

**STRATEGIC PLANNING BOARD  
8 JULY 2009**

**Application No's: 09/0761W**

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

**Date Report Prepared: 26.06.2009**

**SUMMARY RECOMMENDATION:**

**Approve subject to a deed of variation to the existing legal agreement and conditions.**

**MAIN ISSUES:**

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

**1. REASON FOR REPORT**

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

**2. DESCRIPTION OF SITE AND CONTEXT**

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

bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance. Access to the site is off the A536 Congleton Road.

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

2.3 The site can be roughly split up into thirds. The northern third of the Danes Moss Landfill Site contains a Household Waste Recycling Centre (HWRC) adjacent to the site entrance, a leachate treatment plant, various site buildings and ancillary stores, a landfill gas utilisation plant, and an area of previously restored landfill. Site buildings are concentrated in the north-western corner of the site and comprise of office accommodation and administration buildings, a Nissan hut, a garage and a laboratory. Planning permission has been granted for the construction of a temporary waste transfer station including realignment of internal haul roads (5/08/0639P). This permission has not yet been implemented, and, in accordance with the accompanying legal agreement can only operate when landfilling operations cease on the site.

2.4 The leachate treatment plant consists of two lined lagoons, which enable leachate (the contaminated water on site) to be treated prior to entering the mains sewer for disposal. Initial treatment takes place into the larger lagoon, whilst the smaller lagoon is used for aeration. A soil stockpile area is located immediately to the east of the large leachate lagoon. This soil is stored on site for progressive restoration purposes.

2.5 Landfilling has been completed and the area substantially restored in the central third of the site which is to the east of the leachate treatment plant. The northern slopes of this area have been fully restored with native woodland planting. An area of acid grassland to the south east has also been restored.

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

### **3. DETAILS OF PROPOSAL**

3.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of the Danes Moss Landfill facility to 31 December 2012, with final restoration by 31 December 2013; a 3 year extension.

3.2 The proposed extension of life of the Danes Moss Landfill would maintain a local waste disposal facility for residual waste of the areas of Macclesfield, Congleton, Knutsford, Wilmslow and Poynton, within the north of the Borough. The extension of time would enable around 200,000m<sup>3</sup> of currently

consented and remaining void to be utilised; thereby ensuring that approved restoration levels can be largely met, and a sustainable landform achieved, via the filling of waste at the south-eastern edge of the landfill. This void would be utilised with anticipated future projected inputs (approximately 5,000tpcm) which largely consists of MSW arising within the north of the Borough.

3.3 The proposal also seeks to amend the approved levels of the consented restored landform and to no longer fill Cell C1, thereby allowing the retention of this area as a surface water management lagoon, along with the minor re-contouring to the lagoon area.

3.4 The applicant therefore seeks to revise the approved phasing of operations and to revise the approved restoration to take into account the retention of the surface water management lagoon.

#### **4. PLANNING HISTORY**

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

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

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

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

- 5/45706, 5/55406, and 5/7740 – construction of ancillary buildings;
- 5/65397, 5/73660, and 5/96/1830P – provision of leachate treatment, storage and facilities;
- 5/36254 and 5/38676 – reconstruction of the Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/99/1887P – Provision of a recycling area. This activity was related to the HWRC and has since ceased;
- 5/82298 – Provision of compost facility (no composting occurs on site now);
- 5/97/1714P – Green Waste Shredding of green household garden waste derived from the HWRC. This has now ceased on site and is unlikely to recommence;
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P relate to planning permissions granted for plant, buildings and equipment for the electricity that is generated from the landfill gas which is produced from the landfill; and
- 5/08/0639P – Temporary Waste Transfer Station (until 2014). This temporary permission is subject to a legal agreement which precludes the operation of the transfer station until such time as landfilling operations at Danes Moss have ceased.

