

Planning Reference No:	10/0692W
Application Address:	Maw Green Landfill Site, Maw Green Road, Crewe, CW1 5NG
Proposal:	To carry out Development without Complying with Conditions Attached to 7/P05/1326 to Extend the Operation Life of the Maw Green Landfill Facility to 31 December 2017, Restoration by 31 December 2018, permit a Variation to the Sequence of Phasing of Operations along with Minor re-contouring to the South East of the Site.
Applicant:	3C Waste Ltd
Application Type:	Variation of Condition
Ward:	Crewe East

SUMMARY RECOMMENDATION:

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

MAIN ISSUES:

- **Extension of time**
- **Traffic and transportation and its impact on the surrounding area**
- **Landscape and visual impact on the surrounding area**
- **Ecology and nature conservation and the impact of prolonged restoration and recapping cell 10b**
- **Cumulative effect on neighbouring residential amenity from prolonged issues such as noise, dust, odours, flies, vermin and litter**
- **Public Rights of Way and Crewe Footpath No.6**
- **Alternatives to Landfill and Need**

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 is an existing landfill known as Maw Green Landfill and covers an area of some 66 hectares. It is located off Maw Green Road, Copenhall, approximately 1.5 km north east of Crewe Town Centre. The site

is bounded by the Crewe to Manchester railway line to the east, Maw Green Road to the south, and agricultural land to the north and west.

2.2 In summary the general arrangement of the site comprises an internal access road to the south of the site accessible off Maw Green Road; site offices and weighbridge infrastructure; within this infrastructure area is staff and visitor car parking and storage / lockup containers. To the north east of the site offices is the waste to energy compound housing 5 x 1MW output engines, and backup flare stack (total 2500m³ and benefitting from separate planning permissions), generating up to 5 MW of energy for export to the National Grid. The waste to energy compound is bounded and screened by the railway line to the east and established planting to the west and north.

2.3 To the south west of the main waste deposit landfilling areas is the leachate treatment facility. The leachate treatment plant is accessed via an internal haul road traversing to the north of the completed Phase 1 area of the landfill, broadly along the southern boundary of cells 12 and 13.

2.4 Surface water lagoons are located to north of the waste to energy compound, and also to the west of the site beyond the leachate facility. A compost facility is currently located within the landfill application site boundary, located in cells 14 and 15, immediately to the north of the site's facilities, the waste to energy compound and surface water lagoons on the eastern side of the site. Planning permission was granted in March 2009 to extend the original consent to allow composting operations on this area up until January 19th 2011. As the compost pad forms part of the area where there is consented void space, following the cessation of composting activity in 2011, when the current permission expires, the compost pad would be removed, clay extracted, site engineered for landfilling as per consented levels and form part of the final cells to be filled. There is also a small pond which has formed within the site cell 10b.

3. RELEVANT SITE HISTORY

3.1 The site has a long history of waste disposal operations dating back to 1984 when planning permission was first granted *'To raise the level of agricultural land by the controlled landfill of wastes, on land between Groby Road and Maw Green Road, Maw Green, Crewe'* (Ref 7/10731). That particular consent was time limited so that waste disposal operations would cease no later than thirteen years after the date of commencement. The site became operational in 1986, and therefore waste disposal operations were originally anticipated to cease in 1999.

3.2 Prior to waste disposal activities commencing at Maw Green, the site was largely in agricultural use except for an area of land formally occupied by a meat processing plant.

3.3 A subsequent planning permission was granted on 19th January 1995, Ref: 7/P92/0450 for an *'Extension to existing landfill facility with extraction of*

clay and demolition of meat processing plant followed by restoration to agriculture and woodland'. This planning consent included the provision for the leachate treatment facility. This consent was also time limited to ensure that the site would be fully restored no later than 16 years from the date of the planning permission, with landfill and restoration operations being required to cease by the 19th January 2011.

3.4 Planning permission reference 7/P92/0450 was subsequently varied on the 27th November 1995 by permission reference 7/P95/0064 to provide for a variation of the sequence of operations.

3.5 A further planning consent was granted on the 27th September 2006 (Ref: 7/P05/1326) to vary condition 12 of planning permission 7/P92/0450 to allow the receipt of waste from local authority domestic household waste collections on days currently prohibited at the site. An appeal was made under Section 78 of the Town and Country Planning Act 1990 against the grant of that planning permission subject to conditions, namely the condition relating to the hours for receipt of household waste. The appeal was allowed, and the permission varied by the terms of the Appeal Decision Notice APP/Z0645/A/07/2041353, dated 17 July 2007.

3.6 The waste to energy compound benefits from its own standalone planning permissions (Ref: 7/P94/0740 and 7/P99/1015). Planning permission is provided for the facility to be retained until six months following the cessation of electricity generation from the site.

3.7 The compost facility has planning permission until January 19th 2011, (Ref: 7/2008/CCC/20) by which date the composting operations shall cease, and the site area prepared for landfilling as approved in the extant consent for the landfill, and detailed above in paragraph 2.4.

4. DETAILS OF PROPOSAL

4.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of the Maw Green Landfill facility by 7 years to 31 December 2017, with subsequent restoration by 31 December 2018; and to permit a variation to the consented sequence of phasing of operations, along with minor re-contouring of the consented levels.

4.2 The conditions that this Section 73 application is seeking to vary are:

- **Condition 2**, specifically drawing number CH1406M/PD/11 'Pre-settlement contours' to permit minor re-contouring at the south-eastern edge of the landfill, where the area of fill would be reduced slightly from that consented in order to avoid filling of waste over the waste to energy compound (resulting in a net decrease of void);
- **Condition 42 and 43** to permit the minor re-phasing of landfilling / restoration operations;

- **Condition 47** to permit minor re-contouring to the consented levels;
- **Conditions 57 and 58** to extend the operational life of the Maw Green landfill facility to 31.12.2017; and
- **Condition 60** to provide amended restoration date until 31.12.2018.

4.3 The extension of time is required to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission in 1995 (subject to minor re-contouring). The applicant seeks a seven year time extension to fill the remaining consented void based on current and predicted input rates of waste.

4.4 The proposed extension of life at Maw Green Landfill would maintain a local waste disposal facility principally for residual waste for East Cheshire areas, including Crewe, Congleton, Macclesfield and Sandbach. The extension of the operational life of the landfill would enable approximately 1 million m³ of currently consented and remaining void to be utilised; thereby ensuring that approved restoration levels can be largely met, a sustainable landform achieved, and allowing sufficient time for site restoration.

4.5 No increase in consented levels of landfill would occur as a result of this proposal. Maximum fill levels would remain as per those specified in the extant planning permission (Ref: 7/P05/1326). However, at the south-eastern edge of the landfill, the area of fill would be reduced slightly from that which is consented, in order to avoid filling of waste over the Waste to Energy compound and surface water lagoon located in this area.

4.6 With regards to the application to vary the approved phasing, whilst the site has been worked broadly to accord with the consented phasing scheme as set out in planning consent 7/P95/0064, and retained as part of the current planning consent, the operational requirements of the site have meant that the waste cell boundaries as-built, do not accord with those as identified as part of the current planning consent, and therefore this application seeks to regularise this through the submission of amended phasing.

4.7 The applicant wishes also to seek a deed a variation for the existing section 106 legal agreement that provides for;

- Diversion and maintenance in perpetuity Fowle Brook;
- Long-term management of the restored nature conservation area on cell 9a) for a period of 15 years following the restoration of cell 9a)
- Monitoring and maintenance of the leachate control system;
- Monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

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 Crewe and Nantwich Adopted Local Plan 2011 (CNLP)

5.2 The relevant Development Plan Policies are:

Regional Spatial Strategy (RSS)

Policy DP7: 'Promote Environmental Quality'

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 Crewe and Nantwich Adopted Local Plan 2011

BE.1: Amenity

BE.2: Design Standards

BE.3: Access and Parking

BE.4: Drainage, Utilities and Resources

NE.5: Nature Conservation and Habitats

NE.9: Protected Species

NE.17: Pollution Control

NE.19: Renewable Energy

NE.21: New Development and Landfill Sites

RT.9: Footpaths and Bridal ways

Other Material Considerations

Waste Strategy (2007)

Cheshire Landscape Character Assessment (2009)

National Planning Policy and Guidance

PPS 1: Delivering Sustainable Development

PPS4:	Planning for Sustainable Economic Growth
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:	Development and Flood Risk
MPS 2:	Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (including waste disposal); Annex 2 - Noise

6. CONSULTATIONS (External to Planning)

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

6.2 The Borough Council's Landscape Officer does not object to this application.

6.3 The Borough Council's Nature Conservation Officer does not object to the application subject to negative great crested newt surveys that are currently being undertaken in cell 10b, the submission of a protected species method statement for mitigation, should this be required, and a revision to the restoration plan in relation to the area proposed for re-contouring to provide suitable replacement breeding habitat for skylarks.

6.4 Natural England have considered the proposal against their interests. They are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations. They recommend an informative to be added in relation to the appropriate course of action should protected species be found on site.

6.5 The Borough Council's Environmental Protection Officer has no objections to this proposal with regards to noise, dust, odour, vermin, pests or litter subject to conditions pursuant to noise limits, monitoring and best environmental management practice to control dust, odour, flies, vermin and litter. The procedures outlined in the application, ES and in the existing management plans should ensure that the potential impacts are controlled.

6.6 The Public Rights of Way Unit do not object to the proposal. Whilst Public Footpath Crewe No.6 would be affected by the proposed development, the restoration proposals show that the line of this Public Footpath would be restored back to its original position, in accordance with a signed legal agreement and diversion order made and approved in 1997. Should planning permission be granted, the Public Rights of Way Unit requests an informative

to be attached to any decision notice, listing the developers' obligations, with regards to the right of way.

6.7 The Environment Agency have no objections to this application and have suggested an informative be attached to any decision with regards to Fowle Brook in relation to the Water Resource Act 1991.

6.8 The Mid-Cheshire Footpath Society have no representations with respect to the proposed development. However, Crewe Footpath No.6 runs across the site and they would expect the access to this footpath to be safe and continuous.

6.9 Network Rail have made a number of comments about the planning application in relation to their Remote Equipment Building (planning reference P04/0053, approved by Crewe and Nantwich Borough Council in 2004) which is located within the curtilage of the Landfill, at the southerly boundary of the site and adjacent to the railway. This building is for the use of operational signals and telecoms equipment. Network Rail's comments relate to the landfill site's current access arrangements which Network Rail shares to access their building. They have suggested a number of informatives with regards to storage of equipment, excavations and earthworks in relation to the railway and Network Rails property/structures and also in relation to drainage, effluent and surface water discharge.

7. VIEWS OF THE PARISH / TOWN COUNCIL

7.1 Warmingham Parish Council were consulted as a neighbouring Parish and have no objection to the extension of life of the landfill. They do however request that the original routing commitment to avoid any site traffic through Warmingham village where possible to be re-stated and firmly enforced.

7.2 Haslington and Moston Parish Councils have been consulted as neighbouring Parishes and at the time of writing the report, no comments have been received.

8. OTHER REPRESENTATIONS

8.1 A total of 13 letters of objection to the proposed extension of time have been received from local residents of Maw Green Close, Maw Lane, Foxes Hollow, Sydney Road, Remer Street, Groby Road and Stoneley Road.

8.2 The material planning issues raised by local residents include:

- Increased traffic and uncovered/sheeted vehicles;
- Inadequate road network;
- Odours from waste and landfill gas;
- Dust and litter;
- Noise; both operational and from birds;
- Visual impact;
- Vermin, rats, birds and flies;

- Residents have not complained due to acceptance and expectation that the site would be completed in 2011;
- Residents feel that they have suffered the effects for long enough impacting on residential amenity and health;
- The location and removal of the compost pad;
- Poor management of the site requiring an extension of time and not being filled in the designated time 2011;
- Additional infilling in cell 10b;
- It should be determined by the Secretary of State;
- Alternative landfill provision, other landfill consents, extending Danes Moss Landfill and need;
- Future developments in the area and the impact on them from the landfill;
- Existing operating hours not being adhered to; and
- Additional land raising above consented levels.

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 PED Ltd dated February 2010 on behalf of 3C Waste Ltd.

9.2 The scope of the ES includes;

- Transportation and traffic (Transport Statement (TS));
- Landscape and visual assessment;
- Ecology and nature conservation;
- Noise and vibration;
- Air quality including dust, odour and landfill gas;
- Litter, vermin and pests;
- Surface water management;
- Socio economic impact;
- Cultural heritage; and
- Cumulative effects.

9.3 Other documents supporting the application include proposed revised phasing, contours and restoration proposals, a planning statement and a design and access statement.

10. OFFICER APPRAISAL

10.1 *Principle of Development*

10.1.1 The proposed development is for an extension of life of the Maw Green landfill site to extend landfilling operations from the current cessation date of the 19th January 2011, to the 31st December 2017, with interim restoration within 12 months from the cessation of landfilling by 31st December 2018. The principle of the development has already been approved by virtue of the extant planning permission 7/P05/1326, and previous planning permissions as outlined above.

10.1.2 The extension of life would enable circa 1 million m³ of currently consented and remaining void to be utilised; thereby ensuring that approved restoration levels would be largely met, a sustainable landform achieved, and allowing sufficient time for site restoration. It should however be noted that with regards to the long term site restoration, that the leachate facility, waste to energy compound, and access road would be required to be retained beyond this date, and until such time as leachate and landfill gas is not being produced from the landfill, which is likely to be in excess of 30 years. After which time the infrastructure and access road for both leachate treatment plant and waste to energy compound would be removed, and site fully restored as per restoration proposals. With regards to the energy from waste compound, this is covered by a separate planning consent in which there is a requirement for this to be retained until six months following the cessation of electricity generation from the site. The exact date can only be determined through monitoring of landfill gas volumes produced. The landfill gas engines would need to be utilised as long as would be feasibly possible until such time that the landfill gas is not sufficient to operate the engines. After which time the, following the required six months retention period, all infrastructure and buildings would be removed and land restored in accordance with the restoration proposals.

10.1.3 To account for the retained elements, an interim restoration plan has been provided in support of this application which effectively shows the proposed restoration at the 12 month point following cessation of landfilling operations, in which the access to these facilities would still be permitted for operational and maintenance purposes via a single track road with passing places from the existing site access off Maw Green Road. The number of vehicles required to access these facilities would decrease with time as leachate and landfill gas levels diminish. The final restoration plan illustrates the removal of the leachate compound, haul road and landfill gas compound which would be required to be restored fully within 12 months following the cessation of landfill gas and leachate production.

10.1.4 The landfill site accepts a wide range of household, commercial and industrial wastes, generally from the East Cheshire area. European Legislation (subsequently transposed into UK law and policy), has driven the need to reduce the quantity of waste produced, whilst increasing the levels of recycling, and reducing the quantities of waste diverted to landfill. Accordingly, the rate of waste importation at Maw Green Landfill that was anticipated when planning permission was granted in 1995 has not transpired. Therefore, the fact that the site has not been filled to consented levels is not a result of poor management of the site; it is as a result of European and National pressures to reduce land filled waste and increase recycling. This provides justification for the need to extend the life of the landfill site, to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission. Should this application be refused there would be no waste disposal facility in the area to accept Cheshire East's waste at the present time.

10.1.5 Failure to permit the extension of life would result in a restoration profile which would be considered incongruous and would lead to systematic drainage, leachate and landfill gas management complications. A number of local residents have questioned why it would pose a problem if the landfill was not filled to the consented levels and restored by 2012. In response, if the landform was to be left in its current, unfinished state, then a number of environmental issues would be created. These can be summarised as follows:

- The landform would not allow the effective run off of surface water. This would generate areas of ponding water on areas of capped and uncapped waste. This would lead to the generation of substantial volumes of additional leachate which would need to be managed at the site. In addition clean ponded water would need to be pumped from the site to an alternative discharge point rather than draining through a more sustainable, gravity fed system;
- As a result of the above substantial volumes of additional leachate would be generated at the site leading to greater heads and increased risk of perched leachates;
- The steep faces left would create difficulties with engineering any capping systems. It would be necessary to reduce the gradients to create a suitable surface for capping. To achieve this it would be necessary to import significant volumes of suitable materials. This would lead to similar issues to those being explored in the application to extend the landfill site life, e.g. traffic movements, noise, visual etc, and would not represent the best use of existing consented landfill void, which is contrary to one of the overarching aims of the Landfill Directive;
- The importation of material, such as inert wastes, would lead to issues with the stability of the slopes created and the potential compression of the underlying deposited wastes leading to further problems with leachate, landfill gas and control issues. The loading of these wastes may also impact upon the existing infrastructure and engineering at the site which was designed with a specific waste input in mind.

10.1.6 The application also seeks to vary a number of conditions which would permit minor alterations to the consented phasing and a minor re-contouring of permitted levels. It is important to recognize that, this application therefore seeks a reduction in already consented void, with any further landfilling being within the limits of the extent planning permission.

10.1.7 With regards to the proposed revisions to the consented phases, the applicant is proposing to operate in smaller cell configurations than approved and has provided justification within the application as to why this is necessary. As the site has experienced a difference in rates of waste inputs from those projected as part of consented operations, this has necessitated differences in the amount of void space utilised at any given period i.e. requiring a smaller working area and thus smaller cells. Furthermore, this has given rise to a greater level of leachate minimisation from that projected as part of consented operations; with smaller cells producing less leachate. It is considered that operating in this way would facilitate considerable

environmental benefits, as at any one time there would be less waste open to the elements, resulting in less rainfall entering the cells, thereby producing less leachate and also this would contribute to a reduction of dust, litter and odour emitted from the site.

10.1.8 Concerns have been raised by a local resident in relation to the electricity generation at the site. They have questioned the applicant's consideration into the extended maintenance requirements of the landfill gas compound, should planning permission be granted for the extension of time. As stated previously, the Waste to Energy Compound benefits from its own planning permissions which stand alone from this consent. The landfill gas management at the site is managed by a specialist contractor who is legally bound to ensure the plant and machinery operates effectively. As part of this work the contractor carries out regular inspections and maintenance visits to ensure any repairs are carried out as required.

10.1.9 The main issues to consider in determination of this application includes whether the extension of time and minor modifications sought are appropriate. Consideration must also be given to the consequences of not permitting this extension of time.

10.2 Policy Considerations

10.2.1 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.

10.3 Transportation and Traffic

10.3.1 An evaluation and assessment has been undertaken of the highways and transportation issues anticipated to arise as a result of the proposals to extend the life of the existing Maw Green Landfill site until December 2017 (with interim restoration to December 2018). This is in the form of a Transport Statement (TS). This application simply proposes to continue the existing operation of the site, and therefore does not include proposals which would result in any change in traffic demand to/from the site. It is considered that there would be no notable change in the levels of HGV trip demand experienced on the local highway. Consequently, vehicle movements along Maw Green Road would continue to take place in the same way, and there would be no net increase to the existing traffic movements as a result of the extension of time.

10.3.2 Furthermore, the cessation of composting operations in January 2011 would reduce traffic flows to the site. Also, it is important to note that leachate removal levels would decline over the forthcoming years when an increased amount of final capping occurs, whilst trips associated with the landfill gas compound will remain relatively stable.

