

Report of the Head of Planning & Enforcement Services

Address PYLON FARM NEWYEARS GREEN LANE HAREFIELD

Development: Variation of condition 1 of planning permission ref: 12579/APP/2006/673 dated 18/08/2006 to allow continued use of the land as an organic composting site. (Section 73 application)

LBH Ref Nos: 12579/APP/2011/1991

Drawing Nos: Planning Supporting Statement
001
002

Date Plans Received: 15/08/2011 **Date(s) of Amendment(s):**

Date Application Valid: 24/08/2011

1. SUMMARY

Planning permission is sought for the continued use of land at Pylon Farm as an organic composting site for a further temporary period of 12 months. Composting is a form of industrial use which is not normally considered appropriate in a Green Belt location. However, as Council policy aims to increase green waste recycling in line with the Government's Waste Strategy, it is considered that there are special circumstances to justify the continued use at this location, to the extent that the harm on the openness of the Green Belt has been outweighed. Therefore, even though the application is contrary to Saved Policy OL1 of the UDP, approval is recommended.

The activities would not be visually intrusive, increase the built up nature of the site, or harm the openness of the area, while the proposal is considered acceptable on highway safety grounds. Therefore approval is recommended.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

The use hereby permitted shall be discontinued and the land restored to its former condition on or before one year from the date of this permission, in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

REASON

1. It is not considered appropriate to grant a permanent permission for the use until its effect on the amenities of the locality has been assessed.
2. In order to comply with the terms of the application.
3. The proposal constitutes inappropriate development within the Green Belt.

2 TL7 Maintenance of Landscaped Areas

Within one month of the date of this permission a schedule of landscape maintenance for a minimum period of 1 year shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with Saved Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Non Standard Condition

Unless previously agreed in writing with the Local Planning Authority, there shall be no more than 52 HGV movements (26 in, 26 out) at the facility approved under planning permissions 39755/APP/2006/1446, 12579/APP/2011/1991, 12579/APP/2011/1992 and 39755/APP/2002/3026 in any one working day, involving a cumulative total (including the existing facilities) not exceeding a maximum 50,000 tonnes of waste input each year. Any temporary modification of the current restriction in HGV movements must be preceded by a written application to the Council providing information on: the source and volume of the material, the route between the source and the site, the maximum number of trips per day sought for that particular material and the planned duration of the extra number of trips

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties, to safeguard the amenity of the Green Belt and to ensure that pedestrian and vehicular safety is not prejudiced, in compliance with Policies OE1, OL1 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Non Standard Condition

The windrows shall not exceed 2.0 metres in height.

REASON

To protect the visual amenities of the Green Belt and Colne Valley Park, in compliance with Saved Policies OL5 and OL9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 NONSC Non Standard Condition

The stockpiles shall not exceed 3.0 metres in height.

REASON

To protect the visual amenities of the Green Belt and Colne Valley Park, in compliance with Policies OL5 and OL9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 NONSC Non Standard Condition

No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site between 07:30 hours and 18:00 hours Mondays to Fridays, between 07:30 hours and hours 13:00 on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 NONSC Non Standard Condition

All delivery and collection vehicles servicing the development hereby approved shall enter and depart the site using the eastern section of New Years Green Lane, via

Breakspear Road.

REASON

To safeguard the amenity of the Green Belt and to ensure that pedestrian and vehicular safety is not prejudiced, in compliance with policies OE1, OL1 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Non Standard Condition

An odour suppression system shall be installed and maintained around the maturation site to mitigate odour emanating from the windrows.

REASON

To mitigate odour emanating from the windrows in compliance with Policy 7.14 of the London Plan (July 2011).

9 NONSC Non Standard Condition

The composting facility hereby approved shall be used only for the processing of organic biodegradable waste (excluding commercial food waste) and shall not be used for the processing or disposal of hazardous or toxic materials.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

10 NONSC Non Standard Condition

Within 1 month of grant of this planning permission (or other date as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- potential contaminants associated with the current use
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A "monitoring and maintenance plan" for monitoring of potentially unacceptable pollutant linkages, as identified in the preliminary risk assessment. The plan shall include maintenance arrangements, contingency action and a scheme for reporting the monitoring results to the

Local Planning Authority. Any changes to these components require the express consent of the local

planning authority. The plan shall be implemented as approved.

REASON

Groundwater is very sensitive beneath the site and it is not known what the risk of pollution to groundwater posed by the site and by this activity would pose. Geology maps indicate there is some clay beneath the site but that this is likely to be thin. Consequently, there is limited natural protection for the Chalk Principal Aquifer beneath the clay, from which groundwater is abstracted.

The site lies within Inner Source Protection Zone (SPZ1) for a public water supply abstraction, so the groundwater beneath the site is a precious resource that must be

protected from pollution, in compliance with Policies 5.13 and 5.14 of the London Plan (July 2011).