## **5. POLICIES**

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

5.2 The relevant Development Plan Policies are:

### **Regional Spatial Strategy (RSS)**

Policy EM11: 'Waste Management Principles'

Policy EM12: 'Locational Principles'

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

### **Local Plan Policy**

#### ***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'

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

Policy 12: 'Impact of Development Proposals'  
Policy 14: 'Landscape'  
Policy 15: 'Green Belt'  
Policy 17: 'Natural Environment'  
Policy 18: 'Water Resource Protection and Flood Risk'  
Policy 20: 'Public Rights of Way'  
Policy 22: 'Aircraft Safety'  
Policy 23: 'Noise'  
Policy 24: 'Air Pollution; Air Emissions Including Dust'  
Policy 25: 'Litter'  
Policy 26: 'Odour'  
Policy 28: 'Highways'  
Policy 29: 'Hours of Operation'  
Policy 32: 'Reclamation'

***Borough of Macclesfield Adopted Local Plan (MLP)***

NE11: 'Nature Conservation'  
NE12: 'SSSI's, SBI's and Nature Reserves'  
GC2: 'Green Belt – 'Other operations and Change of Use'  
GC3: 'Visual Amenity of Green Belt'  
DC3: 'Amenity'  
DC8: 'Design and Amenity – Landscaping'  
DC13: 'Noise'

**Other Material Considerations**

Waste Strategy (2007)

***National Planning Policy and Guidance***

PPS 1: Delivering Sustainable Development  
PPG 2: Green Belts  
PPS 7: Sustainable Development in Rural Areas  
PPS 9: Biodiversity and Geological Conservation  
PPS 10: Planning for Sustainable Waste Management  
PPG 13: Transport  
PPS 23: Planning and Pollution Control  
PPG 24: Planning and Noise  
PPS 25: Planning and Flood Risk  
MPS 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England; Annex 2 - Noise

**6. CONSULTATIONS**

**6.1 The Strategic Highways and Transport Manager** does not object to this development.

**6.2 The Borough Council's Landscape Officer** does consider that the extended working life of the landfilling operations would have a visual impact on a number of receptors, although this adverse impact would be temporary. In the longer term however, it is not considered that the change in landform would have a significant impact either visually or on the landscape character of the surrounding area and therefore offers no objections to this application.

**6.3 The Borough Council's Nature Conservation Officer** considers that there would be no anticipated significant impact on protected species, and there would be no significant ecological issues associated with this application. The Borough Council's Nature Conservation Officer does not object to this planning application subject to the Deed of Variation of the existing Section 106 Legal Agreement to ensure the extended management of the site and SSSI, and also a revised scheme of aftercare to include the surface water management of the lagoon. With regards to the adjacent SSSI and any potential impacts, the advice from Natural England should be followed.

**6.4 Natural England** support the retention of the surface water lagoon as the engineering of new cells (in this instance C1) would involve the dewatering of the existing surface water management lagoon, thus avoiding problems with contaminants which could have an adverse impact upon the neighbouring Danes Moss SSSI. Concerns raised however, include the need to ensure that hydrological separation of the surface water management lagoon and the SSSI, and the need to prevent any uncontrolled 'overtopping' of the lagoon. However, it is considered that the proposal would not cause any further impact on the SSSI, therefore Natural England raise no objections to this application. Additional comments include improved litter netting or more frequent litter picking in the SSSI area.

**6.5 The Borough Council's Environmental Protection Officer** does not object to the proposal. No further noise, dust, or odour issues are likely to arise due to the extension of time or re-contouring of the landform. The existing noise, odour, pest control and dust conditions on the extant permission should be carried forward on to any new planning permission.

**6.6 The Borough Council's Environmental Health Officer** does not object to this application.

**6.7 The Environment Agency** has no objection in principle to the proposed development and no comment to make.

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

**6.9 The Borough Council's Forestry Officer** does not object to this application. Given the absence of trees within the identified operational area, the Forestry Officer had no comments to make from an arboricultural perspective on the proposals.

**6.10 The Minerals and Waste Policy Unit** have no specific comments or observations to make.

**6.11 Manchester Airport's Safeguarding Officer** does not object to the application subject to a condition being attached to any decision notice requiring the submission of a bird control programme, to be reviewed annually, and to be implemented in full throughout the life of the operations, to avoid endangering the safety of aircraft operating in and out of Manchester Airport through increased attraction of birds.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

**7.1** Sutton Parish and Gawsworth Parish Councils were consulted and do not object to the proposals.

## **8. OTHER REPRESENTATIONS**

**8.1** Three letters of objections have been received from local residents at 'Westlands' of Lowes Lane, 'Moss Head Farm' of Gawend Lane and one from a local resident who did not provide a postal address.

