



Appeal Decision

Site visit made on 22 September 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/P2114/W/19/3243257

Land to the rear of Fernlea, Ningwood Hill, Cranmore, Yarmouth, Isle of Wight PO41 0XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Barlow against the decision of Isle of Wight Council.
 - The application Ref 19/00246/FUL, dated 13 May 2019, was refused by notice dated 27 September 2019.
 - The development proposed is described as continued use of land as an extension to waste transfer station to allow composting of green waste; retention of hardstanding; replacement hedge and bund.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is a modified version of that provided on the planning application form. The changed wording was agreed between the parties.
3. The appellant provided an amended plan with supporting information very late in the appeal process. The Council was however provided with the opportunity to provide comments. For this reason, and additionally taking into account the content of the broader submissions, I am satisfied that the interests of no party would be prejudiced by my taking this plan and supporting information into account in determining the appeal.
4. The use of the site for composting has in part already commenced, and has been ongoing for a number of years. Whilst this has to some extent informed my assessment below, I have based my decision on the submitted plans.

Main Issues

5. The main issues are the effect of the development on:
 - the Cranmore Site of Special Scientific Interest (the SSSI) and the features that make it of special scientific interest;
 - the character and appearance of the Isle of Wight of Wight Area of Outstanding Natural Beauty (the AONB); and
 - highways safety.

Reasons

SSSI

6. The site is located within a field adjacent to the West Wight Mini Skips waste transfer site (the skip site), and within the defined impact risk zone of the SSSI. Whilst the SSSI supports a number of protected species, the endangered reddish buff moth is the most important, as the SSSI supports the only remaining population in Britain.
7. Natural England has raised concern that ammonia (NH₃) and nitrogen oxides (NO_x) emitted during composting activities on the site could result in nitrogen deposition and acidification within the SSSI. This is particularly due to the movement of prevailing winds across the site towards the SSSI. Nitrogen deposition and acidification can be harmful where critical loads are exceeded. Whilst the reddish buff moth has a particular dependence on saw wort, which is abundant within the SSSI, its habitat needs are complex, and thus sensitive to environmental change. Nitrogen deposition and acidification could therefore be harmful to the moth due to the changes that this would be likely to cause within the ecosystem of which it forms part.
8. The appellant has provided evidence in relation to the effects of bioaerosols. However, insofar as bioaerosols, or 'organic dust', may include particles of microbial, plant, or animal origin, they do not include NH₃ and NO_x, which are gases. Indeed, no modelling of the likely rates of NH₃ and NO_x emission from the site, either in the past, or in the future, or their likely effects on the SSSI, has been provided, despite the need for further information having been identified by NE.
9. The impact of the development in relation to NH₃ and NO_x is therefore unknown. As such I am unable to conclude that there would be no adverse effects on the SSSI, and related indirect adverse effects on the reddish buff moth, as a result of NH₃ and NO_x generated by composting on the site. I attach significant weight to this potential harm.
10. Against this harm, the key consideration advanced in favour of composting at the location in question is that it adjoins the skip site. This handles organic matter as a component of skip waste. In the absence of on-site composting this organic matter would have to be moved to a facility elsewhere. Moving waste elsewhere would itself give rise to some environmental harm due to vehicle exhaust emissions. Whilst the level of any environmental benefit has again not been quantified, this could in any case be cancelled out if on-site composting allowed a quicker turnaround of skips.
11. The appellant additionally highlights the limited availability of opportunities for the public to recycle green waste on the Isle of Wight. However, this point is not relevant, given that householders would not have access to the site in order to dispose of garden waste.
12. Lastly, it is stated that the proposed bunding and the rest of the field within which the site is located could be planted for the benefit of wildlife, including the reddish buff moth. However, the submitted proposals lack necessary detail, including with regard to ongoing management, and the scale of any ecological benefit is unclear.

13. Consequently, and insofar as it is possible to reach any definitive finding on the matter, the benefits of allowing the development in the location proposed would not clearly outweigh its potentially harmful impact on the features of the SSSI that make it of special scientific interest. Paragraph 175(b) of the National Planning Policy Framework (the Framework) therefore indicates that the development should not be permitted.
14. Moreover, given the potential for indirect adverse effects on the reddish buff moth, significant harm to biodiversity cannot be ruled out. In view of my reasons above, and in the absence of a full understanding of the nature of the impact, scope for avoidance, mitigation and compensation has not been adequately addressed. I cannot therefore conclude that such adverse effects would or could be made acceptable. In this context paragraph 175(a) of the Framework states that planning permission should be refused.
15. For the reasons outlined above, I conclude that the appellant has failed to demonstrate that the development would not have an unacceptably adverse effect on the SSSI and the features that make it of special scientific interest. In view of the potential for unacceptable ecological harm to be caused, the development therefore conflicts with Policies SP5 and DM12 of the Island Plan: Isle of Wight Core Strategy (the IP), each of which, with regard to biodiversity, seek to secure development proposals that protect the integrity of national designations.