11 NONSC Non Standard Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

REASON

To protect the quality of the very sensitive groundwater beneath the site from pollution, in compliance with Policies 5.13 and 5.14 of the London Plan (July 2011).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
BE8	Planning applications for alteration or extension of listed buildings
MIN16	Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
MIN18	Safeguarding of existing civic amenity and waste transfer sites
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL5	Development proposals adjacent to the Green Belt
OL9	Areas of Environmental Opportunity - condition and use of open land
LPP 5.13	(2011) Sustainable drainage
LPP 5.14	(2011) Water quality and wastewater infrastructure
LPP 5.16	(2011) Waste self-sufficiency
LPP 5.17	(2011) Waste capacity
LPP 7.14	(2011) Improving air quality
LPP 7.16	(2011) Green Belt
PPG13	Transport

PPG2	Green Belts
PPS1	Delivering Sustainable Development
PPS10	Planning for Sustainable Waste Management

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You are reminded that this site is regulated through environmental permits, issued by the Environment Agency. You are advised to contact the Environment Agency for any future overarching planning application as early as possible, in order to identify any issues before an application is submitted. A number of additional reports may be required with the overarching application, such as surface water flood risk assessments, drainage scheme details and further ground and contamination investigations.

3. CONSIDERATIONS

3.1 Site and Locality

The West London Composting (WLC) Operational Facility is effectively divided into two operational areas off New Years Green Lane, with the existing compost maturation area (Pylon Farm) located on the northern side of the road and the waste reception and in-vessel facility located at Highview Farm on the southern side of the road.

The application relates to a part of Pylon Farm, located 2.5km to the South East of Harefield. The overall farm area, together with the adjoining Highway Farm is approximately 60 hectares in extent and falls within Hillingdon's designated Green Belt and the Colne Valley Park. The site is accessed from New Years Green Lane, a single track lane with passing places and links two distributor roads, Breakspear Road South and Harvil Road.

The nearest major residential area on the edge of Ruislip is approximately 1km to the east of the development site, although the site is in close proximity to a number of farms (St. Leonard's, Pylon, High View, Elm Tree) and small settlements including Newyears Green and Tile Kiln, which are also predominantly farming settlements. The site is located to the north of the air quality management area (AQMA) boundary, although it would be expected that vehicles associated with the proposal will use the A40, which is within the AQMA.

The WLC Harefield facility is licensed to accept up to 50,000 tonnes of waste per annum, of this material approximately 30,000 tonnes is processed into useable compost.

The maturation area is bounded to the north by an engineered drainage lagoon. A hedgerow and further vegetation have been planted on the northern and eastern edges of the site. site levels are typically 57m AOD.

The compost maturation area has been constructed from crushed concrete and subsequently coated with high specification heat resistant asphalt surface. The surface has been designed and constructed with engineered gradients for surface water management. The concrete apron slopes towards the engineered drainage lagoon, which has a capacity of 900m³ and has been designed to accommodate a worst case storm event.

3.2 Proposed Scheme

No changes are proposed to the physical characteristics of the maturation pad. Planning permission is sought to vary condition 1 of Planning consent 12579/APP/2006/673 dated 18th August 2006 to allow the continued use of the site for organic composting involving open windrows. The existing compost maturation area is approximately 74 x 127 metres (9,398 sq. metres).

Condition 1 of the planning consent states:

The use hereby permitted shall be discontinued and the land restored to its former condition on or before five years from the date of this permission, in accordance with a scheme of work submitted to and approved by the Local Planning Authority

The reason for including condition 1 of the Planning Consent was that:

It is not considered appropriate to grant a permanent permission for the use until its effect on the amenities of the locality has been assessed.

The requested variation of Condition 1 is set out below:

The use hereby permitted shall be discontinued on or before 17th August 2012, in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

It is not considered necessary to treat this application as a departure from the development Plan, as the proposal merely seeks a temporary extension of time for operations that have already been considered by the Secretary of State. However, should an application be submitted for a permanent permission, to consolidate the various consents on the site, then such a scheme would be treated as a departure and referred to the Secretary of State and the Mayor of London (as appropriate) at that time.

3.3 Relevant Planning History

12579/APP/2006/1524 Land Adjacent To Compost Maturation Site Pylon Farm New Years G
CHANGE OF USE FROM LOW GRADE AGRICULTURAL LAND TO ALLOW THE
NORTHERN EXTENSION OF THE EXISTING COMPOST MATURATION FACILITY

Decision: 17-08-2006 Approved

12579/APP/2006/673 Pylon Farm Newyears Green Lane Harefield
VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF. 2579/M/99/2048 DATED
13/09/2002 TO ALLOW CONTINUED USE OF THE LAND AS AN ORGANIC COMPOSTING
SITE.

Decision: 18-08-2006 Approved

12579/APP/2007/534 Land Adjacent To Compost Maturation Site At Pylon Farm New Years
RELOCATION OF EXISTING DRAINAGE LAGOON TO THE NORTHERN END OF THE SITE
TO FACILITATE IMPROVED MANAGEMENT OF THE SITE IN ACCORDANCE WITH
PLANNING PERMISSION 12579/APP/2006/1524 DATED 17-08-2006 'CHANGE OF USE
FROM LOW GRADE AGRICULTURAL LAND TO ALLOW THE NORTHERN EXTENSION OF
THE EXISTING COMPOST MATURATION FACILITY'