**8.2** The planning issues raised include:

- Increased traffic and highway issues;
- Landscape and visual impact;
- The impacting on residential amenity including; noise from operations and bird scaring techniques, poor air quality and odour from landfill gas emissions (methane) and rotting waste, and litter;
- Other conditions that should be varied;
- The cumulative impact from incremental extensions of time; and
- Alternative sites should be available other than landfilling

**8.3** Other issues raised by representations include matters covered by the environmental permitting regulations issued by the Environment Agency and also issues that would be not considered as material to this decision.

## **9. APPLICANT'S SUPPORTING INFORMATION**

**9.1** The planning application was accompanied by a supporting statement and an Environmental Statement (ES) which were both prepared by Axis dated March 2009 on behalf of 3C Waste Ltd.

- 9.2 The scope of the ES includes;
- Transportation and traffic;
  - Landscape and visual assessment;
  - Ecology and nature conservation;
  - Noise;
  - Air quality;
  - Hydrology and flood risk;
  - Socio economic impact; and
  - Cumulative effects

## **10. OFFICER APPRAISAL**

### ***Principle of Development***

10.1 This application seeks a variation of time for an existing landfilling operation by 3 years from 31<sup>st</sup> December 2009 to 31<sup>st</sup> December 2012, with restoration to 2013. It also seeks to vary a number of conditions in relation to the consented phasing and restoration of the site. The principle of the development has already been approved by virtue of the extant planning permission 5/04/0131 and previous planning permissions as outlined above. The main issues for consideration are; the extension of time, and the potential hydrological and ecological impacts of the retention of Cell C1 as a permanent surface water management lagoon, subsequent issues of retaining the lagoon rather than filling with waste, and also potential impacts on the adjacent SSSI. It is important to recognise that this application therefore actually seeks a reduction in already consented void, with any further landfilling being within the limits of the extant planning permission, as the applicant is proposing to surrender Cell C1, to make way for the permanent surface water management solution.

### ***Policy Considerations***

10.2 On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

### ***Transportation and traffic***

10.3 Concerns have been raised by local residents in relation to this proposal causing increased traffic, and adding further to existing problems with the highway. An appraisal has been undertaken of the access and related junction layouts as part of the ES, as well as a full transport statement. The assessment has evaluated the anticipated traffic movements that would result from the proposed development, and concluded that the proposal would not compromise highway amenity.



10.4 Condition 13 of the extant planning permission 5/04/0131 identifies a clear maximum limit of the number of vehicle movements permitted to travel to and from the site on a single operational day; 400 vehicle movements (200 in, 200 out). The proposed extension of time would not give rise to an increase in the traffic volumes beyond those currently consented as the application relates to the continuance of an existing use, with no proposed alteration to existing working practices.

10.5 As the development would not provide for an increase in traffic movement over existing levels, is considered that this application would not give rise to additional problems with highways safety or amenity and, as such, is in accordance with PPG 13, Policies 12 and 28 of the CRWLP and Policy DC3 of the MLP. Furthermore, the Council's Strategic Highways and Transport Manager does not object to this proposal.

### ***Landscape and visual assessment***

10.6 Concerns have been raised by local residents in relation to the visual impact of the proposal. The landscape and visual effects have been subject to an assessment which formed part of the ES.

10.7 The application seeks only to make minor modifications and re-profiling to the already consented levels, to ensure that an appropriate landform is created to facilitate the retention of the surface water management lagoon. The proposed revised restoration would include provision of dwarf heath and acidic grassland, as per the consented restoration, and would also provide a water-body the perimeter of which would be planted with an appropriate mix of wetland species that would be complimentary to the bog habitat within the adjacent SSSI. Should Members be minded to grant planning permission, additional conditions (in addition to the existing conditions of the extant permission) would be attached to require the submission of a revised planting scheme to provide planting details of wetland species, and a scheme to revise the existing aftercare scheme to include the surface water management of the lagoon.

10.8 As there would be no increase in the landform levels than is already consented, the effects upon the landscape fabric are not considered to be significant, and it is considered that no material effects upon the local landscape character would result from this development.

10.9 In terms of visual impact, it is considered that whilst the proposal would extend the operational life of the site, thus prolonging the visual impact on a number of receptors, the proposed changes in levels and restoration would not have a significant impact in terms of visual aesthetics. Only two receptors would experience views of the site, with no real change in view occurring above that already consented, as such, it is considered that the proposal fully accords with the provisions of PPS 7, policies 12 and 14 of the CRWLP and policies GC3 and DC8 of the MLP. Furthermore, the Council's Landscape Officer does not object to this proposal.

10.10 Members should also consider that if planning permission is not granted for the extension of life to enable the consented landform to be achieved, a subsequent application would have to be made to provide for a revised restoration programme at a lower level to that already consented; resulting in an unsustainable, unsuitable and alien landform.

### ***Ecology and Nature Conservation***

10.11 The proposed extension of the operational life of the site is for a limited period (three years), and it is considered that it is unlikely to result in any greater adverse effect upon nature conservation interest than currently consented operations. It is considered that there would be no anticipated significant impact on protected species, and there would be no significant ecological issues associated with this application, as such, it is considered that the application is in accordance with the provisions of PPS 9, policies 12 and 17 of the CRWLP and also policies NE11 and NE12 of the MLP. Furthermore, the Council's Nature Conservation Officer, and Natural England do not object to this proposal.

10.12 The proposal would not require any additional land outside of the currently consented area, and the site would be operated in the same manner as the currently consented management scheme. Management of the SSSI would also continue in liaison with Natural England and the Council, and, in accordance with the approved Management Plan for the SSSI. Should Members be minded to grant planning permission, the existing Section 106 legal agreement for the extended management of the site and the SSSI should be revised taking into account new timescales in the form of a Deed of Variation, prior to any decision notice being issued.

### ***Noise***

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

10.14 Should planning permission be granted existing planning conditions in relation to noise control would apply; Condition 17 provides for noise limits at named key receptors for noise levels from site engineering, landfilling, restoration and other normal operations, and Condition 18 requires the best practicable means used at all times in the maintenance, silencing and operation of all plant, machinery and vehicles, and in the programming arrangement of work, in order to minimise noise, vibration, and dust arising from the site. All plant and site vehicles shall be silenced and maintained in accordance with their manufacturing specifications.

10.15 All current landfill operation practices would remain as existing, and therefore there would be no alteration to the existing noise sources, frequencies or levels. Existing mitigation measures and environmental standards adopted by the operator would ensure that the extension of life would comply with current Government guidelines as per PPG 24 and MPS 2, and also it is considered that the application is not contrary to policies 12 and 23 of the CRWLP and policies DC3 and DC13 of the MLP. Noise is also controlled through the PPC Permit issued by the Environment Agency.

### ***Bird control and related noise issues***

10.16 Bird control is not considered to be a noticeable problem at Danes Moss Landfill, with a very low number of complaints compared to other landfill sites. However, a local resident has raised concerns in relation to the noise emitted from the site from bird scaring techniques. The predominant method of bird control at the site has involved the effective use of a falconer. On the rare occasion when the falconer has been unable to fly the birds, a starting pistol has been used as an alternative. The site manager has subsequently informed the falconer not to use this method of bird control in the future. It should also be noted that recent incidents of shotgun fire on farmland in the vicinity of the landfill site have been reported, which may account for the residents concerns of loud explosions. The site manager will record events such as this in the future as a comment on the daily inspection record.

10.17 As the application proposes to revise the final restoration by retaining the surface waste management lagoon as a permanent solution, this would result in a permanent water feature, as opposed to the area being restored back to grassland/woodland. This could attract birds, which could cause problems of bird strike as the site is within the Manchester Airport Consultation Area, thus potentially endangering the safety of aircraft operating in and out of Manchester Airport. To mitigate against this, should planning permission be granted, an additional condition would be attached to the existing suite of conditions, to require the submission of a bird control programme, in accordance with policy 22 of the CRWLP.

