

Application No: 15/5141M

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

Proposal: Variation of Condition 1,25,31,32,37,39,42 on 12/3240W An application made under Section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of Danes Moss Landfill Facility to 31 December 2014 with final restoration by 31 December 2015 by applying to vary Condition 47 of planning permission 09/0761W.

Applicant: Alan Bulpin, 3C Waste Limited

Expiry Date: 10-Feb-2016

SUMMARY

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

The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Danes Moss landfill is in accordance with the Development Plan, RSS, CRWLP and MBLP.

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

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.

RECOMMENDATION:

Approve subject to an amended legal agreement and conditions

(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 permissions 12/3240W and 09/0761W unless amended by those set out in the Recommendation Section of this report**
- Extension of time to 31st December 2019 with full restoration of the site within 12 months or no later than 31st December 2020**

PROPOSAL

This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the restoration deadline at Danes Moss Landfill to 31 December 2019 with final restoration of the site by 31 December 2020.

The site is no longer being utilised for imported waste. However the applicants have experienced difficulties in sourcing suitable, available restoration material. The majority of the site has been restored however some areas in the central and northern parts of the site have yet to be restored.

As of October 2015, approximately 70,000 cubic metres of restoration material was still to be imported to enable the approved restoration profile to be achieved. Based on current projections, an additional period of four years will be required to enabling sourcing of the necessary restoration material. In addition, an additional one year will be required to allow for the complete restoration of the site. The application seeks to vary conditions 1, 25, 31, 32, 37,39 and 42 on application number 12/3240W and condition 47 of application number 09/0761W. The relevant conditions are set out below:

13/3240W

1. The development hereby approved shall only be carried out in accordance with the following documents, except where these may be modified by the conditions below:

Planning Application Form dated 14th August 2012

Drawing No. 1220-01-01 (Statutory Plan)

Drawing No. 1220-01-02 (Proposed pre-settlement contours and cross sections)

Drawing No. 1220-01-03 (Approved Restoration)

Drawing No. 837-01-02 (Proposed Phasing of Consent 09/0761W)

25. With reference to the Schematic Phasing in Drawing No. 837-01-02 (Proposed Phasing), cells shall be progressively tipped and restored in sequence, C2, C2A/C3A, with no tipping in Cell C3A taking place until Cell C2 has been restored, unless otherwise agreed with the Waste Planning Authority. The access route shown on the drawing will form part of the final tipping and restoration phase. Restoration and spreading of subsoil and/or topsoil to final levels within each cell should occur within 12 months of cessation of tipping waste within that cell unless otherwise agreed with the Local Planning Authority. Tipping in each cell shall accord with final tipping levels as specified under condition 33.

31. The site shall be restored to nature conservation and amenity use specifically a mixture of amenity woodland, heathland, acid grassland and general amenity grassland, as indicated on approved drawing No. 1220-01-03 (Proposed Restoration), and the scheme approved by condition 42 below, to provide an appropriate mix of wetland species.

32. Restoration shall be progressive, and in accordance with the detail shown in drawing No. 1220-01-02 (Proposed Pre-Settlement Contours) and 1220-01-03 (Approved Restoration). Any grass seeding which is due to take place shall be undertaken within 12 months of the spreading of the final soil layer. Any tree and/or shrub planting shall be undertaken within 24 months of the spreading of the final soil layer unless otherwise agreed in writing with the Waste Planning Authority.

37. The scheme of restoration and landscaping management approved under condition 44 of consent 09/0761W shall be implemented in full during the first planting season after the cessation of waste tipping at the site. Any plants which die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

39. Aside from the provisions of condition 40 and 41, within 12 months of tipping being completed to final levels, or no later than 31 December 2015, whichever is the sooner, all plant, machinery, debris, and site buildings shall be removed from the site; all haul roads, access roads and areas of hardstanding shall be broken up and removed from the site, and the site shall be restored in accordance with Drawing No. 1220-01-03.

42. The tipping of waste material authorized by this permission shall cease by 31 December 2014 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2015 in accordance with the consented levels.

09/0761W

47. The tipping of waste material authorized by this permission shall cease by 31 December 2012 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2013 in accordance with the consented levels.