Decision: 24-05-2007 Approved

12579/M/99/2048 Land At Pylon Farm New Years Green Lane Harefield
CHANGE OF USE FROM AGRICULTURAL TO ORGANIC COMPOSTING SITE (INVOLVING
ERECTION OF FOUR 1.5 METRE HIGH DOME WINDROWS)

Decision: 13-09-2002 Approved

Comment on Relevant Planning History

The existing recycling facility is located on two sites and was the subject of separate planning applications. The facility involves the deposition of household green waste collected predominantly from the Local Waste Authority contractors. The composting process is carried out initially at High View Farm, where the incoming waste is received, sorted and shredded. The waste is then transferred to enclosed pods, incorporating ventilation and sprays. Once the initial processing is complete, the waste is transferred to the adjoining Pylon Farm (the subject of this application), to the north of New Years Green Lane, where it is deposited on tarmac aprons and formed into rows of material (windrows), where the material is turned during maturation. Relevant planning history of the application site is given below:

Pylon Farm

Planning permission was granted on 13 September 2002 for change of use from agriculture to organic composting site for open windrows (Ref:12579/M/99/2048). Since Council policy aims to increase green waste recycling, this was considered sufficient special circumstances to justify the use in this location, to the extent that the harm on the openness of the Green Belt had been outweighed. Therefore, even though the application was contrary to Green Belt policy, approval was recommended subject to a S106 Agreement to divert public footpath U36. Engineering and development of the compost maturation area (application site) commenced in May 2004 and the facility was opened to accept waste on 16th July 2004.

There are no restrictions governing the level of use on this site other than that the windrows shall not exceed 1.5 metres in height (condition 9). However, this permission was temporary until 6 May 2006.

In March 2004 it was established that engineering operations to level the land in preparation for laying of hard core and excavations for a drainage lagoon had extended some 80 metres to the north of the boundary of the approved site relating to the 2002 planning permission. The land owner agreed to reinstate all the land outside the application site to its original condition by filling in the excavated lagoon, furrowing the land and seeding to grass. He also agreed to limit the hard surface to the area shown on the approved drawings. A site visit was carried out in May 2004, when it was established that the remedial work to rectify the breach of planning control had been carried out.

On March 6th 2006 an application (Ref 12579/APP/2006/673) was submitted to allow the continued use of the original maturation area for a further five years and was granted. The permission expires on 17th August 2011.

On May 18th 2006 another application (ref:12579/APP/2006/ 1524) was granted on 18/8/2006 for increasing the size of the maturation area (to allow operations to become more efficient). The permission expired on 17 August 2011.

On 19th February 2007 an application Ref: 12579/APP/2007/534 submitted to relocate the drainage lagoon to the northern end of the site. The application was approved on 24/5/2007. The permission expires 16th August 2011.

4. Planning Policies and Standards

London Plan (July 2011)

- Policy 5.16 Waste Self Sufficiency; and
- Policy 5.17 Waste Capacity

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
BE8	Planning applications for alteration or extension of listed buildings
MIN16	Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
MIN18	Safeguarding of existing civic amenity and waste transfer sites
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
OL1	Green Belt - acceptable open land uses and restrictions on new development
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OL9	Areas of Environmental Opportunity - condition and use of open land
LPP 5.13	(2011) Sustainable drainage
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LPP 5.16	(2011) Waste self-sufficiency
LPP 5.17	(2011) Waste capacity
LPP 7.14	(2011) Improving air quality
LPP 7.16	(2011) Green Belt
PPG13	Transport
PPG2	Green Belts
PPS1	Delivering Sustainable Development
PPS10	Planning for Sustainable Waste Management

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **16th September 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application has been advertised as a development of a type likely to be of wider concern. 18 adjoining owner/occupiers have been notified. In addition, Harefield and Ruislip Residents Associations were notified. One letter has been received objecting to the application. The objections, from a local resident, are summarised below.

1. The area is considered to be 'green belt' and the composting facility is effectively an industrial site. This is not in line with the purpose and intention of creating the green belt at the first place. Should this application be approved, it will be used as a precedent by other garbage processing industrial companies. The area could become a polluting industrial area. A far cry from its original intended purpose.

2. During the time during which composting was allowed 'temporarily' there were incidents of stench and other pollution (smoke) in the area. The applicants have taken good care of this recently, but presumably at a financial cost to themselves. It is less likely that they will continue to take care in future should the permanent application (for composting site) be approved. I would recommend that the planning application is not approved permanently, but rather as an extension for a fixed number of years, at which point it may be extended again (for another fixed period) by the applicants. This way, the residents will be assured no pollution and stench will be generated by the composting facility.

3. We have seen large heavy lorries make their way to/from the site. The roads in the area (especially Breakspear Rd South and New Year's Lane) are not suitable for this kind of traffic. The roads are used also by cyclists and pedestrians (no pavement) and this is a serious risk of a potentially fatal accident. Should the composting site be allowed to continue to operate, they should be banned from using heavy vehicles (above 3.5 Tons) until the roads have been upgraded.

ENVIRONMENT AGENCY

We consider that permission to vary these conditions should only be granted if the planning conditions can be amended to include the elements as set out below. Without these elements, the proposed variations pose an unacceptable/unknown risk to the environment and we would wish to object to the applications.