10.3.3 Local residents have raised concerns in relation to the potential increased traffic and impact on local highway network when Danes Moss Landfill closes in 2012. The TS submitted with the application has been based upon a robust baseline whereby vehicle movements have effectively been overestimated to provide for a most robust baseline. The baseline has had regard to not only the existing site traffic demand associated with the operation of the landfill (based on average and weekly weighbridge records for October 08 – October 09, and the peak operating period for September 09) but also additional trips associated with the leachate treatment plant, gas treatment plant and restoration materials, plus staff trips have been included in addition to those vehicle levels. Vehicles have been added to existing traffic flows to take account for projected levels for leachate removal, gas treatment plant, restoration trips, the cessation of composting operations and associated vehicle trips, and the effect on the highway as a result of the closure of Danes Moss Landfill to ensure a robust assessment.

10.3.4 It is considered that the robustness of the assessment that was presented in the TS sufficiently accounts for the level of additional traffic likely to be generated as a result of the closure of the Danes Moss landfill site. Current daily input movements stand at 244 per day, which averages at 122 in and 122 out (which is well below their consented 200 in and 200 out by virtue of condition 11 of the extant permission). The additional loads that are anticipated to be imported during 2012 due to the closure of Danes Moss would equate to an increase of 18 vehicle movements (9 in and 9 out).

10.3.5 It is considered that this increase of 18 vehicle movements would not give rise to any operational difficulties on the local highway network. Moreover, the composting operation would by then have ceased, thereby removing 4 vehicle movements per day; resulting in a 'net' increase of just 10 vehicle movements per day (5 in and 5 out).

10.3.6 Given the deliberate robustness of the TS, which also includes for notable overestimates of staff and visitor trips, it is considered that the additional increase in vehicles as a result of the Danes Moss closure during 2012 would not result in any operational or highway safety concerns.

10.3.7 Residents have also raised concerns with regards to vehicles turning left of the site onto Maw Green Lane. Should planning permission be granted, the existing section 106 legal agreement would be subject to a deed of variation and would include the existing routing agreement clause that illustrates on a plan the preferred route of exiting the site and the requirement to place a 'no left turn' sign for heavy goods vehicles. Warmingham Parish Council have requested that heavy goods vehicles do not travel through the village of Warmingham. As some refuse collection vehicles would be required to travel through the village to collect household waste it would not be possible to request this. However, where possible, the village of Warmingham would be avoided except for legitimate trips.

10.3.8 The Strategic Highways and Transport Manager has no objections to this proposal. It is considered that the continued operation of the Maw Green landfill would not be anticipated to give rise to any operational impacts upon the capacity of Maw Green Road or its junction with Sydney Road / Remer Street / Elm Drive. As such, it is considered that there are no over-riding reasons for which the development should be refused on highway grounds, and that this proposal accords with Policies 12 and 28 of the CRWLP and Policies BE.1 Amenity, BE.2 Design Standards and BE.3 Access and Parking of the CNLP.

10.4 Landscape and Visual assessment

10.4.1 The visual effects resulting from the proposal would be pertinent to the increased duration of operations on site only, as there are no plans to increase the void space at Maw Green, or raise the consented levels. Whilst minor changes to the landform would occur in terms of the minor re-contouring, it is considered that these would not be perceptible. The extended life of the site would lead to operational waste cells being present for a longer period, but the site would progressively be restored. It is considered that this would have no influence or effect upon the surrounding landscape.

10.4.2 The effects of the proposal upon visual amenity are not considered to be significant in EIA terms. The nature of the view would not change when compared with existing views of the site, but such views would be experienced for longer, due to the increased duration of operations until 2017, instead of 2011. It should however be noted that if operations do cease in January 2011 in line with the current planning consent, then consented levels of fill would not have been reached, resulting in an 'alien' landform, which would appear less naturalistic than the proposal, and would not accord with the design principles of the restored landform as currently consented.

10.4.3 As set out within the landscape and visual assessment within the ES that accompanied this application, it is demonstrated that the proposal would be acceptable in landscape terms. This proposal would make a substantial positive contribution to the landscape, enabling a sustainable landform to be achieved. As detailed within this planning application, the landfill would be restored progressively to ensure that operational areas are kept to a minimum, acting to mitigate against potential impacts on the landscape.

10.4.4 The consented phasing scheme (7/P95/0064) subdivides the site into a series of waste cells numbered from 1 to 14, to be filled in numerical order. The southern, western and north-eastern parts of the site have been filled to consented levels and restored. Filling operations are currently underway in the central parts of the site, with some areas filled and awaiting capping and restoration. This proposal seeks to amend the phasing slightly to allow minor re-profiling of an area which has been temporary capped with the placement of a significant thickness of clays. This will enable a more visually acceptable landform with improved surface water drainage as

consented to be achieved. The proposed sequence of phasing on-site would fill and restore the remaining operational areas of the site and then progress into areas where future waste cells would be constructed, in a broadly north to south direction and from the centre of the site towards the south-eastern perimeter. The applicant is proposing smaller cells for operational and environmental reasons, but this would also reduce the visual impact of the site as the cells would be considerably smaller than is consented.

10.4.5 The Borough Council's Landscape Architect offers no objections to the application on the basis of landscape and visual impact, since an extension in time would allow the consented restoration scheme to be completed. If landfilling to the proposed levels was not completed the resulting landscape would be an unnatural and incongruous one.

10.4.6 It is considered that, as the proposal is not seeking to increase the height of the landform, that the visual impact would not be any different than is already consented by the extant planning permission. The visual effects resulting from the proposal would be related to the increased duration of operations on site only, with which progressive restoration the minimal impacts could be mitigated. Therefore, it is considered that the proposal would be acceptable in landscape and visual impact terms, and that this proposal accords with Policies 12 and 14 of the CRWLP and Policy BE.1 Amenity of the CNLP.

10.5 Ecology and Nature Conservation

10.5.1 The application proposes to re-contour an area already capped with substandard clay; cell 10b. This area has potential to support Great Crested Newts, Reptiles and breeding Skylark which is a Cheshire Biodiversity Action Plan (BAP) priority species and hence a material consideration.

10.5.2 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places;

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

and provided that there is;

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

10.5.3 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection;

- a requirement on Local Planning Authorities (LPAs) to have regard to the Directive's requirements above; and
- a licensing system administered by Natural England

10.5.4 Policy 17 'Natural Environment' of the CRWLP states that an application to develop a waste management facility will not be permitted where it would have an unacceptable direct or indirect impact on...protected species. Policy NE.5 'Nature Conservation and Statutory Sites' state that the local planning authority will protect, conserve and enhance the natural conservation resource. Proposals for development will only be permitted: where they ensure that any wildlife habitat unavoidably damaged by development is compensated for by provision of a similar or equivalent feature nearby, or by mitigation works to safeguard protected species. Furthermore, developers will be required to submit a comprehensive assessment of a proposal impact on nature conservation as part of an application to develop a site which may affect any of the stated sites.

