.

- 8.19 The Environmental Health Officer (EHO) of Hertsmere Borough Council has regularly monitored the site and has not objected to the proposal. They have however required that conditions be attached to the proposal which require PAS100 compliance for the compost to be used as fertilizer (which is a British Standard) and production of an odour management plan to prevent odour nuisance to neighbouring properties.
- 8.20 When the compost reaches PAS 100 standard it effectively is no longer a waste and is a clean organic product. The EHO has advised that any potential for odour would also be reduced once the product reaches PAS 100 stage. It is considered reasonable therefore that a condition be attached to require this standard following the advice of the Environmental Health Officer in order that the end product does not cause harm to human health or the environment in accordance with policy 11 of the Waste Core Strategy.
- 8.21 The Environmental Health Officer of Hertsmere Borough Council requests that an odour management plan be sought. An odour management plan was submitted in respect of the existing planning permission and applies to the shredding area. This plan considers issues such as temperature of the windrows on the pad and moisture, and times of turning of the material in order that odour levels are kept as low as possible. The plan also indicates a contingency of deodorizing should it be considered that odours reach unacceptable levels at any time. It is therefore considered appropriate that a condition refers to the existing odour management scheme and applies this to the Boadfield maturation area.
- 8.22 A dust suppression scheme is also in place with regard to the wider site, which includes the windrows at the maturation pad. This includes observations to keep the windrows in a moist condition to prevent dust. Again as this scheme is already in place under condition 10 of approval 0/1097-9, a new dust suppression scheme is not required, however a condition requiring that the operation at the pad is in accordance with the existing dust suppression scheme is considered reasonable.
- 8.23 The Environment Agency also authorize the green waste disposal at the site. The Environment Agency have not offered any considerable comment on the application, other than that they have no objections to the proposal.
- 8.24 The mitigating distances involved to existing residential properties from the maturation pad are unlikely to give rise to significant levels of noise disturbance than that which might occur within any similar agricultural use.
- 8.25 In the absence of formal objections from either the Environmental Health Officer or the Environment Agency, and given the condition to require PAS 100 compliance, and continuation of existing odour and dust suppression schemes, it is considered that any impact upon residential amenity as a direct result of

the development would be at acceptable levels which would not significantly harm residential amenity or human health in accordance with Policy 11 of the Hertfordshire Waste Core Strategy.

#### Ecological Impact

8.26 Chapter 11 of the NPPF seeks to conserve and enhance the natural environment. Policy 11 of The Waste Core Strategy requires *inter alia* that:

iv) the proposed development would not adversely impact upon wildlife habitats, the natural, built or historic environments

8.27 The Ecology Officer HCC raises no objections to the application. They do not consider there to be any ecological constraints associated with the proposals, which seek to continue present use.

8.28 The Ecology Officer advises that a native hedgerow around the maturation pad would be beneficial to not only screen the maturation area but would have some ecological benefit. It is considered that such a condition requiring a hedge would be reasonable, being of some limited benefit not only in ecological terms, but for limitation of landscape impact and also to aid dust suppression.

#### Landscape Impact

8.29 Chapter 11 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

8.30 Policy 11 of the Waste Core Strategy states that application proposals for waste management facilities will be granted provided that *inter alia* :

the siting, scale and design of the development is appropriate to the location and the character of the surrounding natural and built environment;

8.31 The application site is not within a special landscape designation such as Area of Outstanding Natural Beauty.

8.32 The Landscape Officer (HCC) has not objected to the application, however has suggested that the visual impacts of the development could be mitigated through the creation of a new hedgerow with trees along the southern and eastern site boundaries, which “*would help mitigate the impact upon landscape character to an extent*”.

8.33 The Landscape Officer also suggests that the visual impact could be mitigated by limiting the height of the wind rows to no more than 4 metres in height.

8.34 It is considered that subject to these conditions that there would be effective mitigation of visual impact and no significant harm to the wider landscape as required by the relevant planning policies.

### Traffic and highways impacts

- 8.35 This application is for the maturation pad only which is served by internal tracks within the farm which do not form part of the public highway. As such the County Highway Authority have no control over this particular aspect of the operation. Green waste is moved via tractor and /or trailer from the reception area (which is controlled via conditions relating to application 0/1097-9, as that is served off the main Highway) to the maturation pad.
- 8.36 As the movements associated with the maturation pad are internal to the farm and off the public highway, then it is not considered that the application has any detrimental effect upon the public highway. One objection complains that mud is spread on Radlett Road, however this application relates to Broadfields which does not access on to Radlett road.
- 8.37 Whilst Footpath 10 (Aldenham) runs adjacent to the maturation pad, the right of way is not hindered or restricted in any way by the development in accordance with policy 15 of the Waste Core Strategy.

### Drainage and Flood Risk

- 8.38 Chapter 10 of the NPPF seeks to direct development away from areas of significant flood risk. The site is within Flood Zone 1, and has a low probability of flooding.
- 8.39 With regard to drainage the Lead Local Flood Authority (LLFA) did not wish to comment as the Environment Agency are the statutory consultee in this instance. The LLFA acknowledge that the site drains into an existing dirty water lagoon . It is considered that the dirty water lagoon is a wastewater treatment system and not a surface waste drainage system. This lagoon also receives the surface water runoff from the former silage pits (reception area). The Environment Agency (EA) has approved the existing wastewater treatment system at the site and carries out inspections of the system. Given that the EA have not objected to the application it is considered that the maturation pad has adequate drainage in place. The proposal is in accordance therefore with chapter 10 of the NPPF in this regard.
- 8.40 The objectors say that the applicant has ignored enforcement notices. The two enforcement notices served by the county council and have both been appealed. The effect of an appeal against an enforcement notice is to suspend the steps required to be undertaken within the notice. The county council do have an application to increase the amount of production and this has not been withdrawn, in addition an objection says that the county council should not consider an application until all parameters of the business are set out. The planning application before the committee has been validated against the validation checklist which is adopted by the County Council. The County Council need to reach a decision on the application which is before the committee and this application is presented with a recommendation on the merits of the application.

## 9. Conclusion

- 9.1 It is recognised that there is significant benefit in the re-use of green waste to use as compost within the farm, and that the maturation pad at Broadfields is key to that operation.
- 9.2 Planning approval remains for the reception area and green waste processing at Blackbirds Farm through the earlier planning approval. The maturation pad at Broadfields is a key part of the operational process to convert green waste to compost, however does not have approval due to a technical oversight. The principle of the development is considered acceptable therefore being in general accordance with local and national planning policy.
- 9.3 No objections have been received from technical consultees (statutory and non-statutory), and whilst 2 objections have been received from neighbours the application has 11 letters of support. Any impacts that may arise are considered to be able to be appropriately mitigated by way of conditions, and any harm that may arise as a result of the development are not considered to outweigh the benefits of the scheme which supports a rural enterprise, facilitates a sustainable method of farming and which is a sustainable method of dealing with green waste.
- 9.4 Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director Environment should be authorised to grant planning permission subject to the following conditions:

### Approved Plans and Documents

- 1) The development hereby permitted shall only be retained in accordance with the following approved plans submitted with the application unless otherwise agreed in writing by the Local Planning Authority:
- Plan 1, Location plan received 26 July 2017
  - Plan 3, Block Plan Broadfield Maturation Pad and Working Area received 26 July 2017

Reason: In order to protect the character, appearance and amenity of the site and the surrounding area and for the avoidance of doubt.

### Height of Waste Materials stored in Broadfields Maturation Area

- 2) No waste or other material shall be stored or stacked over a height of 4 metres within the Broadfields Maturation Area.

Reason: To limit adverse visual effects upon the surrounding landscape

### Landscaping

- 3) Within 3 months of the date of this permission, a scheme for landscape screening of the maturation site at Broadfields including the planting of a hedgerow to the south and east boundaries of the site shall be submitted to and agreed in writing by the County Planning Authority. All planting agreed shall be undertaken within the first planting season following the agreement of the details as submitted.