A - Within 1 month of grant of this planning permission (or other date as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- potential contaminants associated with the current use
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A "monitoring and maintenance plan" for monitoring of potentially unacceptable pollutant linkages, as identified in the preliminary risk assessment. The plan shall include maintenance arrangements, contingency action and a scheme for reporting the monitoring results to the

Local Planning Authority. Any changes to these components require the express consent of the local planning authority. The plan shall be implemented as approved.

B - On completion of the activities identified in the agreed monitoring and maintenance plan, a final report including the findings of the all the monitoring shall be submitted to and approved in writing by the local planning authority.

Reason for parts A and B - Groundwater is very sensitive beneath the site and we do not know the risk of pollution to groundwater posed by the site and by this activity. Our geology maps indicate there is some Clay beneath the site but that this is likely to be thin. Consequently, there is limited natural protection for the Chalk Principal Aquifer beneath the clay, from which groundwater is abstracted. The site lies within Inner Source Protection Zone (SPZ1) for a public water supply abstraction, so the groundwater beneath the site is a precious resource that must be protected from pollution.

C - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

Reason: To protect the quality of the very sensitive groundwater beneath the site from pollution.

Environmental permits

Please be aware that we regulate this site through environmental permits. Please contact me if you need any further details on this. Future overarching planning application I recommend that the applicant contacts me for pre-application discussions for the full application as early as possible. This is currently a free service and will help to identify any issues before an application is submitted. A number of additional reports may be required with the overarching application, such as surface water flood risk assessments, drainage scheme details and further ground and contamination investigations.

HAREFIELD RESIDENTS ASSOCIATION: No response.

RUISLIP RESIDENTS ASSOCIATION: No response.

Internal Consultees

POLICY AND ENVIRONMENTAL PLANNING

1. Site

The proposal site is located approximately 2.5km south-east of the village of Harefield and 2km west of Ruislip. The site is accessed by New Years Green Lane, which links to the A4180. The site is located on land designated as Green Belt.

2. London Plan (adopted July 2011)

The London Plan strongly supports the protection, promotion and enhancement of London's open spaces and natural environments. Policy 7.16: Green Belt states that in terms of planning decisions:

The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

3. Previous Applications

The existing uses on the site were established by 39755/APP/2002/3026. Condition 14 of 02/3026 requires that the activities on site are restricted to a maximum of 50,000 cumulative tonnes of waste processed on the site per year. (Reason: To safeguard Green Belt amenity).

A renewal of permission was granted on 18 August 2006, (ref.12579/APP/2006/673), condition 1 limits the use of the site for organic composting for five years with the following reason: it is not considered appropriate to grant a permanent permission for the use until its effects on the amenities of the locality has been assessed.

While, the application stipulates that no intensification of the waste processed on the site will occur, Officers will need to be certain that this is the case and that in allowing the application this will not result in the cumulative justification for a future application to increase the waste processed.

4. Main Policy Issues

Land-use

The site is located within designated Green Belt land. Under the terms of Policy OL1 development in the Green Belt is normally unacceptable unless it is agriculture, cemetery or recreation related. The existing site use for composting organic waste does not conform to the type of development allowed by Policy OL1.

In accordance with PPG2 very special circumstance need to exist to justify the inappropriate development in the Green Belt and that the harm is clearly outweighed by other considerations.

It is noted that the uses on the site promote the recycling of green waste, which at a Borough wide level is beneficial to Hillingdon. While this in isolation may not be a justification for approving the application, it can be a material consideration, to balance against the use being located within the Green Belt.

The existing use of the site for composting waste was granted planning permission for a period of 5 years. The Council policy aims to increase green waste were considered a sufficient special circumstance to justify the use in this location, to the extent that the harm on the openness of the Green Belt had been outweighed.

West London Waste Plan

The West London Waste Plan (WLWP) safeguards all waste facilities within its administrative area (The London Boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames) that have current planning permission for a waste activity. Those located in the Metropolitan Green Belt although safeguarded are not allocated for intensification as this does not align with national and regional policy, nor does it accord with the vision and objectives of the WLWP.

4. Conclusion

Whilst the use of the site is not appropriate within the Green Belt, the LDF Team have no specific objections to the renewal of planning permissions for a temporary period of one year.

ENVIRONMENTAL PROTECTION UNIT (EPU)

EPU does not have any objections to this proposal to extend the planning permission.

TRES AND LANDSCAPE OFFICER

LANDSCAPE CONTEXT: The site is occupied by an area of asphalt used to accommodate the

windrows of an organic organic composting operation. Situated within the Green Belt, the original proposal included woodland shelter planting around the perimeter to provide shelter and visual screening. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated Conservation Area.

PROPOSAL: The original proposal was granted a five year temporary permission. The current application is to allow the continued use of the land for a further 12 months.

LANDSCAPE CONSIDERATIONS: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other landscape features will be affected by the development and the proposed new building will have little impact on views into the site, or the landscape setting.
- The management, maintenance and replacement planting (of any failed trees or shrubs) should continue in accordance with the previous approvals.

RECOMMENDATIONS: No objection, subject to the above considerations and condition TL7.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Of particular relevance is policy OL1 which states that agriculture, horticulture, nature conservation, open air recreation and cemeteries are the only open land uses which are acceptable in the Green Belt. Commercial composting, if it is not small scale or ancillary to a residential or farm use, is normally considered to be an industrial use, being a form of recycling, where waste undergoes a process that will break down the matter and be converted into useable material. In principle this type of use is to be encouraged (saved policy MIN 16) in an appropriate location. However, proposals for industrial and waste uses are not normally considered appropriate in a Green Belt location. The use of this site for composting is therefore contrary to Saved Policy OL1 of the UDP and constitutes inappropriate development within the Green Belt.

Planning Policy Guidance Note 2: Green Belts (PPG2) states that there is a general presumption against inappropriate development and the construction of new buildings within Green Belts. It goes on to state that: It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

With regard to Pylon Farm, the existing open composting, although contrary to Green Belt Policy, was considered to outweigh the harm to Green Belt objectives. National and local requirements to increase green waste recycling still apply and it is considered that this need continues to constitute the very special circumstances to justify inappropriate development. This policy justification is set out below.

Planning Policy Statement 10: Planning for Sustainable Waste Management (July 2005) states that the overall objective of the Governments Policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. PPS10 sets out the key planning objectives, decision making processes and advice on preparing Regional Spatial Strategies, Local development Documents and determining planning applications.

Annex E of PPS10 provides advice on the locational criteria for siting waste management facilities.

Key planning objectives are stated as including:

- help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;
- provide a framework in which communities take more responsibility for their own waste and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy; and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Environmental Permitting (England and Wales) Regulations 2007;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste collection authorities, waste disposal authorities and business, and encourage competitiveness; and
- protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries, and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given sufficient weight in determining whether proposals should be given planning permission.

In this regard, it is noted that a composting facility on this scale requires large open areas not normally available in a more urban environment. Since the site is located within the Borough, it is considered that this is a sustainable location, as it satisfies the Government's proximity principle, whereby it is deemed environmentally beneficial to manage waste as close as possible to its point of origin.

DEFRA has also published the Government Review of Waste Policy in England in 2011. The strategy continues to provide a strong emphasis on waste prevention.

The consultation period for the West London Waste Plan Proposed Sites and Policies Document ended on 25th March 2011. A summary report on the consultation responses has now been published. Six west London Boroughs (Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames) have joined together to plan for their future waste. The forthcoming West London Waste Plan (WLWP) will plan for all waste in the plan area up to 2026. It will identify sufficient sites to deal with this waste. The Plan will also contain policy to support site development and awareness of sustainable waste management. It will give priority to waste reduction, recycling and composting. However, it will still need to plan for disposal of waste in other ways. It is considered that the extension of time needed for the maturation area would be in compliance with the emerging Plan.

London Plan Policies 5.16 (Waste Self Sufficiency) and 5.17 (Waste Capacity) seek to reduce the amount of waste that arises in the first place. Where this is not possible, an approach based on the waste hierarchy that emphasises re-use, and then recycling and composting, before energy recovery and disposal is encouraged. The continuation of the maturation area is considered to be in accordance with the aforementioned policies.

UDP Saved Policy MIN16 encourages the provision and improvement of premises for efficient and environmentally acceptable recycling of waste and it is considered that the allowing the continuation of the use accords with this policy.

Saved Policy MIN18 of the UDP states that the Planning Authority will normally oppose the use of existing civic amenity and waste transfer sites for purposes unconnected with waste handling, treatment, recycling, energy recovery or allied activities, unless an

alternative facility is available offering the same or enhanced benefits and has a secure long-term future, or it can be demonstrated conclusively that the long-term changes in the nature and pattern of waste disposal have removed the long-term need for the civic amenity and/or waste transfer facility. Policy MIN18 as a safeguarding policy is considered to be applicable to the site, as it is used for the purpose of waste handling, treatment and recycling.

The applicant has also put forward a case for the need of the development. The applicant currently has contracts with 3 of the 6 constituent boroughs of the West London Waste Authority (West Waste) to accept green waste and household foodstuffs from kerbside and civic amenity collections. Contracts are held with London Borough of Hillingdon (LBH), London Borough of Harrow and the London Borough of Brent. Waste is accepted from another 2 constituent boroughs (London Borough of Richmond and London Borough of Ealing) on a non-contractual basis.

The maturation area is needed to ensure all composting activities can continue to operate in an environmentally acceptable manner. If this application is not allowed, there will be an immediate backlog of green waste and food waste at both a Local and Regional level, which will undoubtedly be disposed of at facilities lower down the Waste Hierarchy. If the maturation area permission is not extended for another year, the compost maturation area will be restored to its original low-quality agricultural grazing land-use and both the borough and the larger region of West London will lose a strategic facility, which is currently employed to assist no less than 5 London Boroughs, aimed at achieving sustainable waste management, in accordance with all levels of policy.

The applicant submits that this short term temporary extension for an existing approved operation will allow time to agree the steps required for a new permanent permission, which will bring all operations under the same cover. As the extension of time request is only for a further 12 months, a new application will need to be submitted imminently, to ensure the long-term security of all the operational elements that make up the site.