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

### ***Air quality, odour and dust***

10.19 Concerns have been raised by local residents about odour and dust from the site. In relation to dust, current dust management practices include the

use of water sprays as necessary during dry periods and road cleaning equipment on site access roads, and surrounding road network as necessary. Should planning permission be granted, the existing operational best practice would be continued during the extended period of operations, including dust suppression, and conditions 18 and 20 from the extant planning permission in relation to dust would apply. As such, the risk of dust nuisance is not expected to increase as a result of the proposed development, and no significant effects are anticipated. Therefore, it is considered that this proposal is in accordance with PPS 23, policies 12, and 24 of the CRWLP and policy DC3 of the MLP.

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

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

### ***Hydrology and flood risk***

10.22 A flood risk and surface water run-off assessment has been undertaken as part of the ES in respect of the proposed development. The existing and proposed perimeter and flank drainage channels shall provide a suitable drainage scheme to control surface water run-off from the landfill site. Furthermore, the proposed raising and maintaining of bunds around the existing surface water lagoon would ensure hydrological separation from the SSSI.

10.23 It is proposed that Cell C1 of the extant permission would not be developed for landfilling, resulting in the loss of non-hazardous waste void; this area would be maintained as a permanent surface water management lagoon. These measures would achieve a better solution to adequately manage surface water at the site, and would avoid the need for disturbance of the restored/established areas of landfill, and engineering of a further cell with associated dewatering, should Cell C1 be tipped. The engineering of Cell C1 would involve the dewatering of the existing surface water management lagoon

which Natural England believes may have an adverse impact upon the neighbouring Danes Moss SSSI. Furthermore, the proposed retention and remedial works to the existing lagoon would ensure that the existing Environmental Permit (issued by the Environment Agency) conditions are met in terms of discharge rate and quality.

10.24 Therefore, Natural England, and the Environment Agency are keen to see the cessation of filling of Cell C1, and therefore support the proposal of the retention of the surface water lagoon and revised restoration. Furthermore, the measures proposed in the ES would ensure that the proposal would not increase risk of flooding elsewhere and therefore adequately satisfies the test of PPS 25, and would be in accordance with policies 12 and 18 of the CRWLP.

### ***Wind Blown Litter***

10.25 Concerns have been raised by local residents with regards to wind blown litter derived from the site. Wind blown litter is managed through the use of permanent 6m high litter fencing and a mobile litter 'trap' fencing and also monitoring of the prevailing weather conditions to avoid tipping during high winds. During certain conditions that could give rise to wind blown litter, depositing of waste at the site would be suspended.

10.26 To date there have been no substantive complaints with regards to wind blown litter. With regards to the impact of litter in the adjacent SSSI, it is considered that, due to the revised phasing, the surrendering of Cell C1 and existing best practice management that this proposal would not give rise to an increase in wind blown litter in the SSSI. Furthermore, as the application proposes to surrender Cell C1, which is the closest cell to the SSSI; this would further reduce the risk of litter being blown on to the adjacent Moss.

10.27 It is considered that as the operators would be tipping at a lower level, sheltered by the slope and the existing restored area, the existing mobile screen and litter fencing should adequately manage the risk of wind blown litter. Furthermore, should planning permission be granted, the existing conditions of the extant planning permission would be imposed to ensure that wind blown litter is prevented. As such, it is considered that the application is in accordance with policies 12 and 25 of the CRWLP. Litter is also an issue controlled through the PPC Permit issued by the Environment Agency.

### ***Other conditions that should be varied***

10.28 A local resident has raised concerns with a number of existing conditions namely; 9, 17 and 23 in relation to hours of operation, noise limits and bird control respectively, and has suggested that these should also be revised.

10.29 This issues of noise and noise from bird control techniques have been considered above and, as previously stated, it is considered that the proposal

would not cause an increase in operational noise levels and therefore the existing condition would not require revision. Also, a scheme would be required for a submission of a bird control programme which would address the issue of noise emitted from bird scaring techniques. With regards to hours of operation, the existing permission restricts the various operations of the site by condition. It is considered that these specified hours of operation, as prescribed by condition 9 of the extant permission are in accordance with policy 29 of the CRWLP; therefore, it would not be considered expedient to seek to vary this condition in any way.