Reason: To limit adverse visual effects upon the surrounding landscape

#### Odour

- 4) All operations at the site shall be carried out in accordance with the Odour Management Scheme as agreed under application 0/1097-09.

Reason: In the interests of odour suppression and local amenity

#### Dust Suppression

- 5) All operations at the site shall be carried out in accordance with the Dust Suppression Scheme as agreed under application 0/1097-09.

Reason: To minimise the potential for dust emissions and in the interests of local amenity the interest of its general amenity.

#### Resale Of Green Waste Compost

- 6) The compost generated from the green waste composting hereby permitted shall be used wholly on land at Blackbirds Farm and there shall be no resale of the compost under any circumstances.

Reason: The justification for this development in the Green Belt is that it is intrinsically linked to an agricultural operation at Blackbirds Farm. The sale of the compost from the site is not considered to be an appropriate use within the Green Belt.

#### Operating Hours

- 7) Unless prior approval in writing by the Waste Planning Authority has been given, no processing of green waste including tipping, screening, shredding, and turning at the maturation pad shall be undertaken at the site except during the following hours:

7:30am-5.00pm Monday to Friday

8am – 12.30pm on Saturdays (no processing on Sundays or Public and Bank Holidays)

Reason: To minimise any adverse impact of operations on the surrounding area in terms of noise and general disturbance.

**Background information used by the author in compiling this report**

Application documents:

NPPF 2012

Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013

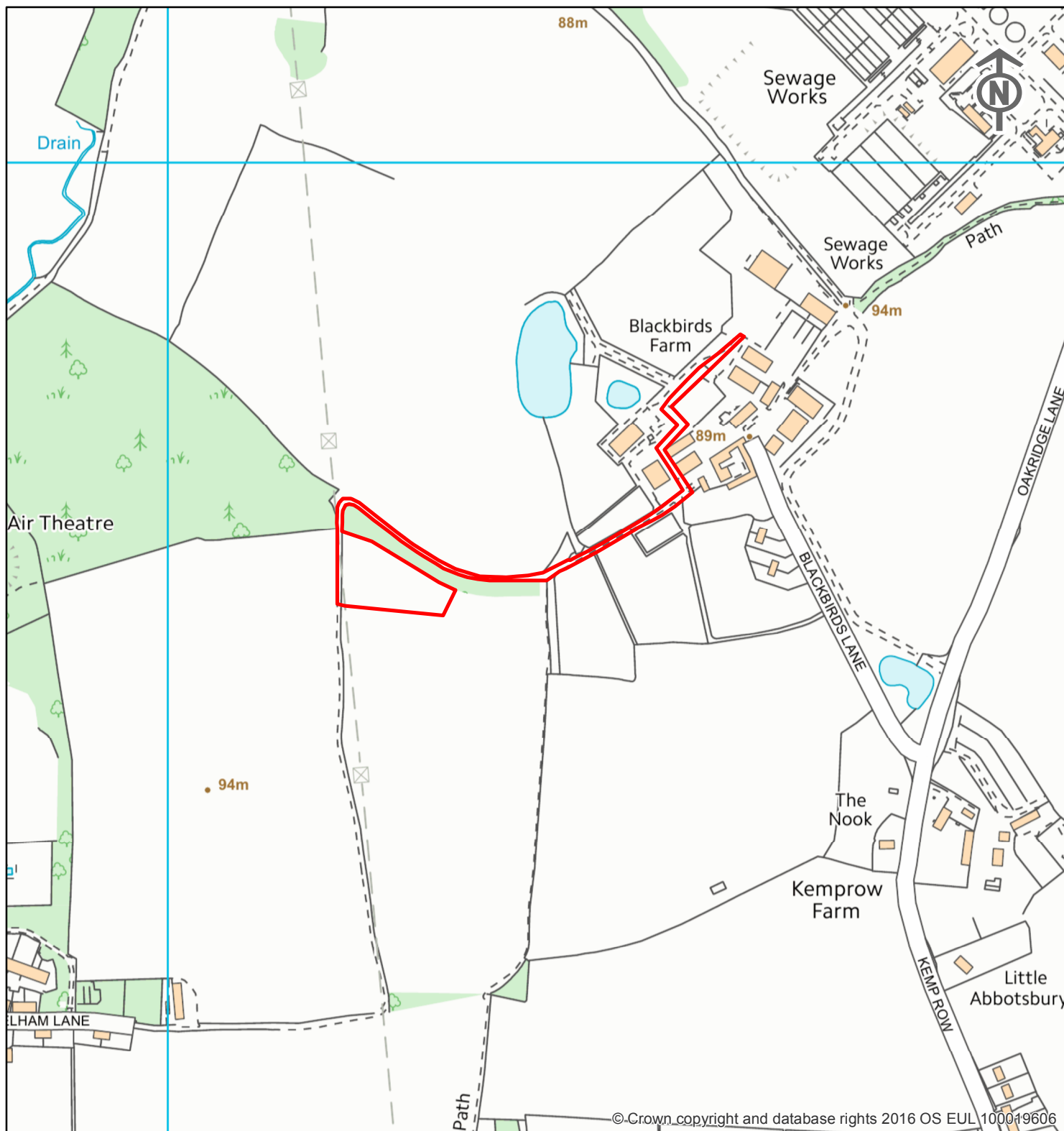
Hertsmere Borough Council Site Allocations and Development Management Policies  
Plan Adopted November 2016

Hertfordshire Waste Core Strategy 2011-2026

Neighbour representations

Consultee responses





## DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th October 2017

Proposed continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use as a fertiliser at Blackbirds Farm, Blackbirds Lane, Aldenham, Hertfordshire, WD25 8BS

0 50 100 150 200 250 300 350 400 450 Meters

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**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
THURSDAY, 26 OCTOBER 2017 AT 10.00AM**

**HERTSMERE BOROUGH COUNCIL**

Agenda Item  
No.

**2**

**APPLICATION FOR PROPOSED VARIATION OF CONDITION 2 ON  
PERMISSION 0/1097-09 TO CHANGE HOURS FOR DELIVERY AND TO DEFINE  
OPERATIONS, AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM,  
HERTFORDSHIRE, WD25 8BS**

*Report of the Chief Executive and Director of Environment*

Author: Shaun Wells Tel: 01992 555049

Local Member: Caroline Clapper

**1. Purpose of Report**

- 1.1 To consider application 0/1538/-17 (CM0867) to change hours for delivery and to define operations as set out in condition 2 of 0/1097-09, for a green waste to compost facility at Blackbirds Farm, Aldenham, WD25 8BS. Members should note that this application is to be considered in conjunction with application 0/1563/-17 which seeks the variation of conditions 6 and 7 of the permission.

**2. Summary**

- 2.1 The proposal seeks to vary the wording of condition 2 of 0/1097-09, relating to times of HGV movements of green waste and seeks to specifically define operations as identified in the condition.
- 2.2 The existing wording of condition 2 restricts movements on a Saturday, and is not compatible with condition 6 (number of vehicle movements) which permits movements on Saturday mornings. The proposed variation also sets out precisely what operations are restricted by set out working hours.
- 2.3 The site is within the Metropolitan Greenbelt between the settlements of Aldenham and Radlett.
- 2.4 It should be noted that the site is part of a working farm, and the County Planning Authority are only responsible for consideration of issues relating to the waste operations (green waste to compost) and not general agricultural activity.
- 2.5 A Breach of Condition Notice(BCN) was served on 28 June with regards to conditions 2 and 6 of 0/1097-09. The notice was served alleging that vehicle movements and operations had been carried out outside of the permitted hours

and that there had been in excess of 10 vehicle movements per day. The notice required compliance with the conditions. The BCN was withdrawn by the Council on 23 August 2017 following receipt of this application. This application seeks to regularise the position with regard to hours of delivery and also seeks to clearly define operations.

### **Conclusion**

- 2.6 Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director of Environment should be authorised to grant planning permission subject to the following conditions (the full wording of which can be found at the end of this report):

1. Delivery and operating hours
2. Green waste throughput
3. Height of waste materials stored on site and limit on quantity
4. Resale of green waste compost
5. Vehicle movements
6. Vehicle register
7. Noise
8. Odour
9. Dust suppression
10. Maintenance of the blackbirds lane
11. Maintenance of visibility splays
12. Lighting
13. Annual risk assessment

### **3. The Proposal**

- 3.1 Condition 2 of the existing planning permission 0/1097-09 for the composting of green waste at Blackbirds Farm states:-

*Unless prior approval in writing by the Waste Planning Authority has been given, no deliveries shall take place at the site except during the following hours:*

*7:30-5:00 pm Monday to Friday (no deliveries on Saturdays, Sundays or Public and Bank Holidays)*

*Unless prior approval in writing by the Waste Planning Authority has been given, no operations shall be undertaken at the site except during the following hours:*

*7.30am-5.00 pm Monday to Friday*

*8am-12.30pm on Saturdays (no operations on Sundays or Public and Bank Holidays).*

*Reason: To minimise the adverse impact of deliveries and operations on the surrounding area in terms of noise, traffic generated and general disturbance.*

- 3.2 However, up to 3 deliveries of green waste (comprising a total of 6 movements) are allowed on Saturday mornings under condition 6 of 0/1097/-09. The first variation therefore sought is to the first part of condition 2, to bring it in line with condition no.6, which allows deliveries on Saturday mornings.
- 3.3 With regard to the second part of the condition which relates to operations, the applicant proposes the word “operations” be replaced with a detailed description of the activities undertaken at the site.
- 3.4 The Applicant is seeking the variation therefore in order that a more precise and specific condition is imposed, which would state:-

*Unless prior approval in writing by the Waste Planning Authority has been given, no deliveries shall take place at the site except during the following hours:*

*7.30am - 5.00pm Monday to Friday; and  
8.00am -12:30 on Saturdays (no deliveries on Sundays or Public and Bank Holidays)*

*Unless prior approval in writing by the Waste Planning Authority has been given, no processing of green waste including tipping, screening, shredding, turning and onward transmission to maturation pads shall be undertaken at the site except during the following hours:*

*7.30am-5.00pm Monday to Friday  
8am – 12.30pm on Saturdays (no processing on Sundays or Public and Bank Holidays)*

#### **4. Site and Access**

- 4.1 Blackbirds Farm is located within the Metropolitan Green Belt. The settlement of Radlett is located approximately 700m to the east of the application site, and Aldenham is approximately 800 metres to the south. The farm is accessed from the B642 by Kemprow and Blackbirds Lane which are minor roads with some residential properties adjacent. HGV access is taken from the Blackbirds Lane road only. The nearest residential properties are found at Pelham Lane approximately 400 metres to the south west, and along Kemprow, including Kemprow Farm, approximately 500 metres south east of the maturation area at Broadfields. HGV access is taken from the Blackbirds Lane road only.
- 4.2 A sewage works is located to the immediate north east of the main farm complex. The farm holding is approximately 440 hectares in total.

#### **5.0 Policy Considerations**

- 5.1 Hertfordshire Waste Core Strategy 2011-2026  
Policy 11: General Criteria for Assessing Waste Planning Applications
- 5.2 Aldenham Parish Council are the first parish council in Hertsmeire to begin preparing a neighbourhood plan. This plan will cover the urban area of Radlett within Aldenham Parish however which excludes the application site within the rural area.

## **6.0 Relevant Planning History**

- 6.1 0/1097-09, Application for Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. Approved 25 September 2009, subject to conditions.
- 6.2 00/0966-17, Application for a Certificate of Existing Lawful Use (CLUED) for use of former silage pits and land for the storage, shredding, maturation and composting of green waste. Refused 14 June 2017.
- 6.3 Enforcement Notice served 28 June 2017 with regard to Broadfields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of the notice taking effect and the removal of all waste from the land within 3 months of the Notice taking effect. The enforcement notice would have taken effect on 5 August 2017. An appeal has been lodged with regard to the enforcement notice.
- 6.4 Enforcement Notice served 28 June 2017 with regard to School Fields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of effect of Notice (Effect of notice date 5 August 2017), and the removal of all waste from the land within 3 months of the Notice taking effect. An appeal has been lodged with regard to the enforcement notice
- 6.5 Breach of Condition Notice (BCN) served 28 June with regards to conditions 2 and 6 of 0/1097-09. The notice was served alleging that vehicle movements and operations had been carried out outside of the permitted hours and that there had been in excess of 10 vehicle movements per day. The notice required compliance with the conditions. The BCN was withdrawn by the Council 23 August 2017.
- 6.6 Other Applications Pending with the Local Planning Authority:-
- 0/1567-17 Application for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer (Pending decision at time of writing).
- 0/1563-17 Variation of conditions 6 and 7 on permission 0/1097-09 to only include HGV vehicles within these conditions (Pending decision at time of writing)

PL\0800\16- Proposed application for the variation of condition 3 on permission 01/1097-09 to increase the maximum throughput of green waste from 8,000 tonnes per annum to 31,000 tonnes per annum (Pending decision)

## **7. Consultations & Representations (In Summary)**

7.1 Hertsmere Borough Council(Planning):No objections.

7.2 Hertsmere Borough Council (Environmental Health):No objections.

7.3 Environment Agency: No response received

7.4 Aldenham Parish Council : Object to the proposal to vary condition 2. The Parish Council support a letter of objection sent to them written by a neighbour of the site (Appendix 1).

7.5 Hertfordshire County Council as a Highways Authority have no objection to the variation of condition 2 , subject to the following conditions:-

There shall be no more than 10 HGV lorry movements (5 in, 5 out vehicles over 7.5 tonnes) per day from Mondays to Fridays and no more than 6 HGV vehicle movements (3 in, 3 out) at the site on Saturdays.

7.6 Waste Management (HCC)

HCC as Waste Disposal Authority (WDA) does not currently hold a contract with Blackbirds Farm. In line with the Authority's Local Authority Collected Waste (LACW) Spatial Strategy 2016, the WDA would support the proposed continued use of an existing maturation pad for the processing of green waste. 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 transport costs and provides environmental benefits by reducing the distance waste is transported for treatment.

7.7 Neighbours / Publicity; Publicity for this application was as follows: 2 site notices were erected on 17<sup>th</sup> August 2017. One was positioned close to the access to the farm at the intersection between Kemprow and Blackbirds Lane, and the second was placed on the sign for FP 10 Right of Way to the east of the Broadfield Maturation Pad. An advert was also placed in the Watford Observer on 11 August 2017.

7.8 A total of 445 properties were consulted and 9 responses have been received. Of these 4 responses objected to the application and 5 responses support the application.

7.9 The concerns raised in the 4 objections are in summary as follows:-

- The application should be refused and no application relating to the compost business should be considered until the current enforcement notices and breach of condition notices have been complied with, any appeals have been determined , and a complete new business application has been submitted
- No consideration of conditions can be determined without the applicant setting out the parameters of the business being operated
- Smell from uncovered compost
- Noise from traffic
- The application is premature and incomplete, needs a comprehensive application for the whole operation
- Deliveries on a Saturday are unreasonable
- It is alleged by one neighbour that on many days HGV;s depart before 5 in the morning
- Under the proposed definition, these departures would fall outside of the operations thereby exempting them from the hours restrictions
- Restriction to operations excludes those at the maturation pad, only includes delivery to it, however much of the disruption is caused from the Maturation pad specifically
- The application excludes Maturation areas and should be rejected
- Alleged non-compliance with initial conditions- presumably there will be enforcement if new conditions are granted
- One objector alleges that compost has been prepared for sale, contrary to the existing permission
- Saturday deliveries will impact on residential nature of area , increase traffic and pollution

Comments made from 5 responses in support of the application stated the following in summary:-

- One respondent stated that they were grateful for the manner in which the farm/operation is managed
- Proposed works would not affect a local livery business
- Recycling of green waste is environmentally better solution than sending to Landfill
- The recycling creates a valuable resource(compost) which supports food production and benefits from the labours of others
- A nearby resident (who resides at Kemp Row) confirmed that they have never been disturbed by the farm activities
- Is a benefit to the environment
- One respondent welcomed restrictions on Saturday HGV movements

## **8. Planning Issues**

8.1 The principal planning issues to be taken into account in determining this application are:

Traffic and highways impact  
Residential Amenity

The Principle of the Development

- 8.2 The principle of development is considered acceptable given the approval of 0/1097-09, for the proposed change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25 September 2009).
- 8.3 The remainder of this report will consider whether the proposed changes to condition 2 are considered acceptable.
- 8.4 One of the objections says that the no application should be considered until the enforcement notices have been complied with and any appeals determined. The application is validly made and should be determined upon its own merits. The applicant has not submitted a comprehensive application but this does not invalidate the current application. The committee report considers the development and any material considerations in reaching a recommendation upon the application.