It is therefore considered that the reasons given above are the very special circumstances to justify continued temporary use of green waste recycling in this location, to the extent that the harm on the openness of the Green Belt has been outweighed. Therefore, even though the use is contrary to Policy OL1, approval is recommended for this application.

7.02 Density of the proposed development

Not applicable to this development.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this development.

7.04 Airport safeguarding

Not applicable to this development.

7.05 Impact on the green belt

The change of use from agricultural land to an open composting maturation site will involve granting of planning permission for a development within the Green Belt, Colne Valley Park and within proximity to nationally protected woodland. There is potential for long-term effects on biodiversity, landscape character, visual impacts on these areas and on the amenity of the Green Belt for its users.

There are no physical changes proposed as part of this application. Situated within the Green Belt, the original proposal included young woodland and hedgerow plantations to the north and west of the site, to provide shelter and visual screening. This planting was

required, in order to screen and mitigate the visual impact of the windrows when viewed from surrounding public footpaths. These existing hedgerows and field/hedgerow trees around the site are now established and will not be affected by the proposal. It is not considered that the continued temporary use would cause unacceptable landscape and visual impacts, in compliance with Saved Policies OL5 and BE38 of the UDP, subject to continued management of the planting around the site. This is secured by condition.

7.06 Environmental Impact

Environmental considerations relating to this application, namely air and ground water quality, have been addressed in the relevant sections of this report.

7.07 Impact on the character & appearance of the area

This issue has been dealt with at Section 7.07 above.

7.08 Impact on neighbours

The main impact on neighbours arising from the continued use of the composting facility relate to air quality and noise. These matters have been dealt with in relevant sections of this report.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policies AM1, AM2, AM7, AM9, AM14 and AM15 of the UDP are concerned with traffic generation, road capacity, on-site parking, access to public transport and provisions for parking for people with disabilities. New Years Green Lane is unsuitable for HGV traffic for much of its length, due to the width of the road and further traffic increases ought to be discouraged. The applicants have already implemented measures to ensure that delivery and collection vehicles use only the short stretch of New Years Green Lane, between the site and Breakspear Road. These measures include site signage and profiling the junction to the access road to High View Farm, so that vehicles are physically prevented from turning towards Harvil Road. In addition, operators are informed of the preferred route for all vehicles entering and leaving the site. These measures have been secured by conditions on the previous consent and have been incorporated into the Waste Management Licence, issued by the Environment Agency.

Allowing the development to continue for another 12 months under the same parameters as the existing permission will have a negligible impact on the surrounding highway as there is no proposal to increase the volume of waste material being accepted at the site and no new trips have been identified. The existing safety record of the highway has been reviewed and it has been concluded that there is no pattern of accidents that is suggestive of a highway layout deficiency that leads to unacceptable safety risks.

Consequently, allowing the development for another 12 months is considered acceptable from a highway safety perspective. The Highway Engineer therefore raises no objections to this application, subject to limiting the total amount of through put to 50,000 tonnes of waste per year. It is recommended that the condition controlling the amount of waste that can be received in the site be rolled forward, in the event of an approval.

7.11 Urban design, access and security

There are no urban design issues associated with this application.

7.12 Disabled access

There are no disabled access issues associated with this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

LANDSCAPING: The young woodland and hedgerow plantations to the north and west of the site which were planted as part of the original scheme are now well established. It is considered that the maturation area benefits from good screening on all boundaries. No landscape or visual effects have been identified by allowing the continuation of the maturation area for a further 12 months.

The tree and Landscape Officer advises that the management, maintenance and replacement planting of any failed trees or shrubs should continue in accordance with the previous approvals. Subject to compliance with landscape conditions, the development is considered to comply with Saved Policy BE38 of the UDP.

ECOLOGY: The applicant originally provided a detailed Ecological Appraisal of the site, which established that there are no protected species on the site. No increase in development is proposed and no ecological issues have been identified by allowing the continuation of the maturation area for a further 12 months. It is therefore considered that the scheme will not have an adverse impact on ecology and nature conservation in the area, in accordance with Saved Policies EC1 and EC3 of the UDP.

7.15 Sustainable waste management

This is an application for the continued use of a composting facility, which will help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource.

7.16 Renewable energy / Sustainability

This is an application for the continued use of a composting facility, which will help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource.

7.17 Flooding or Drainage Issues

The applicants submit that potential environmental impacts associated with allowing the maturation area to continue for a further 12 months are considered to be negligible, as no operations are proposed to change at the site. There will be no increased rate of runoff from the maturation area as it is not increasing, so no flooding is expected. However, the Environment Agency notes that groundwater beneath the site is very sensitive and it is not clear what the risk of pollution to groundwater posed by the site and by this activity would be. The Agency points out that there is limited natural protection for the aquifer beneath the site from which groundwater is abstracted. Given that the site lies within Inner Source Protection Zone (SPZ1) for a public water supply abstraction, ground water beneath the site is a precious resource that must be protected from pollution.

