

Application No: 12/3240W

Location: DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP

Proposal: Variation of Condition 47 on Approval 09/0761W - Extension to Time

Applicant: Mr M Hayes, 3C Waste Ltd

Expiry Date: 15-Nov-2012

Date Report Prepared: 12 December 2012

SUMMARY RECOMMENDATION

Approve; subject to an amended legal agreement and conditions

MAIN ISSUES

- Extension of time of landfilling operation and subsequent restoration
- Traffic and transportation
- Landscape and visual impact
- Ecology and nature conservation
- Noise
- Air quality; dust and odour
- Hydrology and the impact on the adjacent SSSI
- Increased potential of bird strike
- Increase in litter
- Impact on neighbouring residential amenity

REASON FOR REPORT

This application has been referred to the Strategic Planning Board as the proposal involves a major waste application which required the submission of an Environmental Impact Assessment.

DESCRIPTION OF SITE AND CONTEXT

The application site, which covers an area of some 68 hectares is an existing landfill known as Danes Moss Landfill. It is located within the Green Belt, approximately 2km to the south west of the centre of Macclesfield. The site lies between the A536 on the west, and the railway between Stockport and Newcastle-under-Lyme to the east. To the north, a belt of undeveloped land and playing field lie between Danes Moss Landfill site and the edge of Macclesfield. To the south of the site is a mixture of agricultural land and the adjacent Danes Moss Site of Special Scientific Interest (SSSI), designated for its valuable peat bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance. Access to the site is off the A536 Congleton Road.

In the immediate vicinity of the site, the landscape rises to the west and falls to the Bollin Valley in the east. On a larger scale, the area lies between the lower land of the Cheshire Plain to the west (varying approximately between 70-120m AOD), and gently undulating higher ground of the western edge of the Pennines (varying between 200m-400m AOD in the vicinity of Gawsorth Common and Croker Hill further east).

The application site can be divided into three sections. The northern third of the Danes Moss Landfill Site contains a Household Waste Recycling Centre (HWRC) adjacent to the site entrance, a leachate treatment plant, various site buildings and ancillary stores, a landfill gas utilisation plant, and an area of previously restored landfill. Site buildings are concentrated in the north-western corner of the site and comprise of office accommodation and administration buildings, a Nissan hut, a garage and a laboratory.

Landfilling has been completed and the area substantially restored in much of the site. The northern slopes of this area have been fully restored with native woodland planting. An area of acid grassland to the south east has also been restored.

The final third of the site to the south is currently operational as a landfill where Municipal Solid Waste (MSW) is being tipped.

DETAILS OF PROPOSAL

This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of the Danes Moss Landfill to 31 December 2014 with final restoration of the site by 31 December 2015: a 2 year extension.

The proposed extension of life of the Danes Moss Landfill would maintain a local waste disposal facility for residual waste of the areas of Macclesfield, Congleton, Knutsford, Wilmslow and Poynton, within the north of the Borough.

The extension of time would enable 94 375m³ of currently consented and remaining landfill void space to be utilised and to allow the approved restoration levels to be achieved. The main reasons for the remaining void is due to the increase in levels of recycling and composting, plus less waste being produced as a result of the economic downturn resulting in less residual waste being created and sent to landfill. Actual waste densities have also altered since 2009, contributing further to the void space created. This void would be utilised

with anticipated future projected inputs which largely consists of MSW arising within the north of the Borough.

RELEVANT HISTORY

There is a long and complicated history of peat extraction and waste disposal at Danes Moss: both activities have been undertaken since the early 20th Century. During the early part of the site's life, a considerable amount of extraction and disposal activities occurred. In the 1930's, waste tipping took place in the oldest part of the site, in the vicinity of the existing site office, Household Waste Recycling Centre (HWRC) and neighbouring playing fields. Landfilling operations were permitted to continue under an 'established use' right until 1967.

In 1967, planning permission was granted for an extension to the already permitted area, extending the site towards the south and east onto the peat moss. Since then there has been a number of planning consents issued for this site:

- In 1980, planning permission was granted for a further extension to the south and east of the landfill (5/20412);
- In 1993 a further planning application was submitted for the disposal of waste and extraction of peat on the site but this was subsequently withdrawn (5/70956);
- In 1996 planning permission was granted for development, operation and restoration of the existing landfill site at Danes Moss (5/74369) to resolve inconsistencies between the provisions of the 1967 and 1980 permissions;
- Planning permission was granted in 2004 (5/04/0131) to extend the operational life of the landfill site for an additional 4.5 years to enable remaining void to be utilised. This permission also consented the re-profiling of the southern slope
- Planning permission 5/74369 was subsequently revoked by the Secretary of State in September 2006 and 5/04/0131 remains the extant planning permission to which this section 73 application seeks to vary.
- The most recent application on site 09/0761W sought to extend the life of the landfill to 31 December 2012 with restoration continuing until 31 December 2013.

In addition to the above waste disposal permissions, a number of ancillary planning permissions have been granted on the site to provide for ancillary buildings; leachate treatment, storage and facilities; recycling; composting; energy recovery and bulking:

- 5/45706, 5/55406, and 5/7740 – construction of ancillary buildings;
- 5/65397, 5/73660, and 5/96/1830P – provision of leachate treatment, storage and facilities;
- 5/36254 and 5/38676 – reconstruction of the Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/99/1887P – Provision of a recycling area. This activity was related to the HWRC and has since ceased;
- 5/82298 – Provision of compost facility (no composting occurs on site now);
- 5/97/1714P – Green Waste Shredding of green household garden waste derived from the HWRC. This has now ceased on site and is unlikely to recommence;
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P relate to planning permissions granted for plant, buildings and equipment for the electricity that is generated from the landfill gas which is produced from the landfill; and

- 5/08/0639P – Temporary Waste Transfer Station (until 2014). This permission was never implemented and has since lapsed.

Application 12/1280W is currently being assed in relation to a proposed Leachate Treatment Plant.

POLICIES

The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), The Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MLP).

The relevant development policies are;

Regional Spatial Strategy (RSS)

Policy EM11: Waste Management Principles

Policy EM12: Locational Principles

Policy EM13: Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management

Policy 2: The Need for Waste Management Facilities

Policy 9: Preferred Sites for Non-Hazardous Landfill/Landraise Sites

Policy 12: Impact of Development Proposals

Policy 14: Landscape

Policy 15: Green Belt

Policy 17: Natural Environment

Policy 18: Water Resource Protection and Flood Risk

Policy 20: Public Rights of Way

Policy 22: Aircraft Safety

Policy 23: Noise

Policy 24: Air Pollution; Air Emissions Including Dust

Policy 25: Litter

Policy 26: Odour

Policy 28: Highways

Policy 29: Hours of Operation

Policy 32: Reclamation

Macclesfield Borough Council Local Plan (2004)

NE11: Nature Conservation

NE12: SSSI's, SBI's and Nature Reserves

GC2: Green Belt – 'Other operations and Change of Use'

GC3: Visual Amenity of Green Belt

DC3: Amenity

DC8: Design and Amenity – Landscaping

DC13: Noise

Other Material Considerations

Waste Strategy (2007)

National Planning Policy and Guidance

National Planning Policy Framework (2012)

PPS 10: Planning for Sustainable Waste Management

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

No objections to the proposal

The Council's Forestry Officer

The proposal would have no impact from an arboricultural perspective

The Council's Nature Conservation Officer

They do not anticipate there being any significant ecological impacts associated with the proposed development.

As the proposed development is adjacent to Danes Moss SSSI Natural England must be consulted on this application.

They advise that as the active life of the landfill will be extended a revision to the section 106 will also be required to ensure that the operator's commitment to undertake management of the adjacent SSSI continues for the extended lifetime of the landfill.

The existing monitoring programme previously agreed in respect of the area of SSSI managed by the operator has been found to be unsuitable. A revised section 106 may also provide an opportunity to revise the agreed programme.

Natural England

The developer currently occupies a part of the Danes Moss Site of Special Scientific Interest (SSSI) which is being managed in accordance with an approved management plan (dated 7 January 2009), which is a requirement of the Section 106 Agreement.

As such, Natural England advise that the SSSI does not represent a constraint in determining the application.

The Canal and River Trust

No have any comments to make

The Borough Council's Environmental Protection Officer

Waste landfill operations have the potential to cause adverse environmental impacts due to dust, noise, odour, litter and pests. The control of these impacts are currently set through the Environmental Permit with the Environment Agency (EA), the planning conditions associated with the extant planning permission and best practice techniques.

With the exception of odour no other complaints relating to this site have been received by this department in the last 3 years. The odour complaints received were relayed to the EA who oversee the control of odour through their Environmental Permit. Our own investigations did not verify the odours or the source. It is our opinion that the existing controls and practices employed at this site are sufficient to manage the release of odours and to act accordingly should any issues arise.

As a result, this department recommends that planning approval should be granted on condition that any existing planning conditions relating to noise, dust and odour controls are continued.

The Environment Agency

The Environment Agency has no objections but added that they are aware that due to increases in recycling rates, the amount of waste going to landfill is reducing. As a result, the life of many sites is likely to be extended in order to ensure that permitted landforms are completed.

The Public Rights of Way Unit

Do not object to the proposal. The site is adjacent to Public Footpath No.1 in the parish of Sutton. However, would appear unlikely, that the proposal would affect the public right of way. Should planning permission be granted, the Public Right of Way Unit requests an informative to be attached to any decision notice listing the developers obligations with regards to the right of way

The Minerals and Waste Policy Unit

No specific comments or observations to make

Manchester Airport's Safeguarding Officer

No objections to the proposal, subject to the addition of the following conditions to the decision notice;

1. Within 6 months from the date of permission a Bird Management Plan is to be submitted to and approved in writing by the Local Planning Authority in consultation with the Safeguarding Authority for Manchester Airport (Manchester Airport).
2. The Bird Management Plan should include details of the proposed bird control programme, monitoring and control measures as well as auditable bird count data from the site. Aircraft safety should also be recognised as one of the aims of the Bird Management Plan. Due to the location of Danes Moss Landfill Site relative to local gull roosts, it has the potential to cause increased gull traffic that would affect the climbout from Runway 23L and approach to Runway 05R at Manchester Airport as birds from the gull roost at Rostherne Mere commute to and from the landfill site.
3. The approved Bird Management Plan shall be reviewed annually and implemented in full throughout the life of the operations permitted by the permission.

VIEWS OF THE PARISH / TOWN COUNCIL

Sutton Parish Council and Gawsworth Parish Council have been consulted and do not object to the proposal.

OTHER REPRESENTATIONS

Two letters of representation have been received to date from the dwelling 'Westlands' on Lowes Lane and Gaw End House on Gaw End Lane. The following material planning considerations were raised within the letter, However the full document can be viewed on file and are available at Committee.

- Highway and traffic issues – specifically the impact of large HGV vehicles causing vibrations to neighbouring dwellings.
- Landscape and visual impact of the restored landfill
- The impact upon residential amenity including noise from operations, odour from landfill gas emissions (methane) rotting waste and litter.
- The impacting on residential amenity including; noise from operations
- Increase in the level of vermin in the area.
- Potential cumulative impact of further applications being made for extensions to the life of the landfill

A further letter was received on the 12 December objecting to a Waste Transfer Station at the site. However, this does not form part of the proposal.

APPLICANT'S SUPPORTING INFORMATION

The planning application was accompanied by a supporting statement and an Environmental Statement (ES) which were both prepared by Axis dated August 2012 on behalf of 3C Waste Ltd.

The scope of the ES includes;

- Transportation and traffic;
- Landscape and visual assessment;
- Ecology and nature conservation;
- Noise;
- Air quality;
- Hydrology and flood risk;
- Socio economic impact; and
- Cumulative effects

OFFICER APPRAISAL

Principle of Development

This application seeks a variation of time for an existing landfilling operation by 3 years from 31 December 2012 to 31st December 2014, with restoration to 2015. The principle of the development has previously been approved by virtue of the extant planning permission 09/0761W and the previous planning permissions outlined above. As such, the main issue for consideration of the application is the extension to time, and whether it would result in any detrimental impacts.

Transportation and Traffic

The extension of life at the existing landfill site would result in traffic associated with the landfill being extended for the greater period of time (2 years until 2014) and traffic associated with the restoration works would be continued until (2015).

The existing highway network has been sufficient for the level of traffic generated by the landfill site, with a filter lane access off the A5536.

Concerns have been raised by local residents in relation to this proposal causing increased traffic, and adding to existing highway issues. The council's Strategic Highways Officer has been consulted with regards to the application, and raises no objection to the proposal.

Landscape and visual assessment

Concerns have been raised by local residents with regards to the visual impact of the proposal, specifically due to the altered landscape as a result of the restoration works at the landfill site. The landscape and visual effects have been subject to an assessment which formed part of the ES.

The application does not propose to make any alterations to the restoration details approved under application 09/0761w. Under this application the effects of the proposal upon the landscape fabric was not considered to be significant. As the details have previously been approved by the authority, it is considered that the proposal would not have an adverse impact upon the landscape.

In terms of visual impact, it is considered that whilst the proposal would extend the operational life of the landfill site, thus prolonging the visual impact on a number of receptors, that the proposed restoration of the site would ensure that the finished levels and landscaping details would have an acceptable visual impact. The proposal would comply with policies 12 and 14 of the CRWLP and policy DC8 of the MBLP.

Ecology and Nature Conservation

The proposed extension of the operational life of the site is for a limited period, and it is considered that it is unlikely to result in any greater adverse impact upon nature conservation interests than the currently consented operations. It is considered that there would be no significant ecological issues associated with this application. As such, it is considered that the application is in accordance with policies 12 and 17 of the CRWLP and also policies NE11 and NE12 of the MBLP. Furthermore, the Council's Nature Conservation Officer, and Natural England do not object to this proposal.

The proposal would not require any additional land outside of the currently consented area and the site would be operated in the same manner as the currently consented management scheme. Management of the SSSI would also continue in liaison with Natural England and the Council, and in accordance with the approved Management Plan for the SSSI. Members should be aware that the existing Section 106 agreement would have to be revised in order to

take into account the new time scales in the form of a Deed of Variation, prior to any decision being issued.

Noise

Concerns have been raised by local residents in relation to increased noise from the proposal. The proposed development would provide a continuance of the existing operation with no material change in operations or practices. Therefore it is considered that the proposal would not cause an increase in operational noise levels.

Should planning permission be granted, existing planning conditions in relation to noise would apply: Condition 11 provides for noise limits at named key receptors for noise levels from site engineering, landfilling, restoration and other normal operations. Condition 12 requires the best practicable means used at all times in the maintenance, silencing, and operation of all plant, to minimise noise, vibration and dust arising from the site. All plant and site vehicles shall be silenced and maintained in accordance with their manufacturing specifications.

All current landfill operations would remain as existing. Therefore, there would be no alteration to the existing noise sources, frequencies or levels. Existing mitigation measures and environmental standards adopted by the operator would ensure that the extension of life would comply with current Government guidelines, as per the NPPF and PPS10. It is also considered that the application is not contrary to policies 12 and 23 of the CRWLP and policies DC3 and DC13 of the MBLP. Noise is also controlled through the permit issued by the Environment Agency.

Bird Control

Bird control is not considered to be a noticeable problem at Danes Moss landfill, with a low number of complaints received.

The current proposal does not include any alterations to the approved watercourses on the site, and the site is currently regularly monitored by Manchester Airport under the condition attached to application 09/0761w. Manchester Airport have requested that a bird management scheme is submitted to them and approved should the application be approved.

It is considered that the imposition of the above condition, and existing operational best practice measures to reduce scavenging birds including prompt burial and compaction of the waste, limiting the working area, covering the waste with inert material at the end of each working day, regular inspections, and a falconer are sufficient to control the birds on site. As such it would be in accordance with policy 12 of the CRWLP. Bird control is also an issue controlled through the PPC Permit issued by the Environment Agency.

Manchester Airport do not object to the scheme and their detailed comments will be provided in an update report to Members.

Air Quality, odour and dust

Concerns have been raised by local residents about odour from the site. In relation to odour from landfill gas, it is considered that the proposed delay in extending the existing gas infrastructure is not considered significant in air quality terms due to the relatively short duration of operations, and that the site would be progressively restored, thereby gradually reducing fugitive emissions. The council's environmental protection officer does not object to this proposal and it is considered that further dust or odour issues are not likely to arise as a result of the extension of time or re-contouring of the landform. Best practice measures listed above would ensure that the air quality and odour from waste is not significantly adversely affected as a result of the proposed development. The existing conditions on the extant planning application including provision for odour would apply should planning permission be granted. In relation to odour, it is therefore considered that the application fully accords with policies 12 and 26 of the CRWLP and also DC3 of the MBLP.

