

Application No: 13/2744W

Location: MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE, CW1 5NG

Proposal: PROPOSED DEVELOPMENT AND OPERATION OF A TEMPORARY MATERIALS RECYCLING FACILITY (MRF) AND ASSOCIATED DEVELOPMENT FOR A PERIOD UP UNTIL DECEMBER 2027; FINAL SITE RESTORATION BY DECEMBER 2028; RETENTION OF SITE OFFICES, WEIGHBRIDGE, WEIGHBRIDGE OFFICE AND CONTINUED USE OF THE SITE ACCESS ROAD IN CONNECTION WITH THE OPERATION OF THE MRF AND FINAL SITE RESTORATION; AMENDMENTS TO THE APPROVED LANDFILL CONTOURS TO PROVIDE FOR A LOWER LEVEL RESTORATION AND EXTENSION TO EXISTING SURFACE WATER MANAGEMENT LAGOON

Applicant: Matthew Hayes, FCC Environment

Expiry Date: 27-Sep-2013

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- **Principle of development**
- **Development on unallocated site and assessment of alternative sites**
- **Sustainable waste management principles**
- **Need for facility**
- **Loss of void space**
- **Compliance with policies of local plan**
- **Highway impacts**
- **Landscape and Visual Impacts**
- **Noise and air quality**
- **Ground contamination**
- **Nature Conservation**
- **Water Resources**

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

DESCRIPTION OF SITE AND CONTEXT

The application site is a parcel of land situated within the boundary of Maw Green Landfill. The 60ha landfill site is located approximately 1.5km to the north east of Crewe town centre, accessed off Maw Green Road.

The application site is a parcel of hardstanding which was previously used for green waste composting located on the south eastern boundary of the landfill adjacent to the Crewe to Sandbach railway line, beyond which are agricultural fields. Existing site offices, gas utilisation compound and the weighbridge lie to the south, beyond which is Maw Green Road. To the west are areas of the old historic landfill now restored to fields, beyond which are properties fronting onto Groby Road. Land to the north west and north comprise of the main landfilling operations beyond which is agricultural land and Elton Flashes Nature Reserve.

RELEVANT HISTORY

Maw Green Landfill site has a long history of waste disposal operations dating back to 1984 when planning permission was first granted for raising of land levels by controlled landfilling of waste (Ref 7/10731) with landfill operations ceasing in 1999. Further permissions were subsequently granted which include:

- Permission for a waste to energy compound was granted in **1994** and again in 1999 (Ref: 7/P94/0740 and 7/P99/1015);
- Permission Ref: 7/P92/0450 granted in **1995** for an extension to the landfill site until 2011 with restoration to agriculture and woodland;
- An application to vary permission 7/P05/1326 to extend the operational life of the landfill until 2017, with restoration of the site by 2018 was approved at Strategic Planning Board in June **2010**. The planning permission has not yet been granted pending progress on the associated s106 legal agreement.

Specifically in relation to the application site planning permission was granted in 2009 Ref: 7/2008/CCC/20 for development of a compost facility until 2011. Composting has since ceased on the site.

DETAILS OF PROPOSAL

This is an application on behalf of FCC Environmental to develop and operate a Material Recycling Facility (MRF) until December 2027, after which the site would be restored by December 2028. In addition to the MRF, the application also proposes the following elements:

- An enlarged surface water management lagoon;
- Retention and use of existing weighbridge and weighbridge cabin, site office and car park, and internal haul road until 2028;
- Revisions to the consented landfill contours.

The MRF would be housed within a 87m by 45m steel portal frame building with profile metal cladding which has a height of 12.9m (to roof pitch). Three roller shutter doors are proposed

on the north western elevation, one on the north eastern elevation and one on the south western elevation. Limited external lighting is proposed. The site would be bounded by a 2.6m high palisade fence.

In addition to the MRF building, additional ancillary built development proposed includes:

- Welfare cabin (17m by 8m with a height of 3.34m);
- External sprinkler tank (10.9 diameter by 6.4m height);
- Sprinkler pump house (5m by 6m with a height of 3.34m);
- Electricity transformer (5m by 5m with a height of 2.5m);
- Electricity substation (4m by 4m with a height of 2.5m)
- External hard surface area and provision for eleven car parking spaces (including one designated disabled parking space).

Operation of the MRF

Waste would be delivered to the site by a mixture of refuse collection vehicles (RCVs) and bulk Heavy Goods Vehicles (HGVs) using the existing access to the landfill of Maw Green Road via the weighbridge. On entering the building through the roller shutter doors, it would be initially deposited on the floor to allow large unsuitable items to be removed. Waste is then fed through a shredder hopper and trommel screen to separate out different sized particles and metals which are stored separately in dedicated loose storage bays. The remaining material which cannot be recycled would then be conveyed to a separate storage bay where it would be baled and (where required) wrapped. This material would be transported off-site to a suitable facility to be used as a solid recovered fuel (SRF) for the creation of energy.

The proposed MRF would accept 75,000 tonnes of waste per annum (tpa), comprising approximately 60,000 tpa of Municipal Solid Waste (MSW) with the remaining 15,000 tonnes made up of Commercial & Industrial waste (C&I). It is anticipated that 85% of the waste received in the MRF (63,750tpa) would be waste diverted from Maw Green landfill by either being recycled or used as SRF; whilst the remaining 15% of non recoverable waste (11,250tpa) going into the landfill, or another facility where this is not possible.

Following closure of the Danes Moss Landfill in 2014, the MRF would receive waste bulked up at Danes Moss Waste Transfer Station, whilst also accepting waste delivered directly from the south Cheshire East area. The applicant has indicated their intention to submit an application for a time extension to Maw Green Landfill which would seek to continue landfilling until 2027 (an additional 10 years over its current permitted lifetime) and thus enable both facilities to co-locate on the site. As this would be the subject of a separate planning application, it is not under consideration in this application.

On cessation of the MRF in 2027, the building would be removed and the land restored to woodland and grassland within one year (i.e. by 2028) which would complement the wider landfill restoration scheme. Following removal of the MRF the area would be restored with a low level of inert material.

The siting of the MRF on land proposed to form part of a landfill cell would result in the loss of approximately 250,000 m³ of consented landfill void space. As such, the application includes for minor amendments to the approved landfill contours to the area to the west of the MRF to

tie the proposed lower landform with the adjacent landfilled areas. As a result the landform in this area would rise more steeply to the north and west to tie.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Crewe and Nantwich Adopted Local Plan (CNBLP).

The relevant development policies are;

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- 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 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transportation of waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation
- Policy 36: Design

Crewe and Nantwich Borough Council Local Plan (2005)

- Policy NE.2: Open Countryside
- Policy NE.7: Sites of National Importance for Nature Conservation
- Policy NE.9: Protected Species
- Policy NE.17: Pollution Control
- Policy NE.20: Flood Prevention
- Policy NE.21: New Development and Landfill Sites
- Policy BE.1: Amenity
- Policy BE.2: Design Standards
- Policy BE.3: Access and Parking
- Policy BE.4: Drainage, Utilities and Resources
- Policy BE.6: Development on Potentially Contaminated Land

National Planning Policy and Guidance

PPS 10: Planning for Sustainable Waste Management
National Planning Policy Framework

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)
Government Review of Waste Policy in England 2011 (WPR)

Waste Management Plan for England 2013
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report
(‘Needs Assessment’)
Consultation on updated Planning Policy Statement 10
Cheshire East Local Plan Pre-Submission Core Strategy

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

Access to the MRF would be via the existing landfill access road and there is a small increase in the number of parking spaces on site, 11 car parking spaces are provided for the MRF.

It is proposed that the facility would accept a maximum capacity of 75,000 tonnes/annum of waste material and there are 49 one-way HGV traffic movements associated with the MRF. Some of the waste cannot be processed and this material would be going to landfill and this generates a further 20 one-way HGV movements. Should the extension in time for the landfill use not be permitted then the trips associated with the MRF is 61 trips as this would be operating on its own.

The operational times of the MRF is 0700-2100hrs Mon-Fri and 0800–1800 hrs on Saturday, although HGV Movements are indicated as 0800-1800 Mon-Fri and 0800-1700 on Saturday.

In regard to the traffic impact of the site, it is important to note that the existing landfill operation has a cap on lorry movements up to 400 trips per day and this could in theory carry on until 2017 when permission for landfill expires. In reality, the HGV movement’s to the site per day is nowhere near the cap and it is likely that an application is made to extend the landfill until 2027, with the landfill operation running alongside the MRF. In this scenario, the combined HGV movement’s is 69 one-way trips (138 two way) and this number includes the movements associated with landfill at 20 one way trips.

In summary, previously it has been agreed that 400 movements to the site was an acceptable limit, with both the MRF and landfill operating together this produces some 140 trips, some way below the cap that was set previously. Although there is existing congestion on the Sydney Road corridor it would be difficult to argue that this application is not acceptable given the limits set on the landfill operation.

Even if the extension application for landfill is not accepted, the 122 two-way trips that occurs over the course of a day associated with the MRF does not represent a severe impact in relation to the background traffic flows on Sydney Road.