10.5.5 Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

10.5.6 PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

10.5.7 PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

10.5.8 The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

10.5.9 In this case a full ecological impact assessment of the proposal has been submitted in support of the planning application. With regards to protected species, the submitted ES suggests that they can be mitigated for through the implementation of reasonable avoidance measures including the timing of works to avoid the period when animals are likely to be present, and the management of vegetation to discourage animals from foraging on the site. However, following a site inspection it was apparent that a small pond had formed actually within cell 10b. Furthermore, there is no permanent

amphibian mitigation fencing off-site, adjacent to the newt mitigation ponds which are approximately 350 metres to the north of cell 10b. Without amphibian surveys of this pond, and, also in the absence of permanent amphibian fencing in place to exclude protected species from the working areas of the site, there are uncertainties over the impact that this proposal would have on great crested newts.

10.5.10 At the time of writing the report the survey work had not been completed, however they will have been completed by the time of the Committee meeting. The results of which will be provided to the Committee in the form of a written update report for Members consideration.

10.5.11 The Council's Nature Conservation Officer has been consulted and has suggested that the proposed restoration plans could result in the potential loss of breeding habitat identified for BAP priority species (the skylark) due to the proposed re-contouring. The submitted ES states that provided that the re-contouring works are undertaken outside of the bird breeding season, and the area is restored to its current form following re-profiling the development, is unlikely to have an adverse impact upon this species. However, the area to be re-contoured appears to be proposed for restoration to agricultural grassland and scrub planting, and not rough tussocky grassland which is the skylark's preferred breeding habitat. The Council's Nature Conservation Officer has therefore suggested that, in order to provide suitable replacement breeding habitat for skylarks, this area should be restored to rough tussocky grassland, and that the restoration proposals should be revised accordingly to illustrate this. This would be conditioned.

10.5.12 The continued operation of the landfill has the potential to result in continued impacts to ecological receptors via barrier effects, changes to the water system and disturbance to natural habitat. Each of these potential effects have however been assessed and it is considered that this proposal would not cause a significant impact in the long term. The adverse impact would only remain until the site is restored.

10.5.13 Due to the continued commitment to long-term restoration plans, there are no anticipated residual impacts as a result of the proposed development. Furthermore, biodiversity enhancements associated with the development are anticipated to improve the quality and extent of suitable habitat for protected species, including the great crested newt.

10.5.14 Subject to there being no protected species present within this pond in cell 10b, and the submission of a method statement, coupled with the reasonable avoidance measures proposed in the ES, and also the revision of the restoration proposals to include rough tussocky grassland, the Borough Council's Nature Conservation Officer has no objections to this proposal. Subject to the above criteria, it is considered that the proposal would be acceptable in terms of ecological and nature conservation, and that this proposal accords with Policies 12 and 17 of the CRWLP and Policies NE.2 Nature Conservation and Habitats and NE.9 Protected Species of the CNLP.

10.6 Residential Amenity

10.6.1 A number of residents have raised objection in relation to this application with regards to the on-going and extended impact on their residential amenity from issues such as noise, dust, air quality, odour, litter and vermin/pests.

10.6.2 The nearest residential properties in relation to the site are: Brookside Farm, approximately 200 metres from the nearest site activity to the east of the site; Meadowcroft Cottage, approximately 185 metres to the south east of the site; Windy Nook approximately 260 metres to the south west of the site; Cattle Arch approximately 175 metres to the south; and the properties west of the site (off Groby Road) at a distance of approximately 220 - 350 metres from the nearest activity on site.

10.6.3 A number of residents have taken exception to the statement in the ES regarding the site operators successfully control issues such as noise, dust, and odour which is apparent from the very few complaints received with regards to these issues over the years. However, residents state that they have not lodged complaints in relation to the site with the operators or the Council as they thought that the site was closing in 2011. The Council, as one of the regulatory bodies controlling the activities on the site undertake regular monitoring visits, as do the Environment Agency, as these issues are controlled under their Environmental Permit and have no cause to raise concerns in relation to this site. Furthermore, in order to take any action in relation to potential breaches of planning control, if residents are concerned that the site is not operating in accordance with their planning permission they need to inform the planning authority so that investigations can be taken, and where expedient, necessary action taken.

10.6.4 Should planning permission be granted, the operators would be required to produce a scheme for a local liaison committee which would provide a forum for effective communication between local residents, the operator and key regulatory bodies. In the past, the operators of Maw Green Landfill have tried to host a liaison meeting, however, due to lack of interest from the local residents the meetings did not continue. Should there be sufficient interest in the local community, the operators of the landfill are willing to host liaison meetings, as they do at many of their other sites. This would facilitate effective communication between all interested parties in the landfill, with the view to reduce any potential conflict and uncertainties.

10.6.5 Residents have also commented that the proposed re-phasing would be significantly closer to residential areas. For the avoidance of doubt and clarification purposes, the proposed re-phasing would be no nearer to any residential properties than the consented cells. All cells would remain within the current boundary of the landfill site. Furthermore, the cells would be progressively restored which would reduce any nuisance that may be caused.

10.6.6 With regards to this current application, the ES has provided measurements and detailed management practices in relation to noise limits, monitoring and management, dust management, odour, litter and pest control. The following section will discuss these issues. With regards to the proposed changes to the phasing, the operator is proposing smaller cell configuration which would assist in the mitigation of dust, malodorous waste, litter and pests, which will go some way to reduce any potential impact in amenity.

10.7 Noise and Vibration

10.7.1 Noise levels have been considered and assessed during the operational phases of the proposed development (including restoration). Relevant and appropriate noise guidance and standards have been used to determine the noise impact, and where appropriate mitigation measures are proposed to mitigate noise sources by applying 'best practice'. This noise assessment has been undertaken to inform and guide the detailed design of the development to ensure that any likely noise impact on existing neighbouring dwellings would be minimised.

10.7.2 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 any material increase in operational noise levels. The Council's Environmental Protection Officer has been consulted with regards to environmental noise issues and has no objections subject to conditions imposing noise limits for operational use and temporary operations including removal of overburden, the formation of mounds and final restoration. A noise monitoring scheme to be in accordance with procedures set out in BS4142:1997 would be required.

10.7.3 Best practicable means for noise mitigation would be adopted to control noise generation at all times in the regular maintenance, silencing and operation of all plant, machinery and vehicles, and in the programming arrangement of work, in order to minimise noise, and vibration arising from the site. Other measures include broadband reverse alarms fitted on mobile plant, sensible routing of equipment on site, a complaints procedure and monitoring of noise levels as per monitoring scheme. Should planning permission be granted, it would be conditioned to ensure that best practical management procedures were followed to ensure noise is minimised on site.

10.7.4 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, MPS 2, and the World Health Organisation's guidance on noise. Noise is also controlled through the PPC Permit issued by the Environment Agency. It is therefore considered that the proposal would be acceptable in terms of noise and vibration. It is considered that this proposal accords with Policies 12 and 23 of the CRWLP and BE.1 Amenity, BE.17 Pollution Control of the CNLP.

10.8 Air quality and dust

10.8.1 Concerns have been raised by local residents about dust emitted from the site. In relation to dust, during periods of dry weather effective dust management practices are employed on site to control particulate emissions that could cause annoyance or complaint. These include the use of water sprays to dampen roads as necessary during dry periods using a tractor and bowser, application of cover materials, suspension of tipping certain wastes during windy days, and road cleaning equipment on site access roads, and surrounding road network as necessary, speed limits of 15mph on internal roads, and timely seeding/planting of restored and stocked areas. Dust is monitored by the site operators and the Environment Agency at Maw Green through the requirements of the Environmental Permit, and namely the particulates monitoring plan.

10.8.2 Should planning permission be granted, the existing operational best practice would be continued during the extended period of operations, including dust suppression, and condition 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 in respects to air quality and dust that this proposal is in accordance with PPS 23, Policies 12, and 24 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

10.9 Odour

10.9.1 Local residents have expressed concerns in relation to the odours associated with the site. Potential odour generation can occur from a variety of sources at Maw Green. However, in recent years, Maw Green has been successfully managed to minimize nuisance associated with odour by the emplacement of industry standard odour control measures. The management strategy for odour can be summarised as:

- Effective waste compaction;
- Immediate disposal and burial of malodorous materials;
- Use of an adequate depth of suitable daily cover to minimise odour from freshly deposited waste;
- Capping of waste and covered sumps to minimise passive venting of landfill gas;
- Extraction of collected landfill gas under negative pressure to a engine / and or flare where odorous elements are combusted and removed;
- Management of leachate including sumps and collection tanks

10.9.2 Odour is routinely monitored at Maw Green through the Odour Monitoring Plan as approved by the Environment Agency. With regards to odours from landfill gas, there are precautionary best practice measures in place to ensure that the air quality of the area would not be compromised. The site's landfill gas risk assessment and landfill gas management plan are adhered to as a requirement of the site's Environmental Permit. 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.

10.9.3 The council's environmental protection officer does not object to this proposal and states that the procedures outlined in the ES and above should ensure that the potential adverse impacts are controlled. It is considered that additional 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 condition 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 Policy BE.1 Amenity of the CNLP.

10.10 Litter

10.10.1 As with all non-hazardous landfill sites, there is the potential for litter to be released from the site during periods of adverse weather. Maw Green accepts a range of wastes, including light fractions from the municipal and commercial waste streams, which have the potential to generate litter which can lead to an impact upon surrounding land.

10.10.2 The use of good site management practices would minimise the potential for litter release, leading to nuisance. This includes; erection of temporary litter fencing, daily coverage of cells with cover material, progressive compaction immediately after deposit, checking the weather forecast and wind direction, and ensuring open topped vehicles are sheeted.

10.10.3 To date there have been no substantive complaints with regards to wind blown litter. However, a local resident has expressed concerns with regards to litter generated from the landfill littering the local environment including Maw Green Lane and Clay Lane. At present, daily inspections of the perimeter fencing by the site operators, including the footpaths are carried out. Litter pickers are contracted in as required. Litter is also picked from Maw Green Road approaching the site if identified. In many cases this is not directly the result of landfill activities

10.10.4 Further recent investigations have revealed that the source of the litter on Maw Green Road is due to flytipping/ general littering of a nearby lay-by. With regards to Clay Lane there is no evidence of litter at the current time. In order for litter from the landfill to get to Clay Lane it would have to cross the railway and pass over 5 or 6 fields, therefore litter along Clay Lane cannot feasibly originate from the landfill site. It is considered that the site operator's undertake effective litter management by the methods outlined.

10.10.5 The Council's Environmental Protection Officer considers that the existing controls carried out on site and detailed in the ES should ensure that this is controlled. Should planning permission be granted, the existing conditions of the extant planning permission would be imposed to ensure that wind blown litter is prevented. 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.

10.11 Vermin

10.11.1 At present, regular daily inspections, are currently carried out by the site manager or foreman and include noting any evidence of vermin problems. Particular attention is paid the operational areas where the presence of recently deposited waste is likely to attract vermin. Location in close proximity to the identified receptors is prioritised.

10.11.2 A specialist pest contractor visits Maw Green on a monthly basis to inspect the safe boxes placed and refill with approved rodenticide. In total there are approximately 20 safe boxes around the landfill site, which are increased as necessary following specialist advice. The professional pest contractor is responsible for identifying whether there is a need for further safe boxes to be placed around the site. The Council's Environmental Protection Officer considers that the existing controls carried out on site, and detailed in the ES should ensure that the level of vermin on site is controlled adequately to mitigate against nuisance and potential health risks. Should planning permission be granted, the existing measures would continue, to ensure that rats do not become a problem on site.

10.12 Flies

10.12.1 Local residents have raised concerns with regards to the number of flies in the local area which they associate with the landfill. Existing site management practices would continue should planning permission be granted to reduce the potential for flies on site. Measures include the adequate daily cover of waste thereby reducing the potential for flies to lay eggs on exposed waste, and also inhibiting the ability of flies to emerge from the waste. Insecticide spraying would also continue although this is less effective during wet weather and precaution would be taken to ensure that the insecticide would be applied in a manner that would avoid contamination of surface water run-off or leachate collection systems. The site manager would ensure that regular weekly inspections are made of Maw Green landfill for visual evidence of any infestation. Particular attention would be paid to operational areas where the presence of recently deposited waste would be likely to attract pests. The specialist pest controller would be responsible for carrying out any necessary remediation action to address any identified problems with respect to insects. The Council's Environmental Protection Officer considers that the existing controls carried out on site and detailed in the ES should ensure that flies are controlled effectively on site to mitigate against and nuisance.

10.13 Birds

10.13.1 Should planning permission be granted, ongoing inspections would continue to be made by staff and the appointed bird control contractor for visual evidence of birds with particular attention being paid to operational areas. Such inspections also form part of the Environmental Log. In the event of birds being found scavenging from the waste or causing annoyance either within the installation or generating complaints from outside the installation, then the site manager (and bird controller) has effective measures available to address the problem effectively.

10.13.2 Current measures of bird control includes; daily covering of waste, limiting the working area, rockets, gas cannons, and regular visits from the falconer (currently 5 days per week) have proven effective at Maw Green. The Council's Environmental Protection Officer considers that the existing controls carried out on site and detailed in the ES should ensure that birds are controlled on site adequately to reduce nuisance. Should planning permission be granted, existing bird control methods would continue, as such the application accords with Policy 12 of the CRWLP. Bird control is also an issue controlled through the PPC Permit issued by the Environment Agency.

10.14 Hydrology and Flood Risk

10.14.1 The site area is over 1 hectare. In accordance with flood risk vulnerability classification landfills are considered to be more vulnerable. The application is supported by a surface water management scheme which is based on the guidance provided by the Environment Agency and in like with their Environmental Permit. This addresses the requirements of PPS 25. The various balancing lagoons located in the Landfill Site would ensure the discharge of surface water from the areas under construction, engineered and partially restored areas of the Landfill Site meets the Environmental Permit requirements in terms of emissions to water.

10.14.2 The surface water management scheme incorporates temporary balancing lagoons within the landfill. Water is pumped to the small lagoon on the eastern edge of the site and then discharged to Fowle Brook; the rate of which would be controlled in accordance with the requirements of the Environmental Permit.

10.14.3 The Environmental Agency have raised no objections in relation to this application. The measures proposed in the ES would ensure that the proposal would not increase risk of flooding elsewhere and adequately satisfies the test of PPS 25, and is in accordance with Policies 12 and 18 of the CRWLP and Policy BE.4 of the CNLP.

10.15 Cumulative Effect

10.15.1 The ES assessed the cumulative impact of the development, and concluded that the extension of life of the site, minor re-profiling/re-contouring and minor amendments to the phasing of the consented scheme 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.

10.16 Public Rights of Way

10.16.1 The restoration proposals at the site have been developed to include concessionary footpaths across the site to enable public enjoyment of the restored landform. Public Footpath Crewe No.6 would remain in its existing condition and location until the site has been fully restored, and the replacement Footpath No.6 been constructed and completed as per restoration proposals.

10.16.2 As such, with the standard informative with regards to the operator's obligation towards the footpath added to any decision notice, it is considered that the proposal accords with Policy 20 of the CRWLP and Policy RT.9 of the CNLP.

10.17 Network Rail's Access into the site

10.17.1 Network Rail have expressed concerns with regards to the final restoration proposals as their current access which is shared with the existing landfill site access would be removed from site and fully restored; leaving their Remote Equipment Building stranded, without any form of access provision.

10.17.2 Unfortunately, when the application for Network Rail's Remote Equipment Building was determined (Ref: P04/0053) the site access was not taken into account, nor did it form part of the application. Therefore, once the landfill site is fully restored following the cessation of landfill gas and leachate production, (in excess of 30 years) the current access would be removed in accordance with the final restoration plans for the site.

10.17.3 This application does not seek to extend the access provision to the site beyond the final restoration date. Therefore, should Network Rail wish to continue to use the access road beyond the final restoration of the site, it is considered that this would be new development that does not benefit from planning permission, and that Network Rail should seek planning permission for this section of the access road as and when appropriate. This issue is not a material consideration for the determination of this planning application.

10.18 Alternatives to Landfill and Need

10.18.1 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. Work is underway on this project to deliver waste management solutions for Cheshire for the next 25 years.

10.18.2 Whilst waste operators are currently applying for planning permission and environmental permits for alternative facilities, landfill will still be required for the residual waste disposal in the short to medium term whilst these alternative waste management solutions are being developed. None recyclable waste is still being produced in the Borough and facilities will have to be available for disposal. In addition, this residual waste also provides existing landfills with the opportunity to be restored to an acceptable landform, and to prevent 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. This extension of life application provides for additional time to achieve a sustainable landform, and would provide a local disposal route for residual wastes ahead of the development of alternative waste disposal options which are yet to be provided.

10.18.3 A local resident has asked the question if Danes Moss Landfill, located in the North of the Borough could be extended. This landfill site has in 2009, received an extension of time application to extend the operational life until 2012, by which time it should have been filled to consented levels. Furthermore, Danes Moss Landfill is at present the only other municipal waste disposal option in Cheshire East. When Danes Moss comes to the end of its life there would be no available landfill capacity within the East Cheshire Area. Therefore, until alternative technologies have been provided for in Cheshire East there remains a need for landfill, despite the desire for successful diversion to facilities further up the waste hierarchy.

10.18.4 Should planning permission be granted for the extension of time, following the closure of Danes Moss in 2012, Maw Green would offer the nearest appropriate installation for Cheshire East's waste. It is considered that the proposal to maximise the consented void at the existing Maw Green facility would be a more sustainable solution than developing a new, alternative green field site. The environmental impacts of extending the life of an existing facility would clearly be far less than engineering a new landfill site elsewhere, which is supported by Policy EM13 of the RSS. The alternative option would be to transport waste considerable distances, with the associated environmental and operational dis-benefits that this would bring for example to transport waste from Cheshire East to the outskirts of Chester to the Goway Landfill Site, or Arpley in Warrington.

10.18.5 Residents have raised the question as to why can't the Kinderton Lodge Landfill site take Cheshire East's waste. Whilst there is a planning permission for the Kinderton Lodge landfill site, the site will not be ready to accept waste for a number of years due to a large number of conditions precedent requiring pre-commencement schemes, and also the necessary engineering required and installation of infrastructure. In the short to mid term therefore, Maw Green is the only viable option to meet landfill requirements within East Cheshire.

10.19 Additional infilling of already capped cells and land raising

10.19.1 Local residents are concerned with regards to the proposed re-profiling of cell 10b. The applicant is seeking to vary slightly the phasing to allow minor re-profiling of an area which has been temporarily capped and the placement of a significant thickness of clays. This would enable a more visually acceptable landform with improved surface water drainage as consented to be achieved. This would involve the excavation of sub-standard clays deposited in cell 10b. Following the removal of sub-standard clay, this area would be tipped to the approved levels. There would be no change to the overall height of the proposed landform or restoration in this area, and no additional void created; the applicant is seeking to re-profile this area to improve the surface water drainage. The placement of the engineered cap will ensure environmental issues are managed in the most responsible and sustainable manner, with leachate production minimised and landfill gas emissions minimised.