SITE DESCRIPTION

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

In the immediate vicinity of the site, the landscape rises to the west and falls to the Bollin Valley in the east. On a larger scale, the area lies between the lower land of the Cheshire

Plain to the west (varying approximately between 70-120m AOD), and gently undulating higher ground of the western edge of the Pennines (varying between 200m-400m AOD in the vicinity of Gawsorth Common and Croker Hill further east).

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

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

RELEVANT HISTORY

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

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

- In 1980, planning permission was granted for a further extension to the south and east of the landfill (5/20412);
- In 1993 a further planning application was submitted for the disposal of waste and extraction of peat on the site but this was subsequently withdrawn (5/70956);
- In 1996 planning permission was granted for development, operation and restoration of the existing landfill site at Danes Moss (5/74369) to resolve inconsistencies between the provisions of the 1967 and 1980 permissions;
- Planning permission was granted in 2004 (5/04/0131) to extend the operational life of the landfill site for an additional 4.5 years to enable remaining void to be utilised. This permission also consented the re-profiling of the southern slope
- Planning permission 5/74369 was subsequently revoked by the Secretary of State in September 2006 and 5/04/0131 remains the extant planning permission to which this section 73 application seeks to vary.
- Planning permission 09/0761W sought to extend the life of the landfill to 31 December 2012 with restoration continuing until 31 December 2013.
- Planning permission 12/3240W sought to extend the operational life of the landfill site until 31 December 2015.

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

- 5/45706, 5/55406, and 5/7740 – construction of ancillary buildings;
- 5/65397, 5/73660, and 5/96/1830P – provision of leachate treatment, storage and facilities;
- 5/36254 and 5/38676 – reconstruction of the Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/99/1887P – Provision of a recycling area. This activity was related to the HWRC and has since ceased;
- 5/82298 – Provision of compost facility (no composting occurs on site now);
- 5/97/1714P – Green Waste Shredding of green household garden waste derived from the HWRC. This has now ceased on site and is unlikely to recommence;
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P relate to planning permissions granted for plant, buildings and equipment for the electricity that is generated from the landfill gas which is produced from the landfill; and
- 5/08/0639P – Temporary Waste Transfer Station (until 2014). This permission was never implemented and has since lapsed.
- 12/1280W – Approval for proposed Leachate Treatment Plant.
- 14/0683W – Approval for temporary waste transfer pad and ancillary works

NATIONAL & LOCAL POLICY

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Macclesfield Adopted Local Plan 2004 (MLP).

The relevant development policies are;

Local Plan Policy

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 9: Preferred Sites for Non-Hazardous Landfill/Landraise Sites
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape Policy 15: Green Belt
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk Policy 20: Public Rights of Way
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust Policy 25: Litter
- Policy 26: Odour
- Policy 28: Highways
- Policy 29: Hours of Operation Policy 32: Reclamation

Macclesfield Borough Council Local Plan (2004)

NE11: Nature Conservation

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

GC2: Green Belt – 'Other operations and Change of Use' GC3: Visual Amenity of Green Belt

DC3: Amenity

DC8: Design and Amenity – Landscaping DC13: Noise

Other Material Considerations

National Planning Policy and Guidance

National Planning Policy Framework (2012)

National Planning Policy for Waste (October 2014)

CONSULTATIONS:

Head of Strategic Infrastructure:

No objection.

The Council's Forestry Officer:

There are no Arboricultural implications in terms of extending the period for restoration of the landfill site. In terms of the proposed amendments to the final restoration scheme

The Council's Nature Conservation Officer:

Based upon the revised restoration plans it is not anticipated that there would be any significant ecological impacts associated with the proposed extension of life for Danes Moss Landfill.

As the active life of the landfill will be extended, if consent is granted a revision to the section 106 will also be required to ensure that the operator's commitment to undertake management of the adjacent SSSI continues for the extended lifetime of the landfill.

The ecological monitoring programme previously agreed in respect of the area of SSSI managed by the operator may now need to be revised. A revision to the section 106 may also provide an opportunity to revise the agreed ecological monitoring programme at the same time.

Natural England:

No objection.

The Canal and River Trust:

No objection.