AONB

16. As the site lies within the AONB, I have had regard to the statutory purposes of the AONB's designation, which are most particularly to conserve and enhance the natural beauty of the area. In that regard paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs.
17. The site occupies part of a larger group of small fields on reasonably level ground. The skip site lies to the south, and housing to the east. The fields are otherwise well enclosed by hedges and woodland, whilst a high wall of hay bales currently demarcates the northern edge of the skip site. In this regard, the site is well related to existing development in both spatial and visual terms, and its visual exposure within the broader landscape is very limited. Its exposure would be further limited in time by hedgerow planting.
18. The development has both seen, and would see, compost heaps formed on the site. Five heaps of around 2m in height are indicatively shown on the plans. Given the level nature of both the site and adjoining fields, the heaping of material and the surrounding bunds would be moderately pronounced. However, whilst noticeable within the group of fields, the visual effects would not extend much further beyond, if at all. Even in the very limited views which exist from the north and west, both the skip site to the south, and the woodland to the east, are and would be more prominent features. In this context the heaps would not be perceived as dominant in scale.
19. Though the hedging previously planted around the site has a somewhat suburban character, heaping of organic material is not an alien feature within agricultural landscapes. There is therefore no particular reason to consider that the heaps would appear incongruous.

20. No noise data or modelling has been provided, however, taking into account the fact that the site lies immediately adjacent to a location within which skip waste is processed, it is unlikely that any additional noise related to management of composting during normal business hours would harm the 'tranquillity' of the AONB. The process of decomposition itself generates little if any noise.
21. For the reasons outlined above, I conclude that the effect of the development on the character and appearance of the AONB would be acceptable. The development would therefore comply with Policy SP5 of the IP, which amongst other things states that the Council will support proposals that protect, conserve and/or enhance the Island's natural environment; Policy DM2 of the IP which seeks to secure development that complements the character of the surrounding area, including the AONB; and Policy DM12 of the IP, which states that the Council will support proposals that conserve, enhance and promote the landscape. The decision notice also cites Policy SP1 of the IP in relation to this matter, however as this sets out the settlement strategy, its direct relevance to the matter in question is unclear.

Highways

22. The site access is along a driveway which adjoins the A3054, adjacent to Fernlea. The Council states that the dimensions, layout and visibility from the access fall below the required standards. The access is however in a current and well established use by vehicles in relation to the skip site, and no record of past accidents has been reported. This includes during the period within which composting has already occurred on site.
23. Organic material forming a component of skip waste would, presumably, be carried through the access whether or not it was composted on the site. Insofar as organic material that was not composted on site would need to be transported elsewhere, composting of the materials on site might in fact result in fewer vehicle movements. Even if the time saved allowed for a quicker turnaround of skips, any additional vehicle movements would likely be balanced. It is therefore unclear why any specific increase in vehicle movements should have occurred, or would occur, in relation to composting on the site.
24. In view of the above, and provided that the way in which the site was used remained consistent over time, the development would not be likely to result in any significant change in vehicle movements through the access, or therefore an increase in the associated risk.
25. In this regard, the scope of activities on the site both are, and would be to some extent governed by Environment Agency licensing. The Council has additionally proposed conditions which seek to limit the nature of the use, and provide some control over the amount of material that could be composted. Though the proposed conditions are vaguely worded, more precisely worded conditions could be imposed. As such, any additional requirement to carry out junction improvement would be unnecessary.
26. For the reasons outlined above I conclude that the development would not cause unacceptable harm in relation to highways safety. It would therefore comply with Policy DM2 of the IP, which, though not specifically addressing

highways matters, states that development should provide an accessible and safe built environment.

Other Matters

27. Planning permission was partly refused on the basis that insufficient information had been provided by the appellant in relation to the effect of the development on the Yar Estuary. Whilst designated as a SSSI in its own right, this also forms a component of the Solent and Southampton Water Special Protection Area and Ramsar sites, and the Solent Maritime Special Area of Conservation (the European sites). NE and the Council consider that the development would have a likely significant effect on the European sites, considered alone or in combination with other plans and projects, due to nutrient leaching into the catchment. In response the appellant has proposed mitigation consisting of the removal of agricultural land from production, and on-site capture and removal of leachate for treatment elsewhere.
28. Had I been minded to allow the appeal and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter in further detail, undertaking an Appropriate Assessment as necessary. I would also have sought a screening direction from the Secretary of State in accordance with Regulation 14(2) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, in relation to both the effects of the development on the European sites and the SSSI. However, as I am dismissing the appeal for other reasons, no further consideration of these matters is required.

Conclusion

29. For the reasons outlined above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR