

## Report of the Head of Planning & Enforcement Services

**Address** LAND ADJACENT TO COMPOST MATURATION SITE AT PYLON FARM  
NEWYEARS GREEN LANE HAREFIELD

**Development:** Variation of condition 1 of planning permission ref 12579/APP/2007/534 dated 24/05/2007 to allow retention of the existing drainage lagoon for a period of 12 months. (Section 73 application)

**LBH Ref Nos:** 12579/APP/2011/1993

**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 a temporary period of 12 months for the retention and continued use of a drainage lagoon, required for operations connected with the use of land at Pylon Farm as an organic composting facility. The lagoon is located at the northern end of an extended compost maturation site. Separate planning applications to extend the use of the original and extended maturation sites are also included on this agenda.

The retention of the lagoon for a further 12 month period would not increase the built up nature of the site, or harm the openness of the area to a detrimental degree. Although composting is a form of industrial use which is not normally considered appropriate in a Green Belt location, Council policy aims to increase green waste recycling in line with the Government's Waste Strategy. It is considered that these are special circumstances to justify the retention and continued use of the composting facilities, of which the drainage lagoon forms an integral part, at this location, to the extent that the harm to the openness of the Green Belt has been outweighed. Approval is therefore 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 NONSC Non Standard Condition

Any excess landfill material excavated and/or imported material shall be tested for

contamination levels therein, to the satisfaction of the Local Planning Authority. If contaminated, the material shall not be used at the development and shall be transferred and disposed of elsewhere, such that none of the contaminated material remains on the site.

**REASON**

To ensure that the users of the site and the environment are not subjected to any risks from land contamination associated with the tipped ground in accordance with Policy OE11 of the Hillingdon Unitary Development Plan (Saved Policies (September 2007)).

**3 NONSC Non Standard Condition**

The surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority.

**REASON**

To prevent pollution of the water environment in accordance with Policy OE11 of the Hillingdon Unitary Development Plan and Policies 5.13 and 5.14 of the London Plan (July 2011).

**4 NONSC Non Standard Condition**

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).

**5 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).

## 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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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
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
PPG13	Transport
PPG2	Green Belts
PPS1	Delivering Sustainable Development
PPS1-A	Planning and Climate Change - Supplement to Planning Policy Statement 1
PPS10	Planning for Sustainable Waste Management
PPS9	Biodiversity and Geological Conservation

### 3

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. This application relates to a drainage lagoon, which has a capacity of 900m<sup>3</sup>, located to the north of the existing organic composting maturation site.

The application site falls within the 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 lagoon is bounded to the north by a hedgerow and further vegetation has been planted on the northern and eastern edges of the site.

The adjoining compost maturation area has been constructed from crushed concrete and subsequently coated with a 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 (subject of this application), which has been designed to accommodate a worst case storm event.

#### **3.2 Proposed Scheme**

No changes are proposed to the physical characteristics of the drainage lagoon. Planning permission is sought to vary condition 1 of Planning consent 12579/APP/2007/534 dated 24/5/2007, to allow the retention and continued use of the drainage lagoon for a period of 12 months.

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 16 August 2011, 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:

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 in accordance with Policy OE1 of the Hillingdon Unitary Development Plan.

The requested variation of Condition 1 is set out below:

The use hereby permitted shall be discontinued on or before 16th 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/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

#### **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 Authority Waste 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. This application was granted. The permission expires on 17th August 2011.

On May 18th 2006 another application (ref:12579/APP/2006/ 1524) was granted 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 swas ubmitted to relocate the drainage lagoon to the northern end of the site. The application was approved on 24/5/2007. The permission expired on 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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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
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
LPP 5.14	(2011) Water quality and wastewater infrastructure

LPP 5.16	(2011) Waste self-sufficiency
LPP 5.17	(2011) Waste capacity
PPG13	Transport
PPG2	Green Belts
PPS1	Delivering Sustainable Development
PPS1-A	Planning and Climate Change - Supplement to Planning Policy Statement 1
PPS10	Planning for Sustainable Waste Management
PPS9	Biodiversity and Geological Conservation

## 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. No responses have been received.

### 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.

## WASTE MANAGER

I would recommend this application as the site is an integral part of recycling and composting system in the Borough.

### **7. MAIN PLANNING ISSUES**

#### **7.01 The principle of the development**

To ensure that leachate does not contaminate ground water, the lagoon subject to this application is essential to the safe operation of the compost maturation site. Two applications (ref: 12579/APP/2011/1991 and 1992) are included elsewhere on this agenda, seeking to extend the use of the compost maturation site for a further 12 month period. Detailed justification for the continued temporary use of the existing green waste recycling facility in this location is provided in these applications. Given that the lagoon forms an integral part of the recycling and composting operations, should those applications be approved, no objections would be raised for the retention of the lagoon for a similar 12 month period.

#### **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 involved 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. These matters were assessed as part of the determination of the original application to approve the siting of the drainage lagoon at this location. 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 and the lagoon, 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. Since there are no physical changes proposed as part of this application, it is considered that the retention and continued temporary use of the lagoon would not cause unacceptable landscape and visual impacts, in accordance with Saved Policies OL5 and BE38 of the UDP, subject to continued management of the planting around the site.

#### **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. However, there are no issues arising from the retention and continued use of the drainage lagoon on surrounding neighbours.

#### **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 Highview 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 were secured by conditions on the previous consents and were 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 per year.

#### **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: No landscape or visual effects have been identified by allowing the continuation of the use and retention of the drainage lagoon for a further 12 months. No increase in development is proposed and it is considered that the maturation area, including the lagoon, benefits from good screening on all boundaries.

The tree and Landscape Officer advises that the management, maintenance and replacement planting of any failed trees or shrubs on the site boundaries 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. Natural England has raised no objections. It is therefore not considered that the scheme will 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 is a sustainable development addressing waste as a resource in compliance with national and local requirements to increase green waste recycling.

#### **7.16 Renewable energy / Sustainability**

This is an application for the continued use of a composting facility, which is a sustainable development addressing waste as a resource in compliance with national and local requirements to increase green waste recycling.

#### **7.17 Flooding or Drainage Issues**

To ensure that there is no contamination of ground water, the compost maturation site involves extensive works to provide a protective membrane, with ground levels altered to allow leachate to feed into a lagoon, which is currently located to the north of the existing site.

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 lagoon 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**

Since there are no operational changes proposed to the scheme, there are no air quality or noise issues associated with the retention of the drainage lagoon for a further 12 month period.

#### **7.19 Comments on Public Consultations**

None.

#### **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, of which the drainage lagoon forms an integral part. 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.

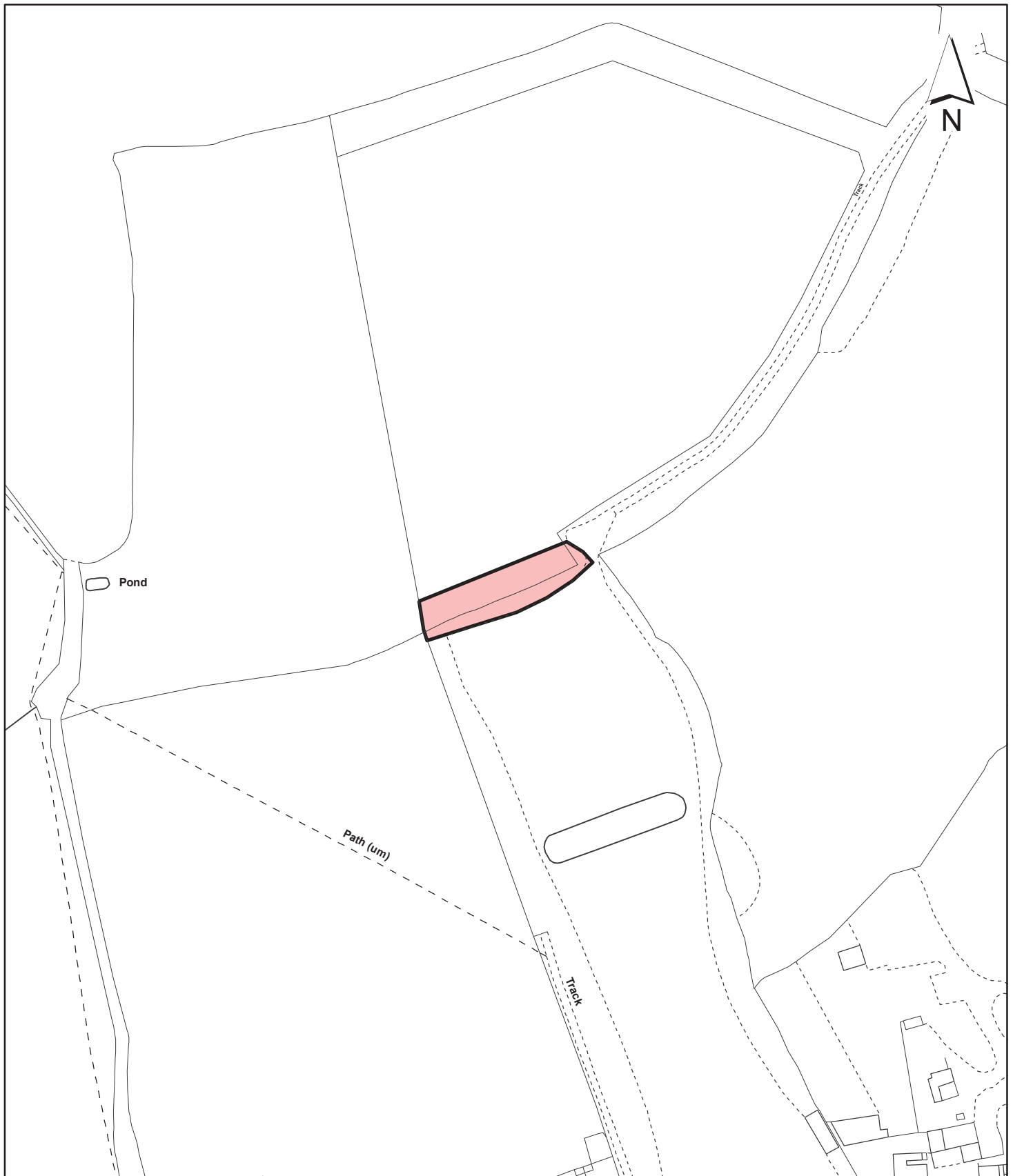
It is recommended that a further 1 year temporary permission be granted for the continued use of the existing open maturation site. This will allow the Council the opportunity to monitor the site and assess the effectiveness of these measures on the amenities of the locality. It is not considered that 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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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100019283</p>	<p>Site Address</p> <p><b>Land adjacent to Compost Maturation Site at Pylon Farm Newyears Green Lane, Harefield</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p>Planning, Environment, Education &amp; Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW</p> <p>Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>12579/APP/2011/1993</b></p>	<p>Scale</p> <p><b>1:2,000</b></p>	
	<p>Planning Committee</p> <p><b>North</b></p>	<p>Date</p> <p><b>October 2011</b></p>	