

TOWN AND COUNTRY PLANNING ACT 1990

Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation.

Land for the processing of green waste to form compost.

Land off Dearne Hall Road, Low Barugh, Barnsley.

Planning Permission ref 2007/0904 granted on 11 October 2007 subject to Conditions.

Applicant: E L Mount & Co Ltd, Swallow Hill Farm, Mapplewell, Barnsley S75 1LY

Supporting Statement

The planning permission 2007/0904 contained a number Conditions that required to be satisfied before the development could commence (3,4,5,6,7,8,10,13 & 20).

These Conditions were the subject of a comprehensive submission to Barnsley Council contained in a Report dated November 2007.

Condition 1 of the permission requires that the development hereby permitted shall be begun before the expiration of 3 years from the date of the permission, i.e. 11th October 2010.

The permission also contained a Condition limiting the source of green waste to that collected by Barnsley Council (Condition 19).

At the time of the planning application and subsequent assessment, Barnsley, Rotherham and Doncaster Councils had combined in an effort to procure a contract to cover green waste collection, composting and disposal encompassing all three Councils. E L Mount & Co Ltd were one of many firms invited to submit a tender for this contract. Success in tendering would have secured a Barnsley Council based source of green waste. It was therefore reasonable not to commence the development until the successful tenderer was known. However, the results of the tendering procedure, were repeatedly delayed until an announcement was eventually made early in 2009. E L Mount & Co Ltd had failed in its bid and the contract was given to a nationwide waste operator, Waste Recycling Group Limited.

Despite this setback, E L Mount & Co Ltd decided to proceed with the proposals so the next step was to make applications to the Environment Agency in May 2009 for an exemption under the Environmental Permitting Regulations 2007.

The application for spreading compost was granted but completion of the parallel application for the composting site itself was prevented by The Environment Agency having discovered evidence of alleged protected newt species being in the vicinity of the proposed composting site.

It was therefore necessary to appoint a specialist consultant to investigate this matter. The seasonal activities of these animals meant that an identification and count survey could not commence until Spring 2010 and would continue for several months. The presence of these animals was confirmed in the results of the specialist survey in late summer 2010. It is now necessary to ensure protection of these animals before the development can proceed. It is not possible to provide such protection in the limited time left before expiry of the extant planning permission. Hence, this application for an extension of the time limit for implementation.

In addition, it is asked that Condition 19 limiting the source of green waste be removed. There is little prospect of adhering to this Condition given the monopoly position of the Council's contract. Condition 19 is therefore unfair and unreasonable since green waste for composting at this site will have to be found from sources other than Barnsley Council. The volume of material to be processed will remain unchanged.