### ***Cumulative Impact***

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

### ***Alternatives to Landfill***

10.31 A local resident expressed concerns that it would appear that the Local Authority has not provided alternative arrangements for the disposal of non-recyclable waste which is contrary to the European and National guidance to divert waste from landfill. The current Cheshire Interim Waste Disposal Contract is intended to provide a new Waste Management Contract that seeks to provide alternative waste disposal facilities that will over time become operational.

10.32 Whilst operators are applying for planning permission and environmental permits for alternative facilities, landfill will still be required for the residual waste disposal in the short term whilst these alternative waste management solutions are being developed. Waste is still being produced in the Borough and facilities have to be available for disposal. In addition, this residual waste also provides existing landfills with the opportunity to restore sites to an acceptable landform, and to prevent possible future environmental problems occurring, such as leachate control, landfill gas control and surface water management, which would occur if the site were left in a half finished state. The Danes Moss landfill extension of life application provides for additional time to achieve a sustainable landform and a local disposal route for residual wastes ahead of the development of alternative waste disposal options which are yet to be provided for.

## **11. CONCLUSIONS AND REASON(S) FOR THE DECISION**

11.1 This Section 73 Application seeks to vary conditions covering the completion date of landfilling operations, final restoration and also phasing of

operations thereby enabling remaining void to be utilised, and also retaining Cell C1 as a permanent surface water management solution. It is important to recognise that this application therefore actually seeks a reduction in tipping, with continued landfilling being within the limits of the extant planning permission.

11.2 Notwithstanding landfill diversion targets; national, regional and sub-regional strategic waste policy guidance and strategy identifies that landfill will continue to form an essential component of future integrated waste management practice. Regional and sub-regional strategies identify a need for additional landfill capacity to be secured both in the North West and for one or two landfill sites in the Borough. Consequently extending the operational life of the existing Danes Moss Landfill Site is supported at both a regional and local level. Until other alternative waste management facilities, have been developed in the Borough, landfill is the only available option. Landfilling is an essential component of an integrated waste disposal strategy for Cheshire East Borough Council, and the Danes Moss Landfill Site is a strategically important facility at a sub-regional level for the management of Cheshire East's waste, and will continue to be important until alternative waste management solutions have been realised.

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

11.4 In planning terms, the key issues for consideration relate to prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impacts on residential amenity from prolonged operational issues such as noise, dust, odour, litter, and bird control. No additional daily traffic would be generated by the proposal above that already approved, and, it is considered that the minor changes proposed to landform will not have a significant impact either visually or on the Landscape Character of the surrounding area. The levels of noise, dust, odour, litter, and bird control can be mitigated by good site management practice and controls which would be conditioned the same as the existing permission 5/04/0131. An additional bird control programme is proposed, to be submitted for approval and subsequently implemented, and amendments to the restoration and aftercare scheme to include surface water management, and a revised planting scheme to include wetland species.

11.5 Furthermore, the retention of the surface water management lagoon as opposed to filling with waste, would achieve a better solution to adequately manage surface water at the site. This would avoid the need for disturbance of the restored/established areas of landfill and the need for engineering of a further cell with associated dewatering which would avoid potential problems with

contaminants that may have an adverse impact upon the neighbouring Danes Moss SSSI.

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

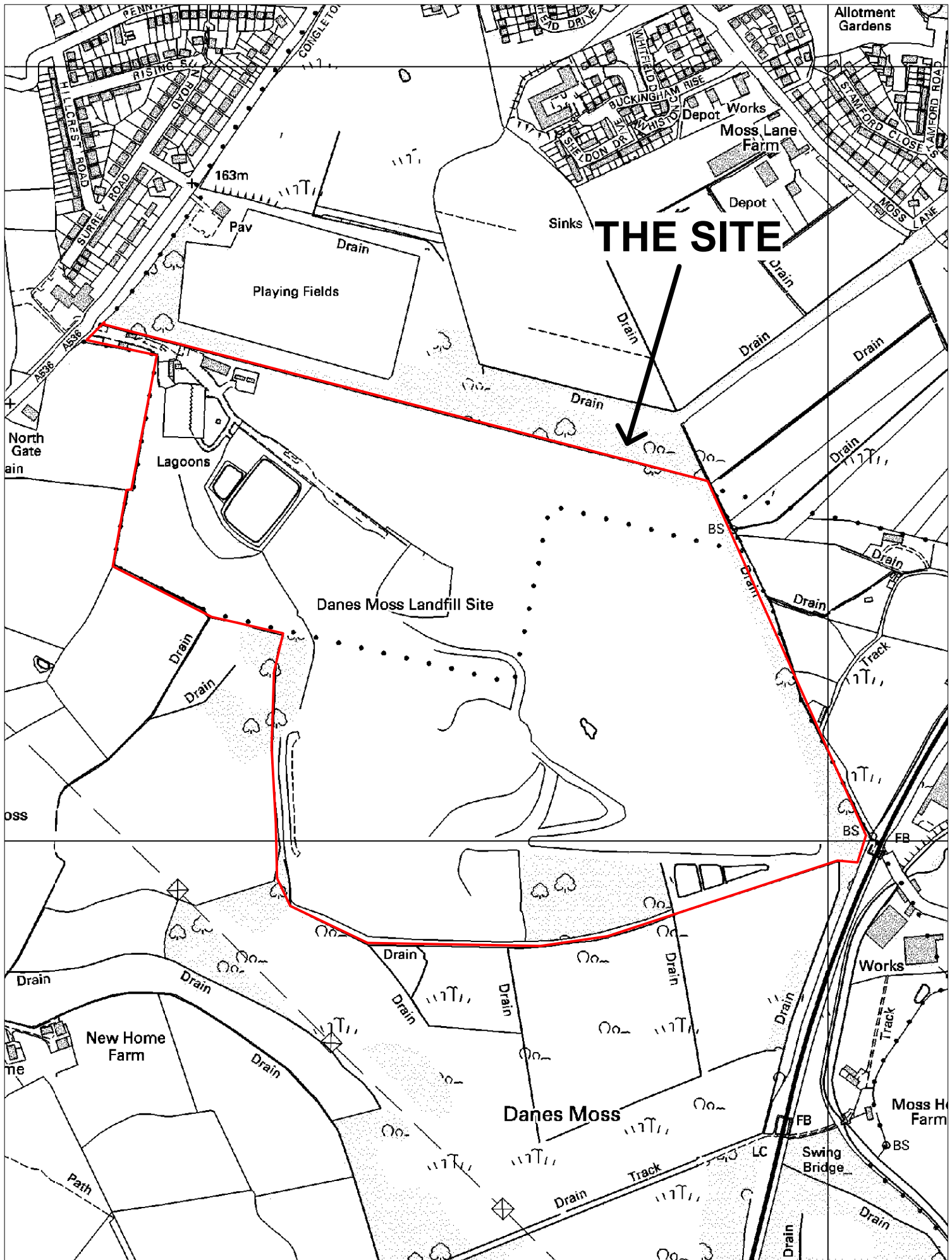
11.7 It must also be noted that in the event that Members are minded to refuse this planning application to extend the operational life of the landfill site and to enable the consented landform to be achieved, a subsequent planning application would have to be made to vary the approved levels to provide for revised contours and a revised restoration programme at a lower level to that already consented. This would result in an unsustainable, unsuitable and alien landform.

## **12. RECOMMENDATION**

### **THAT:**

- (1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site;**
- (2) Planning permission should be granted subject to conditions covering in particular:-**
  - All the conditions attached to permission 5/04/0131 unless amended by those below**
  - Revisions to approved plans; contours/levels, phasing and restoration;**
  - Extension of time to 31<sup>st</sup> December 2012 with full restoration of the site within 12 months or no later than 31<sup>st</sup> December 2013**
  - Revised scheme of aftercare to include the surface water management of the lagoon;**
  - Revised planting scheme to include an appropriate mix of wetland species; and**
  - Submission of a bird control programme**





09/0761W - DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD

N.G.R. - 390,380 - 371,220

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