

HERTFORDSHIRE COUNTY COUNCIL

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

HERTSMERE BOROUGH COUNCIL

Agenda Item
No.

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

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 17th 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 25th 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 15th 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