Therefore, no highway objections to the application subject to a condition requiring the submission of a Construction Management Plan.

The Council’s Environmental Protection Officer:

Public protection and health comments

There are potential impacts from noise, odour, dust, air quality, lighting and litter.

Noise

A noise assessment accompanies the planning application. It considers the impacts of operations in the reception and processing building, movements outside of the building and HGV movements on the local road network. It considers the cumulative impact of other live developments and considers the proposed adjacent residential development as a sensitive receptor.

It is proposed that the facility would operate from 0700-2100 hours from Monday to Friday and 0800 to 1800 on Saturday. HGV movements would be in line with current landfill operational hours (0800 to 1800 hours Monday to Friday, 0800 to 1700 Saturday and 0800 to 1700 Sundays and Public Holidays to accept waste from HWRCs).

The noise assessment indicates that with the specified design and expected vehicle movements the cumulative sound levels during the daytime period would be within the acceptable limits for the current landfill operations. The assessment also considers the cumulative impact of onsite activities and vehicle movements associated with the site.

Ambient and background noise levels in the evening are lower and therefore noise disturbance is more likely at these times. The proposed evening operation hours are outside the normal permitted hours for waste facilities and where operation is necessary then I would expect that significant mitigation proposals are conditioned to make this proposal acceptable.

The noise calculations have assumed that various mitigation measures are in place including that the waste building doors, louvers and windows have stated acoustic attenuation properties. Therefore this is considered as a minimum requirement for this proposed operation to be acceptable from a noise perspective. It is also considered necessary that there are planning conditions to specify further mitigation measures such as broadband noise alarms on all site based vehicles and the closing of doors before 0800 and after 1800 hours. The impact of reverse alarms has not been included in the noise calculations. To ensure that the resulting noise levels are acceptable I would recommend that noise limits and a noise monitoring programme are conditioned as part of any planning approval.

No specific assessment of the potential impacts on Sundays and Public Holidays from the deliveries from HWRCs has been made. However the applicant has stated that these HGV movements are currently made to the existing landfill and therefore there is not expected to be any additional impacts due to this operation proposal. No processing of the waste has been proposed during these times although there is the potential of noise impacts from the unloading of waste which has not been specifically assessed at these times. Conditions covering the maximum permitted noise levels and a restriction on the number of deliveries on Sunday mornings would control these impacts.

Odour

The handling of waste has the potential to cause odour issues. The enclosed design of the proposal and the distances to the residential receptors should ensure that odour can be

controlled. We would expect that the Environmental Permit would require detailed assessment of these issues and controls to ensure that there are no odour issues.

Lighting

Details of proposed lighting have been included in the proposal. These should be installed as to eliminate any glare or light spillage impacts on any sensitive receptors.

Dust and litter

The depositing and moving of waste has the potential to generate dust emissions and litter. These can be significantly controlled by the use of good practices. As such we would recommend that suitable controls will be a condition of any planning permission to ensure that residential amenity is protected.

Noise and dust construction impacts shall be controlled by best practice measures.

Air Quality

No air quality assessment has been submitted with this application. However, this section has examined the transport assessment and is satisfied that the impacts would not affect any AQMAs nor would the affected routes be subject to any significant impacts. The transport assessment considers the cumulative impacts of other current residential developments.

It is therefore recommended that planning permission is granted for this proposal subject to the following conditions being applied.

PILE FOUNDATIONS

All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations shall be restricted to:

Monday – Friday	09:00 – 17:30 hrs
Saturday	09:00 – 13:00 hrs
Sunday and Public Holidays	Nil

In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of piling
2. Days / hours of work
3. Duration of the pile driving operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

FLOOR FLOATING (POLISHING LARGE SURFACE WET CONCRETE FLOORS)

All floor floating operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. In addition, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The floor floating work shall be undertaken in accordance with the approved method statement:

The method statement shall include the following details:

1. Details of the method of floor floating
2. Days / hours of work
3. Duration of the floor floating operations (expected starting date and completion date)
4. Prior notification to the occupiers of potentially affected properties
5. Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint

Reason: In the interests of residential amenity

HOURS OF CONSTRUCTION

It is recommended that the hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

**For information "Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.*

LIGHTING

The details of the lighting have been submitted with the planning application. The lighting shall thereafter be installed and operated in accordance with the approved details. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

HOURS OF OPERATION

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Operations authorised by this permission including Heavy Good Vehicles entering and leaving the site shall be restricted to the following time periods:-

- a. Operation of the MRF;
 - 0700 – 2100 hours Monday – Friday
 - 0800 – 1800 hours Saturday
 - No operation on Sunday or Bank / Public Holidays
- b. HGV movements associated with operation of the MRF;
 - 0800 – 1800 hours Monday – Friday
 - 0800 – 1700 hours Saturday
 - No operation on Sunday or Bank / Public Holidays
- c. Operations necessary to permit the receipt of waste arising directly from Cheshire Household Waste Recycling Centres;
 - 0800 – 1800 hours Monday – Friday
 - 0800 – 1700 hours Saturday, Sunday and Bank / Public Holidays

There shall be no operations on Christmas Day and New Years Day

Reason: to prevent noise disturbance to local residents

NOISE

Noise mitigation scheme

Prior to any development taking place a noise mitigation scheme shall be submitted to and approved by the Local Planning Authority. These shall include for the provision of details in respect of:

- i) Acoustic design for the reception building, louvers and windows;
 - ii) properties of roller shutters including speed and acoustic attenuation;
 - iii) the maintenance of all on-site mobile plant and fitting of silencers and white-noise reverse alarms;
 - iv) use of mobile plant to avoid unnecessary banging and scraping of loading buckets;
 - v) no mobile plant to operate externally to the MRF building after 1900 hours
 - vi) restriction on the number of HGV movements on Sunday between 0800 and 1000 hours
- The scheme shall then be implemented in full during the lifetime of the development.

Reason: to prevent noise disturbance to local residents

Except in the case of emergency or to allow vehicles access all doors to the MRF building shall remain closed at all times.

Reason: to prevent noise disturbance to local residents

Except in the case of emergency or with the written prior consent of the Waste Planning Authority, the operational free field noise level, from all plant associated with the operations from the waste transfer station shall not exceed the following LAeq levels:

Location	Time	LAeq 1 hour
Any property	0700 to 0800 and 1800 to 2100 Monday to Friday and 1700 to 1800 Saturday	40 dB LAeq 1 hour 70dB LAmax
Brookhouse Farm Meadowcroft Cottage Windy Nook Residential development to north of Maw Green Road	0800 to 1800 Monday to Friday and 0800 to 1700 Saturday	50 dB LAeq 1 hour 70dB LAmax
Brookhouse Farm Meadowcroft Cottage Windy Nook Residential development to north of Maw Green Road	08 00 to 1700 Sundays and Bank / Public Holidays	45 dB LAeq 1 hour 70dB LAmax

No noise nuisance shall arise at the nearest noise sensitive dwelling due to tonal noise arising from the development.

Reason: to prevent noise disturbance to local residents

No development shall take place until a scheme for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Predicted noise levels at sensitive receptors and comparison with proposed noise limits;
- ii) Frequency and location of monitoring
- iii) Details of equipment proposed to be used for monitoring.
- iv) Monitoring during typical working hours with the main items of plant and machinery in operation;
- v) Monitoring results to be forwarded to the Local Planning Authority within 14 days of measurement

The scheme shall be implemented in full for the lifetime of the development. It is recommended that this be achieved by calculation, taking into account the combination of the developments individual noise sources and any attenuation afforded by ground, distance and / or barriers. This will enable the applicant to assess in isolation the developments noise impact.

Reason: to prevent noise disturbance to local residents

DUST AND LITTER

Prior to commencement of waste operations hereby approved, a scheme shall be submitted for the written approval of the waste planning authority detailing the best practicable

measures to be employed for the control and suppression of dust and litter during the period of operation of the development. The measures approved in the scheme shall be implemented for the duration of the development.

Reason: To minimise dust and litter nuisance

CONTAMINATED LAND COMMENTS

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- This site is currently a landfill therefore there is the potential for contamination of the site and the wider environment to have occurred.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.

As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

CONDITION

- Prior to the development commencing:
 - (a) A contaminated land Phase I report to assess the actual/potential contamination risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority (LPA).
 - (b) Should the Phase 1 report recommend that a Phase II investigation is required, a Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the LPA.
 - (c) Should the Phase II investigations indicate that remediation is necessary, a Remediation Statement shall be submitted to, and approved in writing, by the LPA. The remedial scheme in the approved Remediation Statement shall then be carried out.
 - (d) Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

REASON

- To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy BE.6 of the Crewe & Nantwich Borough Council Local Plan.
- Actual and/or potential contamination has been identified as the proposed development is located on land that may be contaminated.
- The proposed development is on or in close proximity to a landfill site where there is a possibility that landfill gas is being or may be produced by the deposited materials

REASON RCLC6

- The actions are considered necessary as currently there is insufficient information available for the site

NOTE NCLC1

- The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Nature Conservation Officer:

Ecological walk over surveys and protected species assessments have been undertaken.

Reptiles

Grass snake is known to be present on the landfill and has been recorded at the application site. Outline mitigation proposals have been submitted with the application. These proposals are designed to reduce the risk of animals being killed or injured during the construction phase of the development.

I recommend that if planning consent is granted a condition be attached requiring the submission of a detailed reptile mitigation method statement prior to the commencement of development.

Great Crested Newts

Whilst great crested newts are known to occur on the landfill site the known breeding ponds are located a considerable distance from the proposed development. Recent surveys of the pond subject to this application have established that great crested newts are absent. I advise that great crested newts are unlikely to be present or affected by the proposed development. No further action in respect of this species is required.

Badgers

No evidence of badgers has been recorded on site. However, as a precautionary measure to ensure that any setts excavated after but prior to the commencement of development are identified I recommend that a condition be attached requiring a pre-commencement badger survey to be undertaken and a report submitted to the LPA prior to the commencement of development.

Breeding Birds

Opportunities for breeding birds on site appear to be limited. However, I recommend that the following condition be attached if consent is granted:

Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.

Reason: To safeguard protected species in accordance with the NPPF.

Landscaping and restoration

If planning consent is granted I recommend that conditions be attached requiring the submission of detailed restoration and landscaping proposals for agreement by the LPA. From an ecological perspective a reduction in the area of tree planting proposed as part of the restoration scheme and an increase in the area of species rich grassland would be preferable.

Conditions

If planning consent is granted the following conditions are required:

- Submission of reptile mitigation method statement.
- Submission of detailed landscaping scheme.
- Submission of detailed restoration proposals.
- Pre-commencement badger survey.
- Submission and agreement of lighting scheme
- Safeguarding of breeding birds
- Method statement for the eradication of Himalayan balsam
- Detailed design of enlarged surface water lagoon

The Council's Landscape Officer:

Does not feel that this development will lead to any significant landscape or visual impacts.

The Minerals and Waste Policy Unit:

Relevant Development Plan Policies (list not exhaustive):

- Cheshire Replacement Waste Local Plan 2007 (CRWLP) Policies: 1, 2, 5, 12, 14, 17, 18, 23, 24, 25, 26, 27, 28, 29, 32 and 36.
- Crewe and Nantwich Replacement Local Plan 2011 (C&NRLP) Policies: NE.2, NE.5, NE.17 and BE.1.

Material Considerations (list not exhaustive):

- National Planning Policy Framework (NPPF)
- Planning Policy Statement 10: Planning for Sustainable Waste Development (PPS10) (Updated March 2011)
- The Waste (England and Wales) Regulations 2011
- Waste Strategy for England 2007
- Cheshire East Local Plan Development Strategy and Policy Principles (Consulted on between 15th January and 26th February 2013)

Key Considerations

The NPPF

The NPPF does not contain specific waste policies as national waste planning policy is to be published as part of the National Waste Management Plan for England. Until then policies contained in PPS10 remain in place. However, local authorities should have regard to policies in this Framework so far as relevant.

Para 11 of the NPPF states that *'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'* and **Para 13** goes on to state that the NPPF *'constitutes guidance for local planning authorities and decision takers . . . as a material consideration in determining applications'*

Para 14 goes on to provide more detail in relation to the presumption in favour of sustainable development. It states that *'for decision taking this means (unless material considerations indicate otherwise) . . . where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.'*

The Waste Hierarchy

Driving the management of waste up the Waste Hierarchy away from landfill towards its recovery, recycling and reuse has become a regulatory and legislative requirement under the Waste Framework Directive (2008/98/EC) transposed in The Waste (England and Wales) Regulations 2011. It is also set out as a key planning objective in PPS10 (as revised).

Policy 1 of the CRWLP does not permit applications for waste management facilities *'unless it demonstrates that the proposal will maximise opportunities for waste to be managed in accordance with the waste hierarchy'*.

The proposal offers to manage waste that would otherwise be landfilled through recycling or production into a solid recovered fuel (SRF) for energy recovery purposes. Only wastes considered non-recoverable would be landfilled (approx. 15% of inputs). It is therefore considered that the proposal can show consistency with the imperative to move the management of waste higher up the Waste Hierarchy.

Self-sufficiency and proximity principles

The principles of self sufficiency and proximity in waste management are well established and outlined in legislation and national policy. Key objectives of PPS10 are the provision of *'...a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;'* and to *'...enable waste to be disposed of in one of the nearest appropriate installations.'*

Policy 1 of the CRWLP states that an application for waste management facilities must *'...demonstrate how the development would: a) contribute to an integrated network of waste management facilities; b) satisfy the objective of enabling waste to be disposed of in one of the nearest appropriate installations;'*

This proposed facility would receive and manage residual ('black bag') municipal waste collected from households in Cheshire East (some of which would be 'bulked up' first) with additional commercial and industrial waste sourced locally. The facility would be located in close proximity to Crewe, the largest centre of population in South Cheshire. As such, the proposal would contribute to Cheshire East's network of waste management facilities and enable quantities of waste to be managed and disposed of close to their source. Therefore consistency with the principles of self-sufficiency and proximity and the requirements of Policy 1 can be demonstrated

Site Location

Para 24 of PPS 10 states that *planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with: (i) the policies in this PPS, including the criteria set out in paragraph 21; (ii) the waste planning authority's core strategy.*

Policy 5 of the CRWLP concerns applications for built waste management facilities on sites not shown on proposals map. In such cases, applications '*...will not be permitted unless it can be demonstrated that:*

- i) the preferred sites are either no longer available or are less suitable for the proposed development; or*
- ii) the proposal would meet a requirement not provided for by the preferred sites; and*
- iii) the proposed sites are located according to the sequential approach to meeting development needs within the Regional Spatial Strategy.'*

The proposed facility is not located on a site allocated on the current Development Plan. The applicant has addressed this fact and has submitted the results of a Site Search that seeks to assess a range of possible alternative sites for an MRF in South Cheshire. It concludes that of a shortlist of potential sites, the Maw Green site is suitable, deliverable and would offer the benefit of co-location with the existing landfill.

The Case Officer should be satisfied that in submitting this information the applicant has sufficiently met the criteria of Policy 5 justifying the site's location and that it is consistent with criteria set out in national planning policy.

The proposal site is situated within 'Open Countryside outside Settlement Boundaries' as identified in the C&NRLP therefore **Policy NE.2** is of relevance. The policy states: '*Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*'

Further justification adds that: '*Whilst development in the open countryside should be kept to a minimum in order to protect its character and amenity, there may be instances where development by a public authority or a statutory undertaker is essential to maintain or improve services to the general public. Such work will be expected to respect the character of the open countryside.*'

The location of the proposal does not directly fall into the categories listed within the policy although the site does lie on previously developed land (in the form of a concrete pad) within the existing and well established landfill operations and associated infrastructure at Maw Green. Appropriate judgement should therefore be given to the additional impacts the proposal would have with respect to the character and openness of the countryside.

Impacts

A key objective of PPS10 is securing '*...the recovery or disposal of waste without endangering human health and without harming the environment.*'

Policy 1 of the CRWLP states that an application must demonstrate how the development would '*protect environmental, economic, social and community assets.*'

Policy 12 requires an application for a waste management facility to be accompanied by an evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It states: '*Where unacceptable impacts are identified the measures proposed to avoid, reduce or remedy these should be provided at the application stage.*' If there are considered to be '*...unacceptable impacts, or the proposal is accompanied by insufficient information on potential impacts the application will not be permitted.*'

Further CRWLP policies of relevance concern specifically the impacts the development would have on: Landscape (Policy 14), Natural Environment (Policy 17), Water Resource and Protection (Policy 18), Noise (Policy 18), (Policy 24) Air pollution: Air Emissions Including Dust (Policy 24), Litter (Policy 25), Air Pollution: Odour (Policy 26), Highways (Policy 28) and Design (Policy 36).

Policies of relevance in the C&NRLP concern the impacts of development on: Nature Conservation and Habitats (NE.5), Pollution Control (NE.17) and Amenity (BE.1).

To address policy requirements the applicant has submitted relevant information including a Planning, Design and Access Statement, Ecology Survey Report, Noise Assessment, Transport Statement and Landscape and Visual Assessment. The Case Officer should be satisfied that this information has sufficiently addressed the relevant policy requirements and that any potential adverse impacts would be appropriately mitigated where possible.

When assessing the impacts of this proposal, consideration should also be given to other proposed development in proximity with planning consent, notably the proposal for outline planning permission for the erection of 165 dwellings on land to the north and south of Maw Green Road (ref. 12/0831N).

Conclusion

When weighing the decision the Case Officer should be satisfied that the proposal has met the relevant development plan policy requirements ensuring that the planning benefits of the scheme are appropriately weighed against its impacts. In summary, the key planning policy and material considerations are:

- Conformity with the Waste Hierarchy and the principles of proximity and self sufficiency with regard to waste management facilities
- Site suitability
- Acceptability of impacts and proposed mitigation.

Public Rights of Way Unit:

We have consulted the Definitive Map of Public Rights of Way and can confirm that the development does not appear to affect a public right of way.

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

The Environment Agency:

The Environment Agency has no objection in principle to the proposed development but we request that the following planning condition is attached to any approval as set out below.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The foul drainage from the development should be directed to the main sewer network. The scheme shall be implemented as approved.

Reason

To prevent pollution to the water environment.

Condition

No development until a detailed method statement for removing or the long-term management / control of Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason

To prevent the spread of Himalayan balsam which is an invasive species.

Advice to LPA/Applicant

From the Indicative Landscape Design drawing the application boundary appears to jut out and run along Fowl Brook but there is no description of what the applicant intends to do here. From our aerial photographs that location appears to currently be natural riparian corridor. We would like to make the applicant aware that there are records of water vole (*Arvicola amphibius*) in the area. The water vole is fully protected under Section 9 of the

Wildlife & Countryside Act, 1981 (Variation of Schedule 5, Order 2008). Under this legislation it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a water vole for shelter or protection; to intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose; and to intentionally kill, injure or take water voles.

The Environment Agency advise that the development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.

Natural England:

No objection – no conditions requested

This application is in close proximity to Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

We note that surface water run-off is to be discharged into the existing balancing lagoon (to be enlarged as part of this application) and then discharged into Fowle Brook. Fowle Brook flows into Sandbach Flashes SSSI, any discharge, foul drainage and/or run-off from the site must not lead to deterioration in water quality entering the SSSI.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice¹ on priority and protected species and their consideration in the planning system.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Response to updated ecological surveys

The Wildlife and Countryside Act 1981 (as amended) The Conservation of Habitats and Species Regulations 2010 (as amended)

The advice provided in our previous response applies equally to this additional information although we made no objection to the original proposal.

The additional information relates to species, and is unlikely to have significantly different impacts on the natural environment than the information previously provided. As previously advised you should refer to [Standing advice for protected species](#) which is available on our website.

Cheshire Wildlife Trust:

Having read through the accompanying Ecology report, which included an 8 point mitigation strategy (with which we concur) we have no further observations to make on this proposal but wish to be consulted on the final restoration scheme and details in due course.

Cheshire Fire and Rescue Service:

Access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000. The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed following the applicants compliance with the national guidance for the provision of water for fire fighting.

Arson is an increasingly significant factor in fire losses and construction sites are major targets for arsonists. We would advise that at this stage serious consideration be given to the development of a fire risk assessment. Additionally we would advise that consideration be given to the design of the refuse storage areas to ensure it can be maintained as a safe and secure area. If it is not, or cannot be a secure compound we would strongly advise that means of securing wheelie bins are provided so that they cannot be moved against the building.

The Fire Authority recommends the fitting of domestic sprinklers which will reduce the impact of fire on people, property and the environment. Also business continuity will be considerably less affected. Fire and Rescue Services nationally work closely with sprinkler providers to ensure effective but cost efficient standards for either extensive refurbishments or new

buildings. If planning permission is granted the applicant should be advised that means of escape should be provided in accordance with Building Regulations.

Cheshire Brine Board:

The site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted. However, we understand from the application documents that the proposed developments are considered “temporary” in nature and are all designed to be located on an already existing concrete pad area within the site and therefore the Board has no comments to make regarding foundation requirements at this time.

United Utilities:

No objections subject to the following conditions being met:-

We can readily supply water for domestic purposes, but for larger quantities we will need further information. The applicant should be instructed to contact our Water Fittings Section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 2DS.

The applicant has not stated whether provision of an extra water supply is required, therefore, use of the existing metered service must be considered as a means of supply. If not, a separate metered supply will be required at the applicant's expense.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers. It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development

VIEWS OF THE PARISH / TOWN COUNCIL

Crewe Town Council

Whilst the Crewe Town Council supports the Cheshire East Council's drive to decrease the use of landfill and to increase recycling in principle it objects to this proposal for the following reasons:-

1. The presumption that Crewe as the largest centre of population it should host the recycling centre for the whole of Cheshire East.
2. The environmental impact of the 106 HGV journeys on an already congested road junction between Maw Green Road and Sydney Road.
3. The environmental impact of the HGV journeys from Macclesfield in terms of fuel use and the impact on the communities through which the HGV's pass. Nor does the journey from Macclesfield meet the sustainable drive time suggested in the report.
4. The disruption to residents with HGV's arriving early morning and late in the evening.

5. The increase in pollution on the site in terms of odour, noise and dust.
6. The application is for a temporary facility, four years is temporary, 14 years is permanent. This permanent centre will discourage a search for a more suitable site.

Crewe Town Council would like to see a recycling plant more centrally situated in the Borough or another centre for recycling in the North of the Borough. This would lessen the environmental impact in terms of transport costs and pollution.

Haslington Parish Council

The Parish Council object to the development on the following grounds:

Haslington Parish Council submitted comments to the pre application exhibition relating to screening of the proposed MRF building from the railway line - seen as a gateway into Crewe from Manchester. It is disappointing that given so few comments were received that screening from the railway line was not possible as part of this proposal.

The MRF building is requested to stand until at least 2027. The report appears to see the railway embankment as a screen to the building, dismissing as minor the view from passing trains. All Change For Crewe envisages a major increase in population for Crewe which will require inward investment from national and international companies who will not be impressed by a messy view of the Maw Green waste site at the gateway to Crewe from Manchester by rail.

The methodology for site selection appears flawed. The short list of sites that made it through included sites such as the Bentley Factory, highly unlikely to be offered as a waste processing site given the several £100 millions invested there in the past few years, sites considered in Elworth/Ettiley Heath appear to take no account of residential planning permission having been granted and dozens of houses already built on the potential sites. The site considered next to Zan Drive in Sandbach has 40 new houses - completed more than 12 months ago. The methodology should have taken into account sites developed in recent years rather than take 10 year old local plan data as a starting point.

Given the uncertainty over when or if residential development granted in the locality of Maw Green will be implemented, development that was to support junction improvements, could a contribution from this development proposal not be requested towards improving the junction of Maw Lane / Sydney road / Groby Road given the impact of additional HGV movements onto to local road network.

Response of applicant to Haslington Parish Council representation

1) Screening of the proposed building from the railway line

The response from Haslington Parish Council states that prospective companies considering investing in Crewe *"will not be impressed with the messy view of the Maw Green waste site at the gateway to Crewe from Manchester by rail"*. There is also an assertion within the consultation response that the rail embankment would provide insufficient screening of views of the site by users of the railway line.

There is a belt of consented planting identified on drawing 1271-01-012 Indicative Landscape Design, located between the Material Recycling Facility (MRF) and the surface water lagoon to provide screening of the MRF building. It is not considered that there is a need to provide planting to screen views of the surface water lagoon as this will not be an intrusive presence. The MRF doors will be located on the opposite side of the building to the railway, therefore movements will take place in this area rather than at the railway boundary. Views of the development from the railway will be transient from moving trains, limited to the blank elevation of an industrial building and will be over in a matter of seconds. As such, it is not considered that any additional screening of such views is considered necessary or indeed feasible due to the future requirement to expand the surface water lagoon. The planning application is supported by an assessment of landscape and visual effects (Chapter 6 and Appendix 6-1) undertaken by a Chartered Member of the Landscape Institute and was prepared in accordance with recognised best practice as set out in *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute and Institute for Environmental Management and Assessment, second edition 2002) and found to be acceptable.

2) Site search methodology

The response from Haslington Parish Council claims that methodology of the submitted site search (Appendix 5-1 to the Planning and Design and Access Statement) is flawed as it *“should have taken into account sites developed in recent years rather than the 10 year old local plan data as a starting point”*. It is assumed that the 10 year old local plan data being referred to is the ‘Cheshire Replacement Waste Local Plan: Search for Potential Waste Management Sites Final Report (Entec, 2003)’.

Whilst the Entec report is now ten years old it still forms part of the evidence base for the saved policies of the adopted development plan against which planning decisions are made within Cheshire East. Saved Policy 5 of The Cheshire Replacement Waste Local Plan (CRWLP) (2007) requires that Applications for built waste management facilities on sites not shown on the proposals map will not be permitted unless it can be demonstrated that:

- (i) the preferred sites are either no longer available or less suitable for the proposed development; and
- (ii) development sites are located according to the sequential approach to meeting development needs within the Regional Spatial Strategy.

It would therefore seem sensible to use the evidence base which led to the selection of the preferred sites for waste management within the development plan as a starting point for assessing alternative sites. The site search undertaken in support of the planning application did not solely rely on the Entec report, as stated within paragraph 2.12 of Appendix 5-1 *“it was not appropriate to rely upon the original list in its entirety”* and additional industrial and employment sites allocated within the extant development plan were also included within the site search.

The Parish response criticises the fact that some of the site assessments within Appendix 5-1 do not mention if a site has recently been developed for housing. This is because some sites were ruled out for planning reasons at Stage 3, not due to their recent development / availability which (unless it was immediately apparent) formed a later stage of the site screening process (Stage 4 – site visits). An example of this, as put forward by the Parish Council is Site Ref 14 ‘Land to rear of Zan Drive, Sandbach’ which was excluded from the

process at Stage 3 due to being inappropriate to the character of the locality (failing Policy PS4), access constraints and proximity of residential properties. Clearly if the site had been assessed as appropriate at Stage 3, then it would have been later excluded at Stage 4 (site visit) due to being developed for residential purposes.

The site search followed the approach set out within Annex E of Planning Policy Statement 10 and, as such, accords with national planning policy requirements for identifying alternative sites for waste management to those allocated with the adopted development plan. Haslington Parish Council's comments confirm that the sites in question are wholly unsuitable for development as an MRF. I would note that the Parish Council have not presented any alternative sites which they consider more suitable than the proposed Maw Green site.

Congleton Town Council

Recommended that this should be approved subject to the following:-

1. There needs to be a highways assessment undertaken of the impact of the additional journeys of waste movement vehicles between Macclesfield and Crewe travelling via Congleton
1. A contribution ought to be provided from this project to the Congleton Link Road
2. Project reinforces the need for the link road
3. Consideration should be given to siting the Waste Plant at Lyme Green, Macclesfield

OTHER REPRESENTATIONS

At the time of writing 2 letters of objection have been received raising the following issues:

- Effect on capacity of local road network arising from Heavy Goods Vehicles, with particular concern regarding the road infrastructure around Sydney Road and North Street and the associated railway bridges;
- Affect of congestion on emergency services reaching Leighton Hospital;
- Cumulative effects on local highway network of this scheme and others recently permitted particularly the residential development at Maw Green;
- Effect of noise and dust on local amenity, particularly arising from HGVs;
- Potential problem of dust deposited on road;
- Narrow roads;
- Potential for contamination to roads and land from diesel from HGVs;
- Impact on the condition of the local highway network;
- Use of the site to accept waste from other areas;
- Requests alternative route for vehicles is sought.

OFFICER APPRAISAL

Principle of built waste management facility on the site

Historically the wider landfill site has been used for waste management since the establishment of the landfill in 1984; whilst the application site forms part of a consented landfill cell and has previously been used for green waste composting. The principle of waste management on this site has therefore been established. More specifically, the Inspectors Report into CRWLP considers that built waste management facilities could potentially be

developed on landfill sites, but specifies that one of the factors weighing heavily against this is that landfills are temporary uses of land whereas built waste management facilities are generally permanent and different considerations apply. In this case however, whilst the building would be retained for a sustained period, it is nonetheless a temporary form of development which would be removed from site after 2027.

Assessment of Alternative Sites

Policy 5 of CRWLP states that applications for built waste management facilities which are not on 'preferred sites' will not be permitted unless it can be demonstrated that:

1. the preferred sites are either no longer available or are less suitable than the site proposed; or
2. would meet a requirement not provided for by the preferred sites; and
3. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy.

The applicant identified 49 potentially suitable sites within a 20 minute drive time of the proposed site using a range of sources including preferred sites of the CRWLP; B1/B2/B8 employment allocations in Congleton and Crewe Borough Local Plans; and sites previously identified as part of the preparation of the CRWLP (Entec 'Search for Potential Waste Management Sites' Report). A range of exclusionary criteria were then applied including those sites with conflicting neighbouring land uses, and those subject to alternative land use allocations or restrictive local policy constraints that would render the development unacceptable. The remaining 28 sites were subjected to further assessment against a range of locational criteria (based on PPS10 Annex E) including individual site/environmental characteristics, neighbouring land uses and access constraints and unsuitable sites.

13 sites were taken forward for further investigation and subsequently discounted on the basis of the following:

- **Moss Lane Industrial Estate, Elworth** – unavailable and unsuitable for waste management uses. New residential units lie in close proximity to the site.
- **Springvale Industrial Estate, Elworth** - no available plots of a suitable size, inadequate internal access and insufficient access road.
- **Royal Ordnance Factory, Radway Green** – site unavailable
- **East of Quakers Coppice, Crewe** – some availability but being targeted at higher end uses which would be inappropriate with a waste use.
- **Basford East – Basford Hall Sorting Sidings, Crewe** - site not likely to be deliverable in near future. The new access from off the A500 is yet to be constructed.
- **Basford West (South), Crewe** – site not likely to be deliverable in near future. The new access from off the A500 is yet to be constructed. Planning permission granted for employment uses and planning application submitted for mixed use residential, offices, retail and hotel.
- **Basford West (North), Crewe** – site fully developed and occupied, and tightly constrained with inappropriate access.
- **Air Products, Crewe** – fully developed and occupied
- **Land adjacent to railway, Willaston** – unsuitable access through residential properties. Some small scale waste uses on site but all plots/buildings are too small and fully occupied.

- **Leighton West, Crewe (partly CRWLP Preferred Site WM16B)** – site unavailable. Part of site is operational car factory, the other occupied by a vehicle depot, waste bulking-up facility, a manufacturing business and a car park serving the Bentley Motor Factory.
- **Crewe Gates Industrial Estate, Crewe** – large proportion of the units are fully occupied, with the remainder too small or unsuitable situated next to high end commercial users and food factories.
- **Oakleigh Farm, South of Pym's Lane, Leighton West, Crewe** – unavailable as recently purchased by Bentley Motors.

Whilst landfill sites do not constitute previously developed land (as per the NPPF definition) and thus other previous developed land in urban areas and allocated sites in the development plan would be sequentially preferable, the alternative site assessment has demonstrated that there are no other viable or alternative sites within the identified catchment.

Concerns have been raised by Haslington Parish Council regarding the scope of the alternative site assessment, particularly given the age of the documents relied upon. The response provided by the applicant is noted (and is detailed in full under the Parish Council representations section of this report) and it is considered that the scope of the assessment follows the approach set out in Annex E of PPS10. As such, the scheme has met the criteria of CRWLP Policy 5 and the approach of PPSS10.

Development on an unallocated site

PPS10 states that proposals for new facilities on unallocated sites should be considered favourable when consistent with the waste planning authority's core strategy and policies in the PPS, including the criteria of paragraph 21 which includes:

- Physical and environmental constraints, including existing and proposed neighbouring land uses;
- The cumulative effects of waste facilities on the amenity of the local community and on the environment; and
- The capacity of transport infrastructure to support the sustainable movement of waste, nature conservation and protection of water resource.

In this regard the applicant makes the case that the scheme offers a co-locational advantage by siting two complimentary waste management uses on one site, a principle which is supported in PPS10. It offers efficiencies in service provision and resource use as the landfill has existing infrastructure, access and environmental controls required by the scheme, thus preventing the need for additional new development elsewhere. They also note that the scheme allows for the 15% of waste which is not recycled or recovered at the MRF to go directly into the adjacent landfill, thus negating the need for further vehicle movements and reducing the carbon footprint of managing this waste. Whilst this point is accepted up until 2017, in the absence of any extension to the life of the landfill, it is noted that there would still remain a requirement to export this material to another facility beyond this time.

The applicant also highlights that the site has a degree of separation from sensitive receptors and is located proximate to the major source of waste arisings, greatly reducing the distance associated with the carriage of wastes and is also located close to Pym's Lane Council depot where refuse collection vehicles are parked overnight, thus ensuring the vehicles have a much

shorter turn around time. On the basis of these points, the scheme accords with the approach of PPS10.

Sustainable waste management principles

Compliance with waste hierarchy

One of the key planning objectives of PPS10 is to help deliver sustainable development through driving waste management up the waste hierarchy; addressing waste as a resource and looking to disposal as the last option. The development would intercept waste which would otherwise be disposed of at landfill and would instead maximise the amount being recycled or recovered, thus driving it up the waste hierarchy. In respect of the waste hierarchy, recycling is given a higher priority than recovery and the applicant has not indicated what proportion of waste is to be recycled compared to that being recovered; as they state that this is difficult to predict and would be determined through the composition of the waste stream received at the facility plus the requirements of the contracts secured.

Nonetheless the scheme would still intercept waste which is otherwise disposed of at landfill so represents a more sustainable option; and the design of the facility seeks to maximise the amount of waste being recycled; allowing for recovery where this is not possible. It is also noted that the revised Waste Framework Directive allows for deviation from the waste hierarchy where it can be clearly demonstrated there is a better environmental outcome from doing so as all parts of the waste hierarchy have a role to play in the management of wastes. Given the benefits arising from location of the MRF on this site, and the design of the facility which seeks to maximise the amount of waste being recycled as far as possible, it is considered that scheme accords with the approach of PPS10 and the revised Waste Framework Directive.

Proximity principle

Particular concern has been raised by local residents and Parish/Town Councils that the scheme is not strategically located in relation to the source of waste arisings and would result in waste being transported across the authority from Danes Moss landfill.

The recent consultation draft update to PPS10 reflects European legislation by requiring a framework to be provided in which communities take more responsibility for their own waste, enabling waste to be managed in one of the nearest appropriate installations whilst recognising that new facilities will need to serve catchment areas large enough to justify the investment. The Inspectors Report into CRWLP acknowledges that the legislation does not provide a definition of what constitutes a community, and that this could equally apply to a town or a region. It also notes the requirements of the Plan to provide sufficient facilities for the Cheshire sub-region; and considers that an approach which only provides for waste arising within a closely defined area is inflexible, unrealistic and would result in unnecessary movements of waste over long distances.

In respect of the proximity to waste arisings, the applicant makes the case that the north of the authority will continue to be served by Danes Moss Landfill up until 2014, and after that time by the waste transfer station (WTS) on the site. They estimate that a third of the waste processed through Danes Moss WTS (20,000tpa) would be transported to the MRF at Maw Green which equates to 26% of the overall waste throughput for the MRF. They also note that due to the location of Danes Moss WTS, a portion of Congleton's waste would be

managed through the Danes Moss WTS with the remainder being served by the MRF. The MRF is designed to primarily serve waste arisings from the south of the Borough. As such, the applicant states that it is located in close proximity to the largest centre of population in the south which is Crewe (with a population of 67,000 as opposed to Congleton with a population of 25,000). The MRF would accommodate circa 40,000tpa of direct delivered waste, most of which would originate from the southern parts of the Borough; and likewise Crewe and its surrounding area would be a major contributor of the C&I waste being processed by the facility.

Whilst there is an underlying principle of waste being managed close to its source, this proximity principle does not require using the absolute closest facility to the exclusion of all other considerations; and in many cases other facilities may represent the best economic and environmental solution. Given the benefits arising from the scheme; namely that it:

- contributes to Cheshire East's network of waste management facilities;
- provides a facility to sustainably drive waste up the hierarchy;
- offers an improvement over the current waste management option and allows the use of an existing waste management site; and
- is located in close proximity to the largest source of waste arisings in the south where the larger proportion of waste arisings would originate

it is considered that consistency with the principles of self-sufficiency and proximity principle have been demonstrated and the scheme accords with the approach of the revised Waste Framework Directive; PPS10 and Policy 1 of CRWLP.

Need for the facility

The recent consultation draft update to PPS10 stresses that waste planning authorities should only take into account the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan. Equally Policy 2 of the CRWLP states that where material objections outweigh benefits, overriding need should be demonstrated. In this instance whilst the scheme is not on an allocated site; this matter has been adequately addressed by the applicant. In addition the benefits brought by this scheme outweigh this one policy conflict, in terms of provision of range of sustainable waste management benefits and the contribution to meeting national waste management targets. The assessments in support of this planning application demonstrate that having regard to the design and nature of the development satisfactory mitigation measures are provided to safeguard environmental resources. Accordingly a 'need' is not required to be demonstrated to outweigh harm caused by the development.

Despite this the applicant has identified a number of benefits arising from this scheme namely that it:

- minimises the quantity of waste sent to landfill, avoiding the resultant landfill tax implications and creates value from the waste stream in the form of recyclates and SRF;
- Maximises the recovery of recyclable material;
- Reduces the environmental harm caused by traditional waste management techniques by providing a modern facility;
- Produces a fuel which offers a renewable energy source; and
- Offers a reduction in consented landfill void

The legislative and policy targets are also a relevant consideration in this regard. In particular the Waste Management Plan for England 2013 which requires the re-use or recycling of 50% of household waste by 2020, and to reduce the amount of biodegradable municipal waste (BMW) landfilled to 35% of that landfilled in 1995 by 2020 (Landfill Directive). Equally in terms of capacity gaps, the Cheshire Joint Waste Needs Assessment 2011 identifies across both waste streams a capacity gap of 300,000 - 400,000 tonnes per annum; and an indicative requirement by 2030 for 10 facilities for MSW recycling and 8 facilities for C&I. Whilst these figures are based on a modelled future waste management scenario which is no longer being pursued, it nonetheless provides a broad picture of potential future demand.

As such the scheme accords with the approach of Policy 2 of CRWLP and PPS10.

Loss of void space

The scheme would result in a loss of consented landfill void space of 250,000m³ taken up by the MRF. This loss however is required to provide a facility which enable formerly landfilled waste to be handled more sustainable and higher up the waste hierarchy by being either recycled or where this is not possible, recovered; thus according with the approach of CRWLP, PPS10 and waste legislation.

Compliance with policies of CNBLP

With respect to the Crewe and Nantwich Borough Local Plan the site is located in the open countryside. Only certain types of development are permitted in the open countryside under policy NE.2 which includes (amongst others) development which is essential for the purposes of agriculture, forestry, and '*other uses appropriate to a rural area*'. The policy justification includes that development in the open countryside is kept to a minimum in order to protect its character and amenity. However the development is for a temporary period until 2028 and would be located on an existing concrete hardstanding on the landfill site, adjacent to the gas utilisation compound. Partial screening would be provided by the contours of the restored landfill and screened by the railway. Additionally it would have appropriate landscape planting which would further screen the building in this location. Given the presence of the existing infrastructure on the site and its temporary nature until 2028, it is not considered that the development would conflict with the overall approach of the policy.

Highways Impacts

Concern has been raised regarding the impacts of the scheme on the local highway network, particularly in respect of the cumulative impacts on congestion arising from other recently permitted development in the area. The Transport Statement (TS) submitted with the application considers the highway impacts based on two scenarios of both the MRF operating concurrently with the landfill; and (in the event of there being no landfill time extension) the MRF operating independently. In respect of the first scenario, the traffic movements associated with the operation of the MRF would total 98 daily vehicle movements (49 in, 49 out), comprising:

- 40,000tpa of MSW imported by 7t Refuse Collection Vehicles generating 42 daily movements (21 in, 21 out);
- 20,000tpa of MSW transferred from Danes Moss waste transfer station by 20t HGV generating 20 daily movements (10 in, 10 out);

- 15,000tpa of C&I waste imported by 10t HGV generating 12 daily movements (6 in, 6 out);
- Export of 63,750 tpa of recycled product by 20t HGV generating 24 daily movements (12 in, 12 out); with the remaining 11,250tpa transferred internally into Maw Green Landfill.

Alongside this, the operation of the landfill would generate the following:

- 8000tpa residual waste imported to the landfill by 10t HGVs generating 6 daily movements (3 in, 3 out);
- 7050tpa of landfill cover material imported by 10t HGVs generating 6 daily movements (3 in, 3 out);
- 16,000tpa of C&I waste imported by 10t HGV generating 12 daily movements (6 in, 6 out);
- 60,320tpa of leachate exported off site in 29t HGVs generating 16 daily movements (8 in, 8 out).

As such, the operation of the MRF alongside the landfill would give rise to 138 daily movements (69 in, 69 out).

The TS also considers the traffic generated by MRF in the event that the landfill closes. In addition to the 98 movements generated directly by the MRF, there would be a further 24 movements associated with the export of residual waste and leachate; generating a total of 122 daily movements (61 in, 61 out). Under both scenarios, the vehicle movements generated by the scheme remain well within the existing consented daily levels for the landfill (200 in and 200 out).

The cumulative impacts arising from the MRF in combination with other recently permitted residential schemes at Maw Green, Coppenhall East and Barrows Green have also been assessed in terms of impacts on capacity of the local road network. This takes into account both the impact on the existing Remer Street/Maw Green Road priority junction, and the highway improvements secured as part of the committed housing schemes. In terms of the impact of traffic flows on Maw Green Road link to Sydney Road/Remer Street, the TS identifies the flow impact would remain below 10%, and identifies that the traffic demand would be less than half of the recorded 2009 landfill traffic demand; and would be significantly below the currently consented level of 400 two-way movements.

The impact on the existing Maw Green Road junction arrangement is anticipated to operate close to capacity in 2014, and by 2018 the addition of the proposed Maw Green landfill development traffic is anticipated to result in a slight worsening of conditions on this junction. The TS does identify that the addition of MRF related traffic has only a limited proportional impact on the junction, as the junction appears to be most materially affected by the addition of committed local residential development traffic. With regard to the potential new junction arrangements secured by recent consented residential development, TS identifies that this would operate within capacity, and as such would have a negligible effect on the operation of the immediate local highway network. Equally the TS does not anticipate any material highway safety issues within the vicinity of the site. Overall therefore, the TS concludes that the scheme would not give rise to any operational impacts upon the future capacity of Maw Green Road or its junction with Sydney Road / Remer Street / Elm Drive.

The Highways Officer notes that the existing landfill operation has a cap on lorry movements up to 400 trips per day and this could in theory carry on until 2017 when permission for landfill expires. However it is noted that the actual HGV movements from this site is significantly lower than permitted levels; and the combined HGV movements for both the MRF and landfill is 69 one-way trips (138 two way). The Officer notes that it has been previously agreed that 400 movements to the site was an acceptable limit, and with both the MRF and landfill operating together this produces some 140 trips, some way below this cap. The Highways Officer acknowledges that there is existing congestion on the Sydney Road corridor, but considers that it would be difficult to argue that this application is not acceptable given the limits set on the landfill operation. Equally, the Officer considers that should the MRF operate in isolation without any landfill extension, the 122 two-way trips that occurs over the course of a day associated with the MRF does not represent a severe impact in relation to the background traffic flows on Sydney Road. On this basis, no highway objections are raised, subject to the submission of a Construction Management Plan which could be secured by planning condition.

It has been suggested by Haslington Parish Council that a contribution should be sought from the scheme towards junction improvements of Maw Lane/Sydney Road/Groby Road. On the basis of the conclusions of the Transport Statement, and given that the scheme would not exceed current permitted levels of vehicle movements on the landfill, it is not considered that such a requirement would meet the tests of the CIL Regulations and would not be justified in this instance. It is also noted that the Highways Officer has not sought any such requirement.

Given that any planning permission for the MRF would sit alongside the existing planning permission for the landfill, which already permits 400 movements (200 in, 200 out), it is considered that should planning permission be granted for this scheme, a planning condition should be imposed to ensure that cumulatively from the operation of the MRF alongside the landfill the total vehicle numbers arising from these activities do not exceed the 400 movements (200 in, 200 out) permitted under the landfill consent.

On the basis of the conclusions of the TS and the absence of any objections from the Highways Officer; and on the basis of the planning conditions as detailed being secured, it is considered that the scheme would accord with policies 12 and 28 of CRWLP, and policies BE.1 BE.3 of CNBLP as well as the provisions of PPS10 and the NPPF.

Landscape and Visual Impacts

The application site lies adjacent to open land which was formerly landfill and has since been restored; whilst land to the east beyond the railway line is largely open farmland. The scheme would introduce a large built facility onto the site, however its overall impact on the landscape is moderate in scale when compared to the geographical extent of the landfill. The building would be sited adjacent to the waste to energy compound and railway line. Furthermore the site lies close to the urban edge of Crewe and land in between has recently been granted outline permission for residential development. Therefore the overall character of this area has become more urbanised and whilst the introduction of the MRF would intensify this; the overall landscape impact of the proposal would not be considered unacceptable when placed in this context, and the cumulative effects on landscape character are not considered significant.

In respect of visual impacts, views of the building from residential properties and footpath users to the north, northwest and west would be largely screened by the restored landfill profile. From the east, the building would be screened to an extent by the adjacent railway embankment, with the roof of the building visible from some locations; however such views would be in the context of existing rail infrastructure and train movement. The most prominent views are likely to be from users of footpath 6 across the landfill, especially once the landfill is restored. Equally those properties on the eastern extent of the northern parcel of the proposed Maw Green residential scheme would have clear views of the building until such time as mitigation planting is established. The landscape and visual assessment identifies this impact as being of major significance which would reduce over time as planting develops.

As mitigation the applicant proposes a planting scheme comprising of new belts of woodland planting along sections of the eastern and northern boundary, and a belt of woodland to the west of the site to provide additional screening for residential properties proposed to the south west of the site and screening for views from the railway line. In addition the building would be clad in a sympathetic colour relative to its surroundings so as to reduce its prominence in this location. It is also noted that all activities aside from the vehicle movements would take place within the confines of the building. On cessation of the facility, the area taken up by the building would be broken up and restored to species rich grassland with the woodland planting being retained as part of the final restoration. The exact mix and specification of all landscape planting would be secured by planning condition.

In addition amendments are proposed to the approved landfill contours. This area of the landfill is permitted to be restored to a gentle sloping landform to the east and has largely been restored (aside from the hardstanding area taken up by the application site). Minor re-profiling is therefore proposed with inert material to tie with the final landform following the removal of the MRF. As such this would create a landform which rises more steeply in the north and west. The contours proposed are considered sympathetic to the wider landform and the landscape officer raises no objection to the scheme. It is not considered that the scheme would present an unacceptable impact on the landscape or any unacceptable visual intrusion. As such, the scheme accords with policy 14 of CRWLP, policy BE.2 of CNRLP along with the approach of PPS10 and NPPF.

Noise Impacts

Noise impacts

Concern has been raised regarding the potential for disruption during the early morning and late evening arising from the scheme. Policy 23 of CRWLP does not permit development for waste management facilities where it would give rise to unacceptable levels of noise pollution. Equally PPS10 requires the delivery of waste management facilities without endangering human health and without harming the environment.

The noise levels for construction activities are predicted as ranging from 36dB to 64dB depending on the activities being undertaken; with the highest predicted noise levels associated with soil movements and the construction of infrastructure, however this would be within the level of noise normally found to be acceptable for an activity of this type and duration. The application of best practical means is proposed to control construction noise

impacts and the Environmental Health Officer raises no objection to this, subject to planning conditions being secured to control the use of piling activities and hours of construction.

In terms of operational noise impacts, the noise levels arising from the operation of fixed plant are not predicted to give rise to complaints from sensitive receptors. Noise impacts arising from HGV movements on site are predicted to give rise to an increase of up to 0.3dB at sensitive receptors which is measured as a negligible impact. The cumulative effects of on site HGV movements and fixed plant noise 'breakout' from the facility building is predicted to result in an increase of up to 0.8db which is measured as a negligible impact.

In terms of cumulative effects of both the proposed MRF and landfill operating concurrently, the assessment predicts that the noise levels from the landfill site are not significantly affected by the additional MRF operations and the cumulative effect only increases the highest noise levels by around 1dB(A).; which would remain within the noise limits established in the draft planning conditions for the landfill time extension consent.

An assessment of noise impacts arising from the proposed HGV movements on the local road network predicts an increase of up to 0.9dB which is assessed as having a negligible impact (based on DMRB guidance). Equally the cumulative effects of noise from HGV movements on the local highway arising from both the proposed MRF and landfill are predicted to generate an increase in background noise levels of up to 1.3dB which represents a negligible to minor impact (DMRB guidance).

The Environmental Health Officer notes that the proposed hours of operation are outside of normally permitted hours for waste management facilities and it is during these times that the ambient and background noise levels are lower and thus noise disturbance is more likely. It is also noted that the impact of reverse alarms has not been included in the noise assessment. As such the Environmental Health Officer requires a range of mitigation to be secured by planning condition to ensure that the resulting noise levels from the scheme are acceptable:

- controls to ensure the MRF doors remain closed other than when in use;
- maximum permitted noise levels;
- noise monitoring programme;
- controls over hours of operation and hours of construction;
- controls over the construction methods.

A noise mitigation scheme is also required which would cover:

- Acoustic design for the reception building including the roller shutter doors;
- the maintenance of all on-site mobile plant and fitting of silencers and white-noise reverse alarms;
- use of mobile plant to avoid unnecessary banging and scraping of loading buckets;
- restriction on the operation of mobile plant operating externally to the MRF building after 1900 hours;
- restriction on the number of HGV movements on Sunday between 0800 and 1000 hours.

Whilst no specific assessment of the potential noise impacts arising from delivery of waste on Sundays and Public Holidays has been made, it is noted that the HGV movements are

already currently made to the existing landfill and no additional noise impacts are therefore anticipated given that the MRF would not be operational during this time. The Environmental Health Officer considers that any potential noise impacts arising from the unloading of waste during these times would be controlled by planning conditions restricting the maximum permitted noise levels and as additional mitigation a restriction on the number of HGV movements on Sunday mornings is recommended. Subject to mitigation measures being secured by planning condition, it is considered that the scheme would not give rise to unacceptable levels of noise pollution and would accord with policy 23 of CRWLP, and NE.17 of CNBLP, as well as the approach of PPS10 and the NPPF.

Air Quality

PPS10 makes it clear that the planning and pollution control regimes are separate but complimentary and it should be assumed that the relevant pollution control regime is properly applied enforced. The LPA should be satisfied that potential releases can be adequately regulated under the pollution control framework and that the effects of existing sources in pollution and around the site are not such that cumulative effects of pollution would make the proposed development unacceptable. Consequently, the determination of the planning application should focus on whether the development is an acceptable use of land and the impacts of those uses, rather than the control of processes or emissions. In this respect it is noted that the Environment Agency has raised no objection to the scheme and no specific comments are made with regards to air quality.

Furthermore in addition to any controls applied to the development as part of the planning consent, the proposed development would be the subject of an Environmental Permit under the Environmental Permitting Regulations (England and Wales) 2010 which are issued, monitored and enforced by the Environment Agency. The Environmental Permit would describe the processes that may take place at the site and justify the approaches to emissions abatement and control, addressing pollution prevention and control measures. Accordingly, statutory controls exist under the pollution control framework that would adequately regulate the operation of the proposed development

Notwithstanding this, the impact of air quality on amenity and the need to prevent nuisance remains a material planning consideration and consideration should be given to whether the effect of any change in air quality arising from the scheme would cause increased and unacceptable levels of detriment to sensitive receptors. Whilst no air quality assessment has been submitted with this application, the Environmental Health Officer is satisfied that the scheme would not affect any Air Quality Management Areas nor would the affected routes be subject to any significant impacts.

Odour

The applicant notes that the potential for odour will be mitigated in part by a combination of good site practice measures and careful building design. All operations would be undertaken within the confines of the building. The MRF building would operate under negative air pressure by drawing air through the building when the roller shutter doors are opened and out via fan extraction units installed on the roof. The building has also been designed to limit expose of waste to natural light to keep internal temperatures cool.

The SRF would be wrapped inside the building and only removed from site as wrapped bales or within fully sheeted or enclosed loads, thus preventing odour being released from the site.

Equally all vehicles transporting waste would be fully sheeted or enclosed. The applicant also notes that a large proportion of the waste material would form a contract of known quantities and as such the waste can be managed to minimise the amount retained within the building awaiting processing.

Dust

In respect of dust impacts, the applicant notes that the prevailing wind direction is south westerly and this is away from the closest residential properties towards the railway line and agricultural fields. They also note that dust particles are normally deposited within 100m of its source; whilst the nearest sensitive receptor is in excess of double this distance. The Environmental Health Officer considers that the depositing and moving of waste can be significantly controlled by the use of good site management practices. This could include:

- All vehicles being enclosed/sheeted;
- Appropriate paved, tarmac or concrete of areas trafficked by HGVs;
- Enforced speed limit on site;
- Manual sweeping of the site as necessary and use of wash down facilities; and
- Processing of waste materials and recyclables take place within the confine of a building.

As such, a scheme detailing best practice measures to be employed for the control and suppression of dust would be secured by planning condition. In view of the distance to receptors and subject to securing this mitigation, it is not considered that dust deposits would have any unacceptable impact on the amenity of nearby residents or on the local highway. Overall it is considered that the scheme would accord with Policy 24 of CRWLP and Policies BE.1 and NE.17 of CNBLP, as well as the provisions of PPS10 and NPPF.

Ground Contamination

The Environmental Health Officer notes that this site is on part of an active landfill therefore there is the potential for contamination of the site and the wider environment to have occurred. In addition due to the presence of the landfill the land has the potential to create gas. However the scheme is proposed on the footprint of an existing area of hardstanding, and the Environmental Health Officer raises no objection to the scheme subject to the site being subject to the risks of contamination being assessed prior to any development being undertaken on site, which can be secured by planning condition. This would accord with Policies 12 and 18 of CRWLP, and policy NE.17, NE.21 and BE.6 of CNBLP.

Nature Conservation

The site is approximately 700m south east of Sandbach Flashes which is a Site of Special Scientific Interest (SSSI). However Natural England is satisfied that the scheme will not damage or destroy the interest features for which the site has been notified and advise that the SSSI does not represent a constraint in determining this application. Given that the assessment would be restricted to the existing hardstanding, there would be no impacts on existing habitats or flora.

No evidence of badgers was recorded in the ecological walkover survey, although the land to the east is identified as providing suitable habitat for foraging and sett construction. Given this, a pre-construction survey is recommended prior to the start of any development works.

Likewise whilst no foraging or roosting opportunities for bats were identified on site, the survey identified that bats may use the immediately adjacent habitat for foraging and or commuting purposes. Some of these areas would be lost to accommodate the proposed extension of the lagoon, although this could in itself provide better quality foraging habitats than at present. The Nature Conservation Officer raises no concerns regarding bats. The survey identifies recommendations for controlling lighting on site to minimise impacts on bats and full lighting details can be controlled by planning condition.

The survey identifies features on the site which could provide small areas of potentially suitable habitat which would be impacted on by the development. Two waterbodies are located within 250m of the site; one of which has previously been surveyed with no Great Crested Newts recorded, and the other is considered to provide sub-optimal (at best) breeding habitat for Great Crested Newts. Records of Great Crested Newts exist within 1km of the site, and they are also known to be present in the north of the landfill although over 500m from the site. As such, the survey identifies the likelihood of Great Crested Newts being present as low and the risk of disturbance or killing of animals negligible. Equally the Nature Conservation Officer raises no objection and considers that Great Crested Newts are unlikely to be present or affected by the proposed development and no further action is required in respect of the species. Due to the presence of the species in the north of the landfill and suitable connecting terrestrial habitat, the survey advises that a precautionary approach is adopted and recommends the implementation of a scheme of non-licensed Reasonable Avoidance Measures (RAMs) during both the preparatory and construction periods, and further presence/absence surveys should the development not be commenced prior to spring 2014.

In terms of reptiles, the survey identifies features on site which could provide small areas of potentially suitable habitat and which may be impacted by the proposal. A Grass Snake was recorded on the survey and are known to utilise the site. As such, the survey a scheme of RAMs are recommended during both the preparatory and construction periods for the removal and relocation of temporary site features such as the disused composting pile (under supervision by an ecologist and as guided by a RAMs method statement). These are designed to reduce the risk of animals being killed or injured during the development. The Nature Conservation Officer raises no objection to the proposal and recommends a reptile mitigation method statement be secured by planning condition.

Opportunities for nesting birds within the site are limited however the Nature Conservation Officer recommends that a detailed survey for nesting birds is undertaken prior to any work during bird breeding season; a matter which can be secured by planning condition. Following negotiation with the applicant, it has been agreed that the final restoration scheme will incorporate a larger area of species rich grassland to provide additional nature conservation benefits and this will be secured by planning condition.

On the basis of securing the mitigation and ecological enhancement measures proposed, it is considered that the scheme accords with Policy 17 of the CRWLP, Policies NE.5 and NE.9 of CNBLP and the approach of NPPF and PPS10.

Water Resources

The site is partially located within Flood Zone 2, however the Environment Agency has confirmed that this relates to the previous route of Fowle Brook, which was subsequently diverted alongside the railway line to accommodate the landfill. As such the Environment Agency raise no concerns over the potential of flooding from Fowle Brook.

The existing surface water attenuation lagoon used for the landfill would be enlarged to accommodate surface water runoff from the proposed development which then discharges into Fowle Brook. Foul water would be discharged via public sewer. The Environment Agency considers the surface water drainage strategy to be acceptable and raise no objection subject to securing a scheme for the disposal of foul and surface water. Leachate generation from the development is expected to be minimal and would likely be absorbed by the waste. Any surplus leachate would be collected and treated in the existing landfill leachate treatment facilities.

PPS10 makes clear that it should be assumed the relevant pollution control regime is properly applied and enforced. The scheme will require an Environmental Permit which will be regulated by the Environment Agency (EA). This will consider any potential pollution to water resources. Given that no objections are raised by the EA and the scheme proposes to utilise existing landfill drainage arrangements, it is considered that there would be no adverse impact on ground/surface water quality or resources. As such, the scheme accords with policy 18 of CRWLP and policies NE.17 and NE.20 of CNBLP, along with the approach of PPS10 and NPPF.

Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This decision has also had regard to the National Planning Policy Framework and Planning Policy Statement 10: Planning for Sustainable Waste Management.

The application and supporting documentation considers the potential constructional /operational; long and short term; temporary and permanent impacts of the development and where appropriate identifies mitigation sufficient to minimise the impacts. The documentation concludes that the development does not give rise to any unacceptable significant impacts. Equally the cumulative impacts arising from both the operation of the MRF and the landfill have been assessed; as well as those arising from other developments in the area.

The proposed development, as set out within the committee report, has been carefully considered against adopted planning policy and national guidance, taking into account all other material considerations. It is considered that the proposed development would not have an unacceptable detrimental impact upon the wider environment and that any negative impacts identified could be overcome by suitably worded conditions. It is considered that the supporting information submitted with the application demonstrates that the proposed development would not cause unacceptable significant harm to the local environment in terms

of highways and traffic, landscape and visual impacts, noise and air quality, ground contamination, nature conservation and water resources. It is not considered that the proposed development would cause unacceptable harm to the amenities of local residents.

As such, the proposal accords with the provisions of the PPS10 and the NPPF; policies within the Cheshire Replacement Waste Local Plan, and the Crewe and Nantwich Borough Local Plan.

It is therefore recommended that the proposal be approved subject to conditions.

RECOMMENDATION

That the application be APPROVED subject to the following:

- 1. Standard conditions;**
- 2. Time limit until 2027 and restoration of site by 2028;**
- 3. Control of waste and overall throughput of 75,000tpa;**
- 4. All waste unloading/handling to take place within the building;**
- 5. Roller shutter doors to remain closed, aside from when in use by vehicles;**
- 6. Control over hours of working and receipt of waste;**
- 7. Construction management plan;**
- 8. Control of pile foundations and method statement;**
- 9. Control of floor floating operations and method statement;**
- 10. Hours of construction and operation;**
- 11. Details of lighting and restrictions on use;**
- 12. Noise mitigation scheme;**
- 13. Noise levels;**
- 14. Scheme of noise monitoring;**
- 15. Scheme for dust and litter control;**
- 16. Contaminated land investigation;**
- 17. Reptile mitigation method statement;**
- 18. Pre-commencement badger survey**
- 19. Safeguarding of breeding birds**
- 20. Method statement for invasive species;**
- 21. Detailed design of enlarged surface water lagoon;**
- 22. Scheme for foul and surface water;**
- 23. Control of vehicle movements and limit on total cumulative vehicle movements with landfill operational;**
- 24. Access arrangements**
- 25. Sheeting of vehicles**
- 26. Submission of details of building materials**
- 27. Control of water pollution**
- 28. Landscape scheme (whilst building in operation)**
- 29. Final restoration scheme (once building is removed)**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Interim Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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