It should be noted that potential emissions of landfill gas is managed to ensure compliance with the Dangerous Substances and Explosive Atmosphere Regulations 2002, and to minimise the effect upon air quality, would be carried out in close consultation with the Environment Agency. The precautionary measures would ensure that the air quality of the area is not significantly adversely affected as a result of the proposed development.

Hydrology and Flood Risk

The application does not propose any changes to the existing surface water management scheme and the proposed development would not generate any unacceptable impacts by way of surface waters.

Wind Blown Litter

Local residents have raised concerns with regards to wind blown litter from the site.

Wind blown litter is managed through the use of permanent 6m high litter fencing and a mobile 'trap' fencing and also monitoring of the prevailing weather conditions to avoid tipping during high winds.

To date there have been no substantive complaints with regards to wind blown litter. With regards to the impact of litter in adjacent SSSI, it is considered that best practice management that this proposal would not give rise to an increase in wind blown litter in the SSSI.

The existing best practice principles adopted by the site, twinned with the landform of the landfill itself, should manage any wind blown litter from the site. Furthermore, should planning permission be granted, the existing conditions of the extant permission would be imposed to ensure that wind blown litter is prevented. As such, it is considered that the application is in accordance with policies 12 and 15 of the CRWLP. Litter is also controlled via the permit issues by the Environment Agency.

Cumulative Impact

The ES assessed the cumulative impact of the development, and concluded that the extension to life of the site would not itself create additional cumulative impacts of intensification of impacts, but would extend the duration of any existing impacts. As such, it is considered that the proposal would not result in any significant cumulative impacts.

Alternatives to Landfill

Whilst alternatives to landfill sites are being encouraged, landfill is still required as part of the waste strategy for Cheshire East. Residual waste being provided to existing landfill sites offers the chance of restoration for partially completed sites, thus preventing future environmental problems occurring, such as leachate control, landfill gas control and surface water management, which would occur if sites were left in a half finished state. This extension of time application provides for additional time to achieve a sustainable landform and a local disposal route for residual wastes ahead of the development of alternative waste disposal options which are yet to be provided for.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This section 73 application seeks to vary conditions covering the completion date of landfilling operations and the end date for the final restoration of the site.

Notwithstanding landfill diversion targets, national, regional and sub-regional strategic waste policy guidance and strategy identifies that landfill will continue to form an essential component of future integrated waste management practice. Extending the life of the landfill is supported at both the regional and local level. Until other methods of waste disposal are developed in the area, landfill will always be required for residual waste. Landfill is an essential component of an integrated waste of disposal strategy for Cheshire East Borough Council, and Danes Moss landfill site is a strategically important facility at a sub regional level for the management of Cheshire East's waste, and will continue to be important until alternative waste management solutions have been provided.

The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Danes Moss landfill is in accordance with the Development Plan, RSS, CRWLP and MBLP. Notwithstanding the objections received to the proposal, the overriding need for additional landfill capacity within the North West region and East Cheshire is a material planning consideration that should also be taken into account.

The key issues for consideration relate to the prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impact upon residential amenity from prolonged operational issues such as noise, dust, odour, litter, and bird control can be mitigated by site management practice and controls which would be continued (from application 5/04/0131). The approved bird control programme, and restoration and aftercare scheme approved under application 09/0761W would remain, and a legal agreement would need to be entered into.

It is not considered that the proposed development, subject to appropriate conditions and a variation to the existing legal agreement for the extended management of the site and the adjacent SSSI, would have an unacceptable impact on any other material planning considerations. As such, planning permission should be granted.

It is of merit to note that should Members decide to refuse the application which would prevent the consented landform to be achieved, a further planning application would be required to vary the approved levels to provide revised contours and a revised restoration programme at a lower level to that already consented. This would result in an unsustainable, unsuitable and alien landform within the context of the site.

RECOMMENDATION

THAT:

- (1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;**
- (2) Planning permission should be granted subject to conditions covering in particular:-**
 - All the conditions attached to permission 09/0761W unless amended by those below**
 - Extension of time to 31st December 2014 with full restoration of the site within 12 months or no later than 31st December 2015**
 -

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