There is therefore a potential for leachates to pollute groundwater quality. The potential effects are likely to become more significant with a longer exposure period to pollution. The Environment Agency has therefore requested conditions requiring a scheme to deal with the risks associated with contamination of the site. The Agency has specified that this should include a preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- potential contaminants associated with the current use
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

In addition, the Environment Agency has recommended a condition requiring a monitoring and maintenance plan for monitoring of potentially unacceptable pollutant linkages, as identified in the preliminary risk assessment. The plan shall include maintenance arrangements, contingency action and a scheme for reporting the monitoring results to the

Local Planning Authority. On completion of the activities identified in the agreed monitoring and maintenance plan, a final report including the findings of the all the monitoring should be submitted to and approved in writing by the local planning authority.

The Environment Agency further advise that a number of additional reports may be required with the overarching application, such as surface water flood risk assessments, drainage scheme details and further ground and contamination investigations. The applicants have been advised of this likely requirement by way of an informative.

Subject to the above mentioned conditions to protect ground water quality in the area being imposed and discharged, it is considered that the continued use of the facility for an additional 12 month period would not compromise the statutory functions of the Environment Agency, the risk of flooding will be minimised and the quality of the water environment will be protected, in compliance with Policies OE7 and OE8 of the Hillingdon Unitary development Plan Saved Policies (September 2007) and Policy 5.14 of the London Plan (July 2011).

7.18 Noise or Air Quality Issues

AIR QUALITY: In terms of air quality, during 2005 a significant volume of odour complaints from the residents of neighbouring residential developments in the Ruislip and Harefield area were received by the Environment Agency (EA) and the Council's Environmental Protection Unit (EPU). The odours were attributed to two composting facilities, one of which was West London Composting (the application site). Approximately 100 odour complaints were received by the EA during this period.

There were 25 odour complaints to the Council's EPU in 2005, 22 in 2006, 20 in 2007, 56 in 2008, 17 in 2009, 6 in 2010 and 1 this year. It is noted that effective from 6th April 2008 the new Environmental Permitting Regulations 2007 requires regulated waste sites such as this to hold an Environmental Permit, in place of the former Waste Management Licence. Critically, this legislation ended local authority powers under the Environmental Protection Act 1990 to take action for statutory nuisance against regulated waste sites. The intention was to remove the 'double jeopardy' for operators that had existed under Waste Management Licences. As a result, the Environment Agency is effectively the sole regulator and members of the public are advised to contact them directly. Therefore complaints to the Council's Environmental Protection Unit would reflect this in recent years from 2009, 2010 and the current calendar year to date. 2008 was when the expansion of vessels came online and there were some teething problems with the operation.

In 2006, the applicant produced an action plan, which included a number of measures to improve the operations at the composting facility, in order to mitigate the air quality (odour) issue, which can be summarised as follows:

1. Construction of odour suppression systems
2. Commercial food waste not to be accepted
3. Diversion of waste streams at peak periods to prevent stockpiles
4. Adequate maintenance of systems
5. Increase timescales for upstream composting process, before material reaches the windrows. (This required additional in vessel composting modules at Highview Farm).
6. Increasing the area for composting at Pylon Farm in order to move the activity to a less sensitive area.

All these measures have been put in place, allowing the composting process to be lengthened, thereby discouraging the formation of malodorous substances. The increasing of the number of vessel clamps has enabled a more stable compost before it is

transported to the open maturation area (Pylon Farm). A more stable compost at this stage has led to less odour being produced during the maturation process. Since these measures have been put in place the number of odour complaints have significantly reduced.

EPU recommended a number of conditions in connection with the open maturation site, in order to ensure that the odour mitigation measures are effective as possible. These included a requirement that an odour suppression system is installed around the proposed extended maturation site, to mitigate odour emanating from the windrows. Conditions were also recommended to ensure that the total quantity of waste accepted at the site per year shall not exceed the 50,000 tonnes currently allowed and prohibiting composting of commercial food waste. In addition conditions were recommended to ensure the screening operation is to be located away from sensitive receptors (adjacent farm buildings along New Years Green Lane), while the hours of operation were to be controlled. It is recommended that these conditions be re-imposed in the event that a further 12 month temporary permission is granted.

Given these safeguards, and provided the applicant adheres to the conditions recommended above, it is anticipated that these measures will reduce the risk of odour release, thereby safeguarding the residential amenity of the occupiers of adjoining and nearby properties, in accordance with Policy OE6 of the UDP.

Notwithstanding the above, it is acknowledged that this composting process is ground breaking technology and there remains some uncertainty surrounding the effectiveness of the improved management of the facility to reduce the potential for creating offsite odours. DEFRA has recently commissioned research into the risks to health from bio-aerosols generated during composting operations to reduce uncertainties in the level of risk posed by bio-aerosols and odours at composting sites. This will help to ensure that regulatory requirements applied to businesses, and the ways compliance is assessed and secured, are based on best available evidence

It is therefore recommended that a further 1 year temporary permission be granted for the continued use of the existing open maturation site. This will allow the Council to continue to monitor the site and assess the impact on the amenities of the locality.

NOISE: No increase in noise would be generated from allowing the maturation area to be in place for a further 12 months, as no additional physical operations are proposed.

7.19 Comments on Public Consultations

The issues raised have been covered in the main report.

7.20 Planning Obligations

There are no planning obligations relating specifically to this proposal.

7.21 Expediency of enforcement action

There are no enforcement issues associated with this site.

7.22 Other Issues

There are no other issues associated with this application.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

10. CONCLUSION

It is considered that national and local requirements to increase green waste recycling constitute the very special circumstances to justify the continued use of the maturation site. These circumstances are considered to outweigh the fact that the proposals are inappropriate development in the Green Belt. It is not considered that the visual amenities or the open character of the Green Belt would be adversely affected by the continued temporary use.

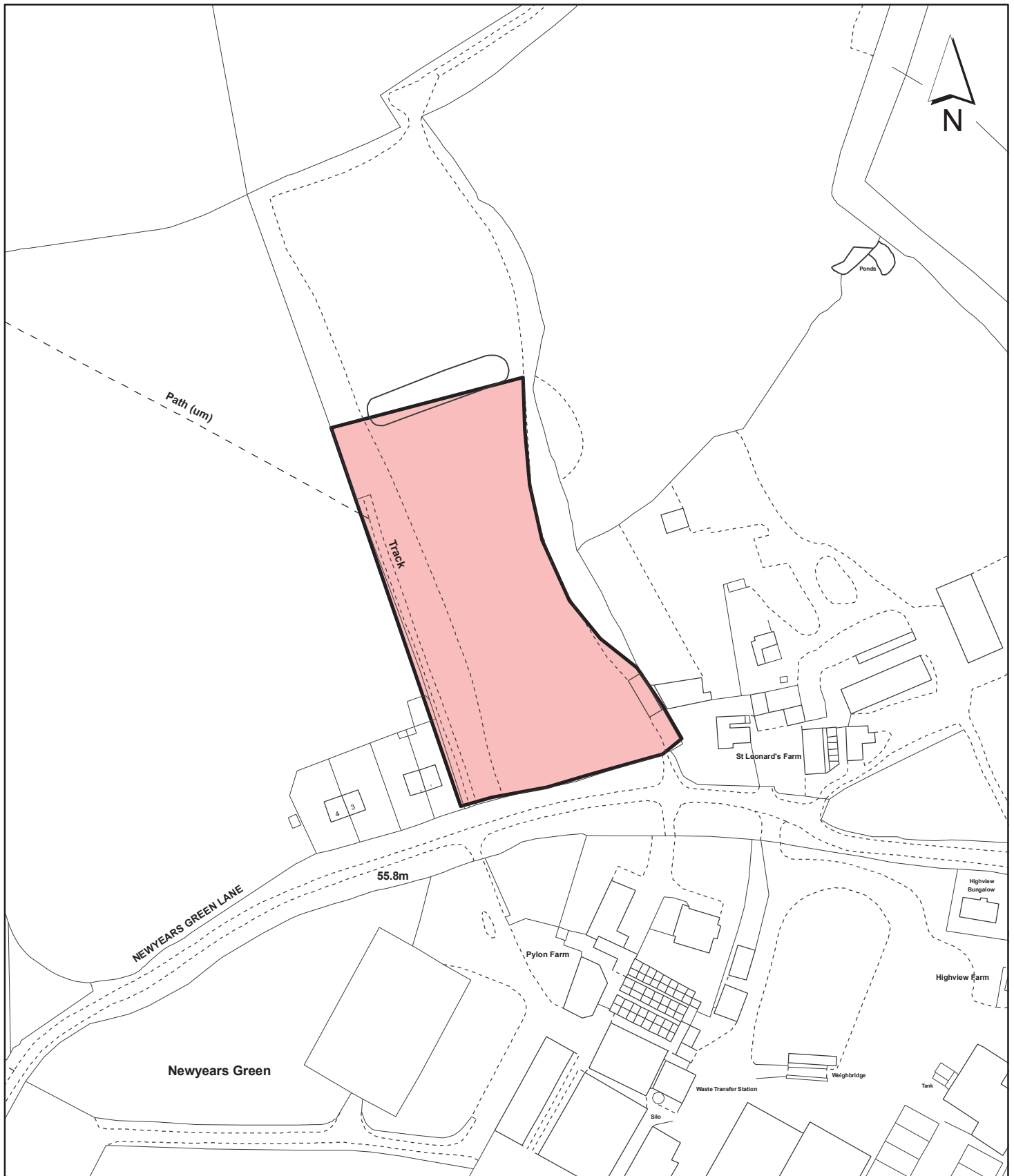
It is recommended that a further 1 year temporary permission be granted for the continued use of the existing open maturation site. This will allow the Council the opportunity to monitor the site and assess the effectiveness of these measures on the amenities of the locality. It is not considered that the scheme will have an adverse impact on ecology and nature conservation in the area, or on the highway network. On this basis approval is recommended.

11. Reference Documents

Planning Policy Guidance Note 2: Green Belts
Planning Policy Statement 1: Delivering Sustainable Development
Planning and Climate Change (2007) supplement to PPS 1
Planning Policy Statement 10: Planning for Sustainable Waste Management
Government Review of Waste Policy in England 2011
The London Plan (July 2011)
London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007)

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Notes

 Site boundary

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Site Address

**Pylon Farm
 Newyears Green Lane
 Harefield**

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Planning Application Ref:
12579/APP/2011/1991

Scale
1:2,000

Planning Committee
North

Date
**October
 2011**



HILLINGDON
 LONDON