Environmental Protection:

There are committed developments to the north of this site since the previous permission was granted. Whilst it is not expected that the time extension would cause significant adverse impacts it is recommended that the measures re-asserted in the planning statement and part of the site's permit conditions should be adequate as to control dust emissions.

Should any complaints relating to dust emission arise then the dust control measures at the site shall be reviewed and agreed with the LPA. Any agreed measures shall be implemented throughout the lifetime of the restoration phase.

Environment Agency:

No objection. The applicant is required under Environmental Permit to submit restoration plan to the Environment Agency for approval.

Public Rights of Way Unit:

No objection.

Manchester Airport's Safeguarding Officer:

No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Gawsworth Parish Council:

No objection.

Sutton Parish Council:

No objection.

Macclesfield Town Council:

No objection subject to a reasonable deadline for works to be completed.

OTHER REPRESENTATIONS

None received at the time of report writing.

APPLICANT'S SUPPORTING INFORMATION

Planning Application Supporting Statement.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

This application seeks a variation of time for the restoration of the site by 4 years from 31 December 2015 to 31 December 2019, with final site restoration by 31 December 2020. The principle of the development has previously been approved by virtue of the extant planning permissions 09/0761W and 12/3240W and the previous planning permissions outlined above. As such, the main issue for consideration of the application is the extension to time, and whether it would result in any significant detrimental impacts.

The application seeks variations to conditions 1, 25, 31, 32, 37, 39 and 42 of planning permission 12/3240W and condition 47 of planning permission 09/0761W. The principle of the development has already been established under these and previous permissions and this application seeks only to vary the length of time in which the restoration of the site

should be completed. The principle of the development of the site has therefore been established. The proposal is therefore acceptable in principle.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL SUSTAINABILITY

Transportation and Traffic

The Transport Statement has adequately demonstrated that the proposal will result in no material highways traffic impact, there have been no recorded traffic accidents associated with the site access in the last 5 years, and that the existing access is acceptable. The Head of Strategic Infrastructure therefore has no objection to the application. As such the proposal is considered to be acceptable in relation to transportation and traffic.

Landscape and Visual Assessment

The existing leachate lagoons, whilst shown on the approved drawings to be restored to levels in line with the surrounding landform, are not shown on the restoration scheme. Therefore condition 1 would be varied in order to substitute the drawing for the approved restoration scheme. The drawing references in conditions 31 and 32 would also require amending.

Under planning permission reference 14/0683W a waste transfer pad was permitted and a specific restoration scheme formed part of that permission. This differs slightly from the restoration plan approved under application number 12/3240W therefore the variation to conditions 1, 31 and 32 would ensure that there is a single restoration scheme for the entire site.

Conditions 25, 37, 39 and 42 of planning permission 12/3240W and condition 47 of planning permission 09/0761W all refer to the approved plans and the original timescales for restoration and the variation of these conditions is considered to be acceptable.

The proposals have been assessed by the Council's Principal Landscape Architect who considers that the proposals are acceptable in landscape terms subject to compliance with the scheme of restoration for the site.

Ecology and Nature Conservation

The Council's Principal Nature Conservation Officer does not anticipate there being any significant ecological impacts associated with the proposed extension of restoration for Danes Moss Landfill. There is however a minor inconsistency between the currently proposed restoration scheme and the consented scheme agreed in respect of 14/0683W.

The ecological monitoring programme previously agreed in respect of the area of SSSI managed by the operator may now need to be revised. A revision to the section 106 may also provide an opportunity to revise the agreed ecological monitoring programme at the same time.

As the proposed development is adjacent to Danes Moss SSSI Natural England have been consulted. They have no objection to the proposal, but do point out that the Section 106 Agreement stipulates that the SSSI Management Plan shall be reviewed by the developer and re-submitted to the Council every 5 years, as well as provision for an annual meeting to review progress with Natural England and the Council.

Noise

Condition 12 of planning permission 12/3240W relates to noise levels. The restoration activities would continue as currently permitted and that condition will remain in place. There are therefore no issues in relation to noise.

Air Quality, Odour and Dust

As stated above, the landfill operations at the site have now ceased and this application relates solely to the restoration of the site. As such the main consideration with this application is the matter of dust. Environmental Protection have been consulted on the proposal and do not anticipate that the time extension would cause significant adverse

impacts and advise that the measures re-asserted in the planning statement and part of the site's permit conditions should be adequate as to control dust emissions.

Noise, odour and dust are controlled by conditions 13, 14 and 15 of the previous application and these would be carried forward to this application.

Bird Control

Bird control is not considered to be a noticeable problem at Danes Moss landfill, with a low number of complaints received. Bird control is addressed in condition 18 of the previous approval and would be carried forward to this one.

The current proposal does not include any alterations to the approved watercourses on the site, and the site is currently regularly monitored by Manchester Airport under the condition attached to application 09/0761W. Manchester Airport have stated that they have no objection to the current proposals and as the landfill operation has now ceased, the proposal is considered to be acceptable in these terms.

Hydrology and Flood Risk

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

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

With regard to the economic role of sustainable development, the proposed development will allow the applicant to ensure satisfactory restoration of the site within manageable timescales that do not put an unreasonable strain on the business.

SOCIAL SUSTAINABILITY

The satisfactory restoration of the site will help create a pleasant environment for the future, thus satisfying the social aspects of sustainability.

Conclusion – The Planning Balance

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

The appraisal of the development plan and other material planning considerations demonstrates that the proposed development at Danes Moss landfill is in accordance with the Development Plan, RSS, CRWLP and MBLP.

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

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.

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 permissions 12/3240W and 09/0761W unless amended by those below

- Extension of time to 31st December 2019 with full restoration of the site within 12 months or no later than 31st December 2020

13/3240W

1. The development hereby approved shall only be carried out in accordance with the following documents, except where these may be modified by the conditions below:

Planning Application Form dated 11th November 2015

Drawing No 1779-01-01 (Statutory Plan)

Drawing No. 1220-01-02 (Proposed pre-settlement contours and cross sections)

Drawing No. 1779-01-02 Rev A (Approved Restoration)

Drawing No. 837-01-02 (Proposed Phasing of Consent 09/0761W)

25. With reference to the Schematic Phasing in Drawing No. 837-01-02 (Proposed Phasing), cells shall be progressively tipped and restored in sequence, C2, C2A/C3A, with no tipping in Cell C3A taking place until Cell C2 has been restored, unless

otherwise agreed with the Waste Planning Authority. The access route shown on the drawing will form part of the final tipping and restoration phase. Restoration and spreading of subsoil and/or topsoil to final levels within each cell should occur by no later than 31st December 2019 unless otherwise agreed with the Local Planning Authority. Tipping in each cell shall accord with final tipping levels as specified under condition 33.

31. The site shall be restored to nature conservation and amenity use specifically a mixture of amenity woodland, heathland, acid grassland and general amenity grassland, as indicated on approved drawing No. 1779-01-02 Rev A (Proposed Restoration), and the scheme approved by condition 42 below, to provide an appropriate mix of wetland species.

32. Restoration shall be progressive, and in accordance with the detail shown in drawing No. 1220-01-02 (Proposed Pre-Settlement Contours) and 1779-01-02 Rev A (Approved Restoration). Any grass seeding which is due to take place shall be undertaken within 12 months of the spreading of the final soil layer. Any tree and/or shrub planting shall be undertaken within 24 months of the spreading of the final soil layer unless otherwise agreed in writing with the Waste Planning Authority.

37. The scheme of restoration and landscaping management approved under condition 44 of consent 09/0761W or as updated by Drawing No. 837-01-03 shall be implemented by not later than 31st December 2020. Any plants which die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

39. Aside from the provisions of condition 40 and 41, within 12 months of tipping being completed to final levels, or no later than 31 December 2020, whichever is the sooner, all plant, machinery, debris, and site buildings shall be removed from the site; all haul roads, access roads and areas of hardstanding shall be broken up and removed from the site, and the site shall be restored in accordance with Drawing No. 1779-01-02 Rev A.

42. The tipping of waste material authorised by this permission shall cease by 31 December 2014 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2020 in accordance with the consented levels.

09/0761W

47. The tipping of waste material authorized by this permission shall cease by 31 December 2014 with restoration materials imported as necessary beyond this date to ensure that the site is fully restored by 31 December 2020 in accordance with the consented levels.

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 Head of Planning

(Regulation) has delegated authority to do so in consultation with the Chairman/Vice Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