Traffic and highways impacts

- 8.4 Policy 11 of the Hertfordshire Waste Core Strategy states that *inter alia* iii) the proposed operation of the site would not adversely impact upon amenity and human health. In this context the operation of the site is considered to include deliveries.
- 8.5 With regard to highway safety and traffic generation issues, the Applicant is not seeking additional HGV movements to the site, other than to clarify that deliveries are acceptable on a Saturday mornings as permitted under condition 6 of the initial permission.
- 8.6 The Highways Authority therefore have no objections to the proposal to vary condition 2. The existing permission up to 3 deliveries of green waste (comprising a total of 6 movements) are allowed on Saturday mornings under condition 6 of 0/1097/-09. The first variation therefore sought is to the first part of condition 2, to bring it in line with condition no.6, which already allows deliveries on Saturday mornings.
- 8.7 The variation of condition 2 in this context seeks to address the inconsistency of existing conditions on the original permission, and as such is considered acceptable and in accordance with policy 11 of the Core Strategy.

Residential Amenity

- 8.8 Policy 11 of the Hertfordshire Waste Core Strategy sets the general criteria for assessing waste applications and states that planning applications for proposals for waste management facilities will be granted provided that *inter-*



*alia* iii) the proposed operation of the site would not adversely impact upon amenity and human health.

- 8.9 With regard to the second part of Condition 2, the applicant proposes the word “operations” be replaced with a detailed description which better describes the activities undertaken at the site.
- 8.10 The Environmental Health Officer (EHO) of Hertsmere Borough Council, who has previously monitored the site, has not objected to the proposal to vary condition 2. Full consideration of residential amenity issues were given at the time of the grant of the initial application, and it is not considered that any impact upon residential amenity would intensify as a result of the re-wording of the condition, which the applicant seeks to more precisely define and clarify their operations at the site. The proposal is that operations may take place on a Saturday morning, this follows practice elsewhere for minerals and waste sites. A further objection is that vehicles leave before 5:00 in the morning. The planning condition relates to vehicles leaving the application site and this is an issue for enforcement of the condition.
- 8.11 The site is monitored by the District Environmental Health Officer as well as the Environment Agency. Odour and Dust Suppression management schemes are in place to mitigate the potential for impact upon the wider environment.
- 8.12 It is considered that as the changes to the wording of condition 2 will not intensify the existing operation or lead to any additional impact upon residential amenity such as odour or noise, then the proposal to vary the condition is acceptable and in general accordance with planning policy.

## **9. Conclusion**

- 9.1 The principle of development is considered acceptable given the approval of 0/1097-09, for the Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25<sup>th</sup> September 2009).
- 9.2 The variation of condition 2 seeks to address the inconsistency of existing conditions on the original permission, and to more clearly define operations undertaken at the site. The variation would not intensify the operation or increase likely impacts from the operation. The proposal is therefore considered acceptable and in accordance with policy 11 of the Core Strategy
- 9.3 Taking all material considerations and relevant planning policy into account, it is recommended that the variation of condition 2 is acceptable. The variation of conditions 6 and 7 is to be considered by Members in conjunction with this application, and it should be noted that the conditions below reflect the Case Officers recommendation on that application also. Should Members take a different view to the Case Officer with regard to the recommendations, then any decision(s) should reflect this, including any conditions imposed. The recommendation is that planning permission should be granted subject to conditions as follows:

## DELIVERY AND OPERATING HOURS

1. Unless prior approval in writing by the Waste Planning Authority has been given, no deliveries shall take place at the site except during the following hours:

7:30am - 5.00pm Monday to Friday; and  
8am -12:30 on Saturdays (no deliveries on Sundays or Public and Bank Holidays)

Unless prior approval in writing by the Waste Planning Authority has been given, no processing of green waste including tipping, screening, shredding, turning and onward transmission to maturation pads shall be undertaken at the site except during the following hours:

7:30am-5.00pm Monday to Friday  
8am – 12.30pm on Saturdays (no processing on Sundays or Public and Bank Holidays)

Reason: To minimise the adverse impact of deliveries and operations on the surrounding area in terms of noise, traffic generated and general disturbance.

## GREEN WASTE THROUGHPUT

2. The maximum throughput of green waste shall not exceed 8,000 tonnes per annum.

Reason: In the interest of the amenity of nearby residential properties

## HEIGHT OF WASTE MATERIALS STORED ON SITE AND LIMIT ON QUANTITY

3. Throughout the lifetime of this planning permission, no materials shall be stored, stacked or deposited on the site over a height of 4 metres above ground level. No waste or containers connected with the development hereby authorised shall be stored, stacked or deposited on the site other than the reception area.

Reason: To limit adverse visual effects on local amenity

## RESALE OF GREEN WASTE COMPOST

4. The compost generated from the green waste composting hereby permitted shall be used wholly on the land at Blackbirds Farm and there shall be no re-sale of the compost under any circumstances.

Reason: The justification for this development in the Green Belt is that it is intrinsically linked to an agricultural operation at Blackbirds Farm. The sale of

the compost from the site is not considered to be an appropriate use within the Green Belt.

#### VEHICLE MOVEMENTS

5. There shall be no more than 10 HGV lorry movements (5 in, 5 out) per day from Mondays to Fridays and no more than 6 HGV lorry movements (3 in, 3out) at the site on Saturdays, an HGV being defined as a vehicle over 7.5 tonnes.

Reason: In the interest of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along highway in the vicinity of the site.

#### VEHICLE REGISTER

6. A register shall be kept of all HGV's delivering green waste to the site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load (tonnage of green waste imported) and the date and time of arrival and departure from the site.

Reason: In the interests of highway safety and to minimise adverse effects upon the free flow of traffic along the highways in the vicinity of the site and to assist the Waste Planning Authority in monitoring the site.

#### NOISE

7. Noise levels arising from the operations hereby permitted shall not exceed 55dB(A) LAeq, 1h (free field) or the existing background noise levels (measurements in accordance with BS4142) by more than +10dB(LA90, 1h) at any noise sensitive property, whichever is the lower

In the event of 55 dB(A) LAeq,1h (free field) or the existing background noise levels by more than +10dB (LA90, 1h) being exceeded, a full noise assessment shall be undertaken by the operator. Any noise control measures identified in the assessment shall be rectified.

Reason: To minimise any adverse impact of noise generated by the operations on the local community

#### ODOUR

8. All operations at the site shall be carried out in accordance with the Odour Management Scheme as agreed under application 0/1097-09.

Reason: In the interests of odour suppression and local amenity

## DUST SUPPRESSION

9. All operations at the site shall be carried out in accordance with the Dust Suppression Scheme as agreed under application 0/1097-09.

Reason: To minimise the potential for dust emissions and in the interests of local amenity.

## MAINTENANCE OF THE BLACKBIRDS LANE

10. Throughout the lifetime of this planning permission, no remedial works shall be carried until Rights of Way have been given their approval to such works. The approved details shall be implemented in full.

Reason: In the interests of safety of the users of Blackbirds Lane.

## MAINTENANCE OF VISIBILITY SPLAYS

11. Throughout the lifetime of this planning permission, the visibility spays must be maintained between the footpath 74 and Blackbirds Lane.

Reason: In the interests of safety of users of Blackbirds Lane.

## LIGHTING

12. No external floodlighting shall be erected at the site without prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity

## ANNUAL RISK ASSESSMENT

13. Throughout the lifetime of the operation hereby approved, an annual risk assessment shall be submitted to and approved in writing by the Local Planning Authority in accordance with details agreed under condition 17 of application 0/1097-09.

Reason: In the interest of the amenity of nearby residential properties

## **Background information used by the author in compiling this report**

Application documents:

NPPF 2012

Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013

Hertfordshire Waste Core Strategy 2011-2026

Neighbour representations

Consultee responses

# 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:-

C:\Users\Planning\Desktop\Objection\_to\_Condition\_Variation\_Notices\_--\_Condition\_2 LETTER CONTENTS ONLY.docx

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:-

C:\Users\Planning\Desktop\Objection\_to\_Condition\_Variation\_Notices\_--\_Condition\_6-7 LETTER CONTENTS ONLY.docx

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.

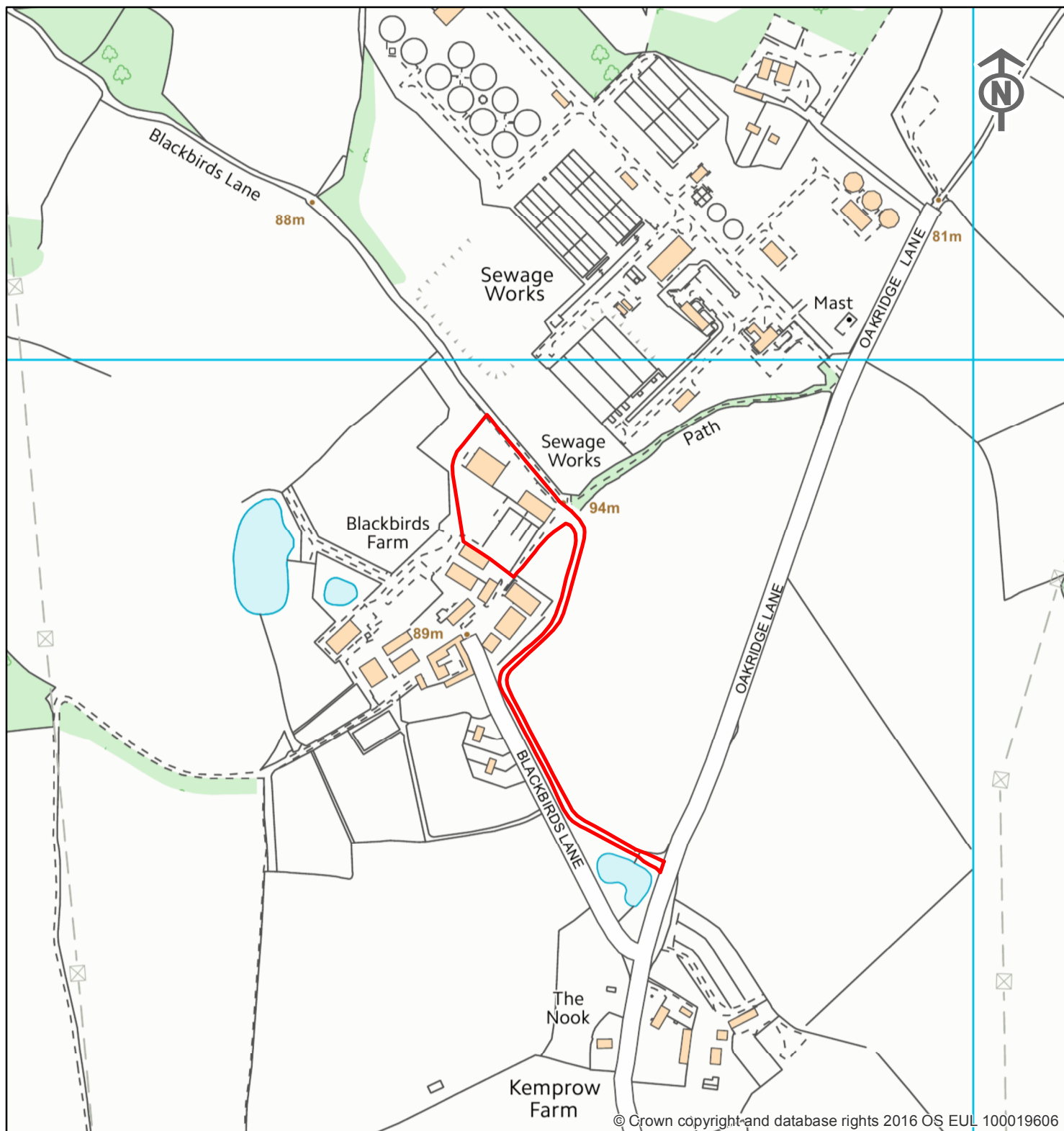
In addition, the proposed definition exempts operations at the maturation sites – it is limited to the operations at the silage pit itself, and then the “onwards transmission to maturation pads.” But much of what is disruptive about this business occurs at the maturation pads themselves. Once the processed 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.



## DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th October 2017

Proposed Variation of Condition 2 on permission 0/1097-09 to change hours for delivery and to define operations at Blackbirds Farm, Blackbirds Lane, Aldenham, Hertfordshire, WD25 8BS

0 50 100 150 200 250 300 350 400 450  
Meters

Agenda Pack 43 of 63

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**HERTFORDSHIRE COUNTY COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE  
THURSDAY, 26 OCTOBER 2017 AT 10.00AM**

**HERTSMERE BOROUGH COUNCIL**

Agenda Item  
No.

**3**

**APPLICATION FOR PROPOSED VARIATION OF CONDITION 6 & 7 ON  
PERMISSION 0/1097-09 TO ONLY INCLUDE HGV VEHICLES WITHIN THESE  
CONDITIONS AT BLACKBIRDS FARM, BLACKBIRDS LANE, ALDENHAM,  
HERTFORDSHIRE, WD25 8BS**

**Report of the Chief Executive and Director of Environment**

Author: Shaun Wells Tel: 01992 555049

Local Member: Caroline Clapper

**1. Purpose of Report**

- 1.1 To consider application 0/1563/-17 (CM0867) to vary the wording of the conditions 6 and 7 of planning permission 0/1097-09 to specifically relate to HGV's only. Members should note that this application is to be considered in conjunction with application 0/1538/-17 which seeks the variation of condition 2 of the permission.

**2. Summary**

- 2.1 The proposal seeks to vary the wording of conditions 6 and 7 of 0/1097-09, to specifically relate to HGV traffic to the site only and not all traffic.
- 2.2 The site is within the Metropolitan Greenbelt between the settlements of Aldenham and Radlett.
- 2.3 It should be noted that the site is part of a working farm, and the County Planning Authority are only responsible for consideration of issues relating to the waste operations (green waste to compost) and not general agricultural activity.

**Conclusion**

- 2.4 Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director of Environment should be authorised to grant planning permission subject to the following conditions (the full wording of which can be found at the end of this report):

1. Delivery and operating hours
2. Green waste throughput
3. Height of waste materials stored on site and limit on quantity
4. Resale of green waste compost
5. Vehicle movements
6. Vehicle register
7. Noise
8. Odour
9. Dust suppression
10. Maintenance of the blackbirds lane
11. Maintenance of visibility splays
12. Lighting
13. Annual risk assessment

### **3. The Proposal**

- 3.1 Condition 6 of the existing planning permission 0/1097-09 for the composting of green waste at Blackbirds Farm states:-

*Throughout the lifetime of this planning permission, the combined total number of vehicle movements associated with the green waste composting activity shall be no more than 10 vehicle movements (5 in and 5 out) including HGV vehicles over 7.5 tonnes movements per day at the site from Mondays to Fridays, and no more than 6 vehicle movements (3 in and 3 out) at the site on Saturdays.*

*Reason: In the interests of highway safety and so that there shall be no adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.*

- 3.2 The precise wording of this condition is unworkable for the applicants needs as it relates to total vehicle movements. The applicant therefore seeks the following variation to the wording of condition 6 as follows:-

*Throughout the lifetime of this planning permission, the total number of HGV movements associated with the green waste composting activity shall be no more than 10 on Mondays to Fridays and no more than 6 HGV movements on Saturdays, an HGV being defined as a vehicle over 7.5 tonnes.*

- 3.3 Similarly condition 7 which relates to a register of vehicle movements does not specifically refer to HGV's only, as follows:-

*A register shall be kept of all vehicles visiting the Site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load(tonnage of waste imported) and the date and time of arrival or departure from the site.*

- 3.4 The applicant therefore seeks to vary condition 7, to refer to HGV's only, as follows:-

*A register shall be kept of all HGV's delivering green waste to the site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load(tonnage of waste imported) and the date and time of arrival or departure from the site.*

- 3.5 A Breach of Condition Notice (BCN) was served on 28 June with regards to conditions 2 and 6 of 0/1097-09. The notice was served alleging vehicle movements and operations had been carried out outside of the permitted hours and that there had been in excess of 10 vehicle movements per day. The notice required compliance with the conditions. The BCN was withdrawn by the Council 23 August 2017. This application seeks to regularize the position over vehicle movements so that the restriction relates to HGV's only.

#### **4. Site and Access**

- 4.1 Blackbirds Farm is located within the Metropolitan Green Belt. The settlement of Radlett is located approximately 700m the east of the application site, and Aldenham is approximately 800 metres to the south. The farm is accessed from the B642 by Kemprow and Blackbirds Lane which are minor roads with some residential properties adjacent. HGV access is taken from the Blackbirds Lane road only. The nearest residential properties are located on Pelham Lane approximately 400 metres to the south west and Kemp Row, including Kemp Row Farm approximately 500 metres to the south east of the site.
- 4.2 A sewage works is located to the immediate north east of the main farm complex. The farm holding is approximately 440 hectares in total.

#### **5. Policy Considerations**

- 5.1 Hertfordshire Waste Core Strategy 2011-2026  
Policy 11: General Criteria for Assessing Waste Planning Applications
- 5.2 Aldenham Parish Council are the first parish council in Hertsmeare to begin preparing a neighbourhood plan. This plan will cover the urban area of Radlett within Aldenham Parish however which excludes the application site within the rural area.

#### **6. Relevant Planning History**

- 6.1 0/1097-09, Application for Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. Approved 25 September 2009, subject to conditions.

- 6.2 00/0966-17, Application for a Certificate of Existing Lawful Use (CLUED) for use of former silage pits and land for the storage, shredding, maturation and composting of green waste. Refused 14 June 2017.
- 6.3 Enforcement Notice served 28 June 2017 with regard to Broadfields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of the notice taking effect and the removal of all waste from the land within 3 months of the Notice taking effect. The enforcement notice would have taken effect on 5 August 2017. An appeal has been lodged with regard to the enforcement notice.
- 6.4 Enforcement Notice served 28 June 2017 with regard to School Fields Maturation Pad, requiring cessation of all importation of waste materials at the land within 5 days of effect of Notice (Effect of notice date 5 August 2017), and the removal of all waste from the land within 3 months of the Notice taking effect. An appeal has been lodged with regard to the enforcement notice
- 6.5 Breach of Condition Notice (BCN) served 28 June with regards to conditions 2 and 6 of 0/1097-09. The notice was served alleging vehicle movements and operations have been carried out outside of the permitted hours and that there has been in excess of 10 vehicle movements per day. The Notice required compliance with the conditions. The BCN was withdrawn by the Council 23 August 2017.
- 6.6 Other Applications Pending with the Local Planning Authority:-
- 0/1567-17 Application for the continued use of an existing maturation pad for the processing of green waste and its conversion into compost for use of fertilizer (Pending decision at time of writing).
- 0/1563-17 Variation of conditions 6 and 7 on permission 0/1097-09 to only include HGV vehicles within these conditions (Pending decision at time of writing)
- PL\0800\16- Proposed application for the variation of condition 3 on permission 01/1097-09 to increase the maximum throughput of green waste from 8,000 tonnes per annum to 31,000 tonnes per annum (Pending decision)

## **7. Consultations & Representations (In Summary)**

- 7.1 Hertsmere Borough Council (Planning): No objections. The conditions were originally imposed by Hertfordshire Highways and the Borough Council raise no objection to the variation.
- 7.2 Hertsmere Borough Council (Environmental Health): No comments. Conditions 6 and 7 were imposed by Hertfordshire Highways in the interests of highway safety.
- 7.3 Environment Agency: No response received

7.4 Aldenham Parish Council : Object to the proposal to vary conditions 6 and 7. The Parish Council support a letter of objection sent to them written by a neighbour of the site (Appendix 1).

7.5 Hertfordshire County Council as Highways Authority have no objection to the variation of condition 2 , subject to the following conditions:-

There shall be no more than 10 HGV lorry movements (5 in , 5 out vehicles over 7.5 tonnes) per day from Mondays to Fridays and no more than 6 HGV vehicle movements (3 in, 3 out) at the site on Saturdays.

Reason for the condition :

In the interest of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along highway in the vicinity of the site.

7.6 Waste Management (HCC)

HCC as Waste Disposal Authority (WDA) does not currently hold a contract with Blackbirds Farm. In line with the Authority's Local Authority Collected Waste (LACW) Spatial Strategy 2016, the WDA would support the proposed continued use of an existing maturation pad for the processing of green waste. 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 transport costs and provides environmental benefits by reducing the distance waste is transported for treatment.

7.7 Historic England

Have no comments to make on the application.

7.8 Neighbours / Publicity; Publicity for this application was as follows:  
2 site notices were erected on 17<sup>th</sup> August 2017. One was positioned close to the access to the farm at the intersection between Kemprow and Blackbirds Lane, and the second was placed on the sign for FP 10 Right of Way to the east of the Broadfield Maturation Pad. An advert was also placed in the Watford Observer on 11 August 2017.

7.9 A total of 445 properties were consulted and **10** responses have been received. Of these 2 responses objected to the application and 8 responses support the application.

7.10 The concerns raised in the 2 objections are in summary as follows:-

- The application should be refused and no application relating to the compost business should be considered until the current enforcement notices and breach of condition notices have been complied with, any



appeals have been determined , and a complete new business application has been submitted

- No consideration of conditions can be determined without the applicant setting out the parameters of the business being operated
- Smell from uncovered compost
- Noise from traffic
- The application is premature and incomplete, needs a comprehensive application for the whole operation
- The variation would authorise unlimited numbers of vehicles (tractors, staff cars etc.) and trucks which are not defined as HGV's
- The operation includes transport of compost to School Field site which requires use of public highway to transport compost off and back to the main farm. Also have started to transport compost to Garston, up the A41 and A412.
- One objector alleges that there have been over 60 vehicle movements of JCB's and trailers a day with uncovered compost passing properties at Kemp Row
- The operator should be required to log all vehicles not just HGV's
- The application does not cover the maturation areas

Comments made from 8 responses in support of the application stated the following in summary:-

- One respondent stated that they were grateful for the manner in which the farm/operation is managed
- Proposed works would not affect a local livery business
- Recycling of green waste is environmentally better solution than sending to Landfill
- The recycling creates a valuable resource(compost) which supports food production and benefits from the labours of others
- A nearby resident (who resides at Kemp Row) confirmed that they have never been disturbed by the farm activities
- Is a benefit to the environment
- One respondent welcomed restrictions on Saturday HGV movements
- Will not affect a nearby livery business, this is a model farm, the operator has respected adjacent neighbours
- Is common sense that vehicle limits should be set to HGV movements only

## **8. Planning Issues**

8.1 The principal planning issues to be taken into account in determining this application are:

### The Principle of the Development

- 8.2 The principle of development is considered acceptable given the approval of 0/1097-09, for the proposed change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25<sup>th</sup> September 2009).
- 8.3 The remainder of this report will consider whether the proposed changes to conditions 6 and 7 are considered acceptable.

### Traffic and highways impacts/Highway Safety

- 8.4 Policy 11 of the Hertfordshire Waste Core Strategy states that *inter alia* iii) the proposed operation of the site would not adversely impact upon amenity and human health. In this context the operation of the site is considered to include deliveries.
- 8.5 With regard to highway safety and traffic generation issues, the Applicant is not seeking additional HGV movements to the site, but is seeking confirmation the rewording of conditions 6 and 7 to apply to HGV traffic only.
- 8.6 The Highways Authority make no objection to this proposal, with some minor re-wording to that proposed, although the intent of the condition and HGV movement vehicle numbers would remain as proposed. As no objection has been received from the Highways Authority, it is not considered that the rewording of the condition in line with Highways advice would be prejudicial to highway safety or impact upon human health.
- 8.7 The variation of condition 7 is also considered reasonable given that Highways HCC see no justification to limit general traffic movement to the site, other than HGV's and that therefore this is the only type of traffic to the site that requires logging in a register.
- 8.8 The variation of condition 6 and 7 is therefore considered acceptable in this context, albeit with some minor rewording to the proposed condition 6 as advised by Highways HCC..

## **9. Conclusion**

- 9.1 The principle of development is considered acceptable given the approval of 0/1097-09, for the Proposed Change of use of the existing silage pits to use as open windrow composting of green waste. (Approved 25<sup>th</sup> September 2009).
- 9.2 The variation of conditions 6 and 7 have raised no objections from the Highways Authority HCC, and seek to restrict HGV traffic only to the site, as well as logging of HGV movements only. The variation would not intensify the operation or increase likely traffic impacts from the operation. The proposal is therefore considered acceptable and in accordance with policy 11 of the Core Strategy

- 9.3 Taking all material considerations and relevant planning policy into account, it is recommended that the variation of conditions 6 and 7 is acceptable subject to slight re-wording to that proposed for condition 6 as advised by Highways (HCC). The variation of condition 2 is to be considered by Members in conjunction with this application, and it should be noted that the conditions below reflect the Case Officers recommendation on that application also. Should Members take a different view to the Case Officer with regard to the recommendations, then any decision(s) should reflect this, including any conditions imposed. Taking all material considerations and relevant planning policy into account, it is recommended that The Chief Executive and Director Environment should be authorised to grant planning permission subject to the following conditions:

#### DELIVERY AND OPERATING HOURS

1. Unless prior approval in writing by the Waste Planning Authority has been given, no deliveries shall take place at the site except during the following hours:

7:30am - 5.00pm Monday to Friday; and  
8am -12:30 on Saturdays (no deliveries on Sundays or Public and Bank Holidays)

Unless prior approval in writing by the Waste Planning Authority has been given, no processing of green waste including tipping, screening, shredding, turning and onward transmission to maturation pads shall be undertaken at the site except during the following hours:

7:30am-5.00pm Monday to Friday  
8am – 12.30pm on Saturdays (no processing on Sundays or Public and Bank Holidays)

Reason: To minimise the adverse impact of deliveries and operations on the surrounding area in terms of noise, traffic generated and general disturbance.

#### GREEN WASTE THROUGHPUT

2. The maximum throughput of green waste shall not exceed 8,000 tonnes per annum.

Reason: In the interest of the amenity of nearby residential properties

#### HEIGHT OF WASTE MATERIALS STORED ON SITE AND LIMIT ON QUANTITY

3. Throughout the lifetime of this planning permission, no materials shall be stored, stacked or deposited on the site over a height of 4 metres above ground

level. No waste or containers connected with the development hereby authorised shall be stored, stacked or deposited on the site other than the reception area.

Reason: To limit adverse visual effects on local amenity

#### RESALE OF GREEN WASTE COMPOST

4. The compost generated from the green waste composting hereby permitted shall be used wholly on the land at Blackbirds Farm and there shall be no re-sale of the compost under any circumstances.

Reason: The justification for this development in the Green Belt is that it is intrinsically linked to an agricultural operation at Blackbirds Farm. The sale of the compost from the site is not considered to be an appropriate use within the Green Belt.

#### VEHICLE MOVEMENTS

5. There shall be no more than 10 HGV lorry movements (5 in, 5 out) per day from Mondays to Fridays and no more than 6 HGV lorry movements (3 in, 3out) at the site on Saturdays, an HGV being defined as a vehicle over 7.5 tonnes.

Reason: In the interest of highway safety and so that there shall be no adverse effect upon the free and safe flow of traffic along highway in the vicinity of the site.

#### VEHICLE REGISTER

6. A register shall be kept of all HGV's delivering green waste to the site. The register shall be maintained, continually updated and made available for inspection upon the request of officers of the Waste Planning Authority during normal working hours. The register shall include the vehicle registration number, the nature and quantity of the load (tonnage of green waste imported) and the date and time of arrival and departure from the site.

Reason: In the interests of highway safety and to minimise adverse effects upon the free flow of traffic along the highways in the vicinity of the site and to assist the Waste Planning Authority in monitoring the site.

#### NOISE

7. Noise levels arising from the operations hereby permitted shall not exceed 55dB(A) LAeq, 1h (free field) or the existing background noise levels (measurements in accordance with BS4142) by more than +10dB(LA90, 1h) at any noise sensitive property, whichever is the lower

In the event of 55 dB(A) LAeq,1h (free field) or the existing background noise levels by more than +10dB (LA90, 1h) being exceeded, a full noise

assessment shall be undertaken by the operator. Any noise control measures identified in the assessment shall be rectified.

Reason: To minimise any adverse impact of noise generated by the operations on the local community

#### ODOUR

8. All operations at the site shall be carried out in accordance with the Odour Management Scheme as agreed under application 0/1097-09.

Reason: In the interests of odour suppression and local amenity

#### DUST SUPPRESSION

9. All operations at the site shall be carried out in accordance with the Dust Suppression Scheme as agreed under application 0/1097-09.

Reason: To minimise the potential for dust emissions and in the interests of local amenity.

#### MAINTENANCE OF THE BLACKBIRDS LANE

10. Throughout the lifetime of this planning permission, no remedial works shall be carried until Rights of Way have been given their approval to such works. The approved details shall be implemented in full.

Reason: In the interests of safety of the users of Blackbirds Lane.

#### MAINTENANCE OF VISIBILITY SPLAYS

11. Throughout the lifetime of this planning permission, the visibility spays must be maintained between the footpath 74 and Blackbirds Lane.

Reason: In the interests of safety of users of Blackbirds Lane.

#### LIGHTING

12. No external floodlighting shall be erected at the site without prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity

#### ANNUAL RISK ASSESSMENT

13. Throughout the lifetime of the operation hereby approved, an annual risk assessment shall be submitted to and approved in writing by the Local

Planning Authority in accordance with details agreed under condition 17 of application 0/1097-09.

Reason: In the interest of the amenity of nearby residential properties

**Background information used by the author in compiling this report**

Application documents:

NPPF 2012

Hertsmere Borough Council Local Plan Core Strategy DPD Adopted 2013

Hertfordshire Waste Core Strategy 2011-2026

Neighbour representations

Consultee responses

# 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:-

C:\Users\Planning\Desktop\Objection\_to\_Condition\_Variation\_Notices\_--\_Condition\_2 LETTER CONTENTS ONLY.docx

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:-

C:\Users\Planning\Desktop\Objection\_to\_Condition\_Variation\_Notices\_--\_Condition\_6-7 LETTER CONTENTS ONLY.docx

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 Conditions 6 and 7 to the 2009 Permission, the application should be denied.

#### **Condition 6**

As set out in the December 2016 Letter from the County, Condition 6 “applies to all vehicles associated with the composting process, including:

- tractors (JCBs) and trailers moving the material to the maturation areas and returning either empty or with finished product from those areas;
- collection lorries leaving empty to collect, and returning with, green waste
- as well as staff cars.”

