



lowton east neighbourhood development forum< lendf99@gmail.com>

Enforcement Delegated Report WBC

3 messages

Mon, Oct 14, 2013 at 11:48 AM

Hi Everyone

I felt disappointed, frustrated, and with a sense of betrayal after reading the report from Mr Dan Matthewman regarding alleged breach of planning control.

I have responded by letter to Mr Matthewman covering some of the following points.

1. I understand from the report that WBC approved (reference 2011/17821) planning permission for a green waste composting operation. Application was submitted on the consideration that the scale of the waste imports for subsequent recycling and composting went beyond that which could reasonably be considered "agriculture" as defined by S.336 of the Town and Country Planning Act 1990 and therefore required permission in their own right."

2.Planning permission for this Facility was conditional. The reasons for the conditions included: " In the interest of highway/pedestrian safety of residents/exising highway users in the local area, in accordance with Policy DCS1 and LUT2 of Warrington Borough Councils' Unitary Development Plan.

3.It was conditional for deliveries and despatches to be limited to a maximum number of twenty HGV per day with movements restricted between clearly defined hours each week.

4.I submit that at the time of this Planning Application it was known by the WBC Planning what the Facility was all about. A 35,000 tones, per annum, of green waste recycling facility producing compost which, as stated above, exceeded the consideration of "agriculture." with operational activities subject to conditions.

5.Whilst the report defines and supports a tractor/trailer as a HGV and confirms it is subject to the control of **Planning condition 9**, somehow, according to the report, because of it's load (now soil) it becomes immune from the condition, and is lawful. *(the reasoning for this gets a bit blurred)*

6. The report concludes that "Condition 9 has not been breached and the use of agricultural tractors/trailers to move composted soil from the land to other parcels of land within the occupants' agricultural holding are lawful." Not so, I disagree. Surely this would only be true if compost was processed and transported from land outside planning control.

I question this analysis, since the full operation from waste to compost was processed on land (site) subject to planning control with set conditions and for the reasons stated in paragraph 1 above.

Consider a tractor/trailer is making a supply, from a 'Soil Improver' of processed material (compost) from planning controlled land that is a 'green waste recycling plant' - not agricultural. See 1 above.

As residents how could we distinguish between (as the report says) lawful despatches and unlawful despatches. If we see a tractor/trailer loaded with compost working outside restricted times - how do we know if it is in breach of condition or otherwise? Additionally, it seems the reasons the report gives for a tractor/trailer being immune would apply to any vehicle deployed for despatches - although perhaps unlikely.

I submit that at the time of this Planning Application it was known by WBC Planning what the Facility was all about. A 35,000 tones, per annum, of green waste recycling facility importing waste material from local authorities and producing compost, which, as stated above, exceeded the consideration of "agriculture." Furthermore, operational activities on this site are subject to conditions.

Spreading of compost (the finished product) on agricultural land is in itself an agricultural operation, and this is not disputed, however, I submit, the transportation of the compost is not an agricultural operation when such transportation is integral to the production and delivery of compost by a registered 'compost supplier' as distinct from a landowner spreading fertilizer on his field - fertilizer of his own making or otherwise.

*This operation, as discussed in the above report, is a green waste recycling facility, recently described as Diggle Green Waste Management Facility and is advertised and operating as a **Soil Improver**. Local Authorities, including Warrington, make use of this facility. I submit this is a commercial operation, that makes a product for agricultural use. It is a business activity, but not in itself, an agricultural activity. (1 above) Furthermore, it would not be subject to the "Mansi" principle.*

As mentioned in the report the Facility is controlled by the Environmental Agency and is subject to British Standards. It also carries a certificate of conformity as a Soil Improver. I would add that it is a separate entity and was rightly subject to planning conditions and planning approval and not as the report concludes. I do not agree with the report that tractor/trailers are

immune from the planning conditions. Therefore any breach of planning conditions should be enforced.

7. It seems odd to me that WBC when considering the above planning application gave conditional planning approval, set to protect the interest of highway/pedestrian safety and local residents, but after receiving numerous complaints of alleged breach of conditions rule that **Planning Condition 9**, although including tractors/trailers as falling within their definition of a HGV vehicle and subject to restrictions are immune anyway, somehow because of the load they carry. Yet the load was produced on a site subject to planning regulations and conditions.

8. Sadly, if this stands, it seems to me that '**condition 9**' now offers little or no protection to residents and local community.

9. It is clear to me that WBC initially intended to limit both deliveries and despatches (including tractor/trailers) to and from the site otherwise it would have stated this right at the beginning and would not have produced a report with analysis declaring them immune - Residents complaints would have been answered immediately by a response to say they were exempt from the condition. Now that WBC state they are exempt, HGVs imports are now permitted upto forty per day. This does not do much for "*In the interest of highway/pedestrian safety of residents/existing highway users in the local area, in accordance with Policy DCS1 and LUT2 of Warrington Borough Councils' Unitary Development Plan.*

The concern WBC rightly held at initial planning approval now seems to have deminished - I am sure that is not true but what protection for residents and local environment is now to be put in place? It must be remembered many residents have taken issue on this.

To me the report is flawed.

I thought I would share with you my thoughts. You may not agree or see it my way and thats fine. Please let me know if you have a different view. Hopefully you will pick up on things I have missed. I would encourage you to read the report for yourself, if you have not yet had the opportunity to do so and suggest you write to Mr D. Matthewman with your response.

I fully support recycling and go to great lengths to do so, as I am sure you all do. I also wish Diggle Green Green Waste Management Facility well. However, residents rights and the local environment must be protected and all things must be done correctly to support that end.

Thank you for your time.

John