The application seeks to restrict only HGV movements within the condition of the 2009 Permission, contrary to its plain language. What is not stated in the application is that the applicant seeks to have the County authorise *unlimited* numbers of vehicles other than HGVs as part of this business. These other vehicles include cars, trucks that do not qualify as HGVs, JCBs or other heavy farm equipment, and trailers filled with compost, the very vehicles the County has concluded fall within the existing condition.

The application does not explain why it is consistent with planning law to exempt all of the non-HGV vehicles from any vehicle limit restrictions, or address the obvious amenity issues the application’s proposal would present. The sole basis for the application is that the applicant contends there was an error in the wording of the original condition, and that the documents relating to the 2009 application indicate that only HGVs were intended to have been restricted in terms of their numbers. We do not accept that the County made any error in the wording of the condition in 2009. It was clearly worded to include all vehicles “including HGVs” – so it is not as though there was a typographical error as a result of which the language does not make sense.

Moreover, it is important to note that at the time of the 2009 application, the applicant did not identify where the maturation sites would be located, and represented in his application that the compost would not be transported on the public highways. Section 6.5.2 stated: “in this instance, 100% of the compost will be used on the farm meaning that none of the compost would not [sic] need to be transported off site again, thereby assisting in reducing associated vehicle movements.” The County officer’s report reflected this assumption, and in Section 4.5 in particular stated that “[a]s the compost would be utilised on the farm itself, there would be no lorry movements involved in the exporting of any of the compost.”

What we all know happened next is that the farmer submitted the four maturation sites as part of the discharge of Condition 18 of the 2009 Permission, without any right of public consultation, and this included the School Field site which required use of the public highway to transport compost off the contiguous area next to the silage pits and down not only Kemprow but also Radlett Road, the B462. He also began transporting compost to Garston, up the A41 and A412.

As the farmer's application is premised on what he claims happened in 2009, the fact that he misrepresented his proposed use should bar him from trying to rely on his understanding of what would be included in the definition of vehicle movements.

In any event, what is relevant to this application is not what was intended in 2009, but whether what is now being proposed is appropriate under existing planning law, including the impact on amenity. If only HGVs were to be included in the vehicle movement restrictions, that would mean that the farmer could have unlimited movements of other vehicles up and down the road in front of our home. Coupled with the lack of restrictions on hours, this would mean these movements could extend 24 hours a day. While the farmer has not identified in his application how many non-HGV vehicle movements his business would involve, we unfortunately know all too well from the past few years that this business has entailed as many as 60 movements of JCBs and trailers a day. These have been documented in logs and emails to the County enforcement officers. Because the farmer has chosen not to include any detail with the application as to the number and extent of the proposed vehicle movements, the County should assume the worst, and that we would have at least 60 and possibly more vehicle movements, mostly JCBs pulling uncovered trailers full of compost, back and forth within 10 metres of our home. The County officers who conducted a survey in September and October 2016 confirmed that these vehicle movements produce an odour that we have reported. The stated purpose of the condition is to protect the amenity for the residents. Under the proposed variation, the condition would be rendered meaningless, and there would be no protection for residents. The proposal must be rejected.

For similar reasons, the applicant should continue to be required to log all vehicles associated with the compost business in the register. Otherwise, there is no basis for the County planning officers to monitor the extent to which the business is causing disruption to residents from vehicle movements. As our experience has shown, the County does not have the time or resources to monitor the compost operations on a daily basis, and the vehicle register (assuming it is honestly maintained), is the only means the County has, short of having an officer posted at the farm entrance, to monitor compliance with the restrictions.

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 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

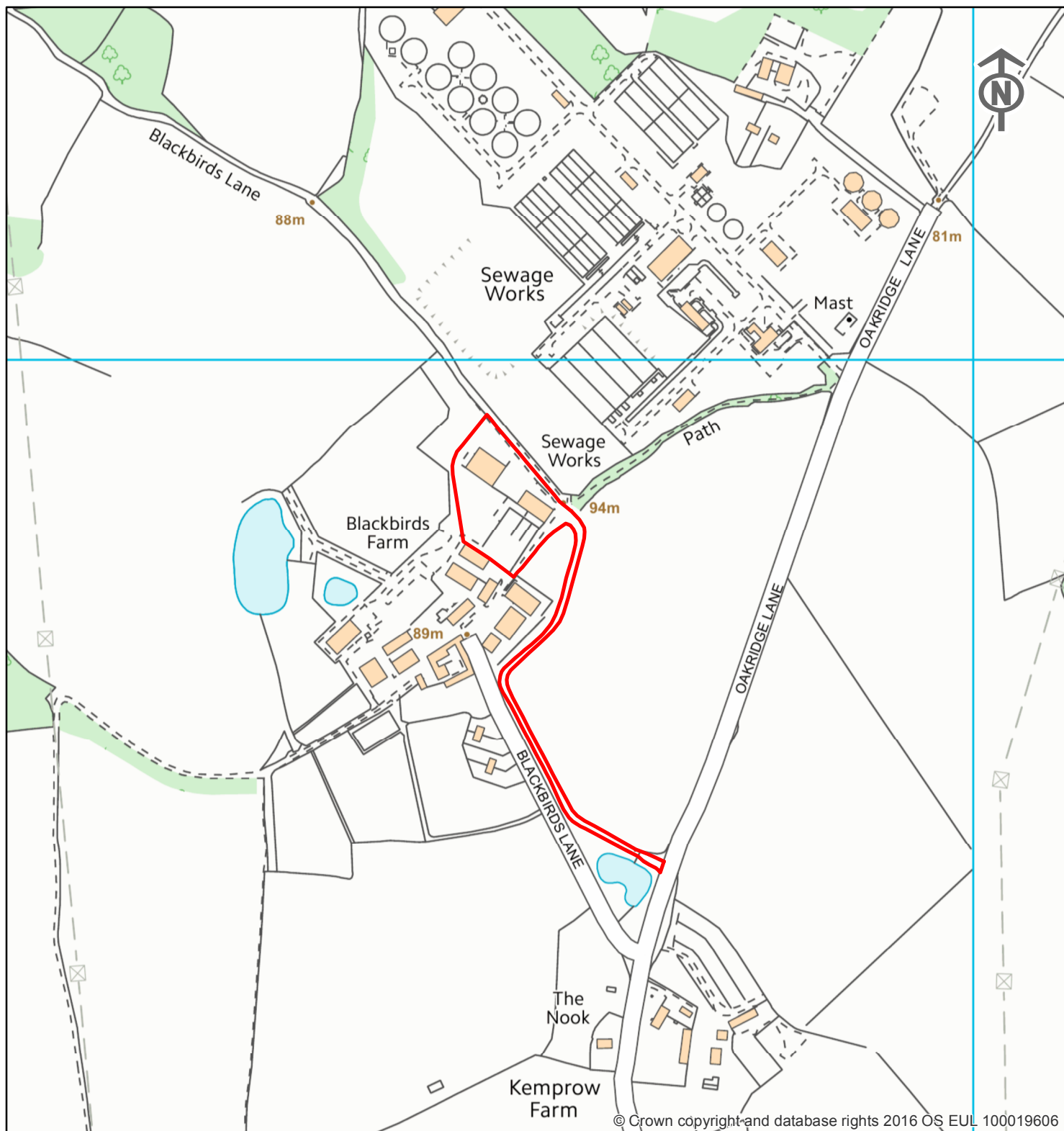
aspect of the compost operations, assuming any maturation pads are to be permitted, they would need to be shown in the site map for this application in order for it to be valid. As the applicant failed to include these, the application should be rejected.

For these reasons, we urge the County to reject the application, refuse any variance to Conditions 6 and 7 of the 2009 Permission, and enforce the Condition as per the December 2016 Letter and the Breach of Condition notice served in 2017.

Kind regards,

The Neighbour





## DEVELOPMENT CONTROL COMMITTEE

Date: Thursday 26th October 2017

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

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