10.19.2 The site is also regulated by the Environment Agency and operations are controlled by the Environmental Permit issued by them. The Environment Agency do not object to this proposal and have not raised any concerns in relation to the proposed re-profiling and excavation of cell 10b.

10.19.3 A local resident has also expressed concerns that the landfill has substantially risen in height since they have moved into their property. The existing landfill has not over-tipped in excess of the consented levels. The original application was for land raising therefore this would explain the increase in levels. However, this application proposes no additional land raising; they are proposing to fill to already consented levels.

10.20 Hours of operation

10.20.1 Whilst paragraph 1.4.1 of the submitted planning statement and 3.4.1 of the ES state that the application does not propose to change the hours of operation as consented by virtue of planning permission 7/P05/1326 and Appeal Reference APP/Z0645/A/07/2041353, the hours stated within these documents are incorrect. For the avoidance of doubt, the proposed hours of operation are no different to already approved and operational hours on the site as detailed below:

The reception of Local Authority Domestic Household Wastes will be permitted on:

- all Bank Holidays, except Christmas Day, between the hours of 0800 – 1700;*
- Easter Saturday between the hours of 0800-1700;*
- The Saturday before Christmas Day between the hours of 0800-1700;*
- The Saturday after Christmas Day between the hours of 0800-1700;*
- The Saturday after Christmas Day between the hours of 0800-1700; and*
- The Saturday after New Years Day between the hours of 0800-1700.*

10.20.2 The normal working hours of the site would remain as existing:

‘Operations authorised by this consent shall not be carried out on Sundays or Bank Holidays or outside the hours of 0800 – 1800 Monday to Friday, and 0800 – 1300 hours on Saturdays. Site engineering works may take place between the hours of 0700 – 1900 Monday to Sunday, April to October inclusive. Where these hours exceed those permitted for waste disposal at the site, no plant machinery or lorry traffic shall enter or leave the site. These limitation are to be applied to all activities granted by this planning permission on site except where these may be varied by the conditions in the planning permission as detailed above.’

10.21 Future developments

10.21.1 A local resident has raised concerns in relation to a recent resubmission of plans for the Integrated Sports Academy and enabling Retirement Village in Groby Road. They feel that, should this planning application be accepted then it would be detrimental for new visitors/residents and users of new developments.

10.21.2 Individual planning applications have to be considered on their own merits; since the proposed developments are not approved nor are they built yet, it would be the responsibility of the developer of the respective proposals to take into account existing neighbouring uses, including this landfill site and provided any necessary mitigation measures necessary to protect the residential amenity of the future occupants of the properties adjacent to this site in accordance with Policy NE.21 of the Crewe and Nantwich Local Plan. This policy states that strict control will be exercised over the location of residential or other development in close proximity to existing or former landfill sites. It would not be the responsibility of the applicant of this development to safeguard and mitigate against potential noise/dust/odour amenity nuisance of a development that may not be approved or indeed constructed.

10.22 Employment

10.22.1 The proposed development would provide a continuance to existing employment opportunities for the local area beyond the consented life of the site associated with the construction, operational and restoration

phases of the landfill. The development is likely to employ a minimum of 10 people involved with construction and engineering practices, including clay extraction and earthworks. This application is considered to be a sustainable form of development for the reasons set out above and would support the principles of PPS 4 in assisting to deliver sustainable economic growth.

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 minor re-contouring. It is important to recognise that this application therefore does not seek to increase the consented void, it actually seeks a slight reduction in tipping in terms of volume but over an extended period of time, with continued landfilling being within the confines of the extant planning permission.

11.2 It is considered that the use of the waste hierarchy as set out in the Waste Strategy for England 2007 should be promoted and supported for waste management solutions in Cheshire East. Disposal is the final option for waste, however at present there is a need for landfill sites for certain waste types where facilities for re-use, recycling, or recovery do not currently exist. 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, and serves an important need in sustainable waste management within Cheshire. 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 Maw Green 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.

11.3 European Legislation (subsequently transposed into UK law and policy), has driven the need to reduce the quantity of waste produced, whilst increasing the levels of recycling, and reducing the quantities of waste diverted to landfill. Accordingly, the rate of waste importation at Maw Green Landfill that was anticipated when planning permission was granted in 1995 has not transpired. Therefore, the fact that the site has not been filled to consented levels is not a result of poor management of the site; it is as a result of European and National pressures to reduce land filled waste and increase recycling. This provides justification for the need to extend the life of the landfill site, to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission. Should this application be refused there would be no waste disposal facility in the area to accept Cheshire East's waste at the present time.

11.4 A comprehensive needs assessment has been produced in support of the application. Considering the alternative options presented, it is

considered that landfilling is an essential component of an integrated waste disposal strategy for Cheshire East Borough Council, and the Maw Green 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.

11.5 The appraisal of the statutory development plan and other material planning considerations demonstrates that the proposed development at Maw Green Landfill site is in accordance with the Development Plan; RSS, CRWLP and CNLP. 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.

11.6 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, vermin and bird control. No additional daily traffic would be generated by the proposal above that already approved. It is considered that the minor changes proposed to the 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, vermin, pests and bird control can be mitigated by good site management practice and controls which would be conditioned the same as the existing permission 7/P07/1326 as appealed, with additional noise controls and a requirement for noise monitoring. Amendments to the final restoration scheme to include suitable breeding habitat for Skylarks would be required.

11.7 Furthermore, it is considered that the proposed changes in phasing and cell size would facilitate considerable environmental benefits, as at any one time there would be less waste open to the elements, resulting in less rainfall entering the cells, thereby producing less leachate and also this would contribute to a reduction of dust, litter and odour emitted from the site.

11.8 It is not considered that the proposed development, subject to appropriate conditions, and a deed of variation to the existing legal agreement for the extended restoration and management of the site would have an unacceptable impact on any other material planning considerations. As such, subject to the outcome of the great crested newt survey being negative, and appropriate method statement produced, planning permission should be granted.

12. RECOMMENDATION

THAT:

(1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure:

- diversion and maintenance in perpetuity Fowle Brook;
- long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a
- monitoring and maintenance of the leachate control system;
- monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

(2) Planning permission should be granted subject to conditions covering in particular: -

- All the conditions attached to permission 7/P05/1326 unless amended by those below;
- Approved plans;
- Revisions to existing approved restoration plan – replace with in interim and final restoration plan and associated restoration conditions;
- Revisions to existing phasing plans and associated phasing conditions;
- Revisions to existing pre-settlement contours, and associated contouring conditions;
- Additional surface water lagoon plan;
- Extension of time to 31st December 2017 with interim restoration of the site within 12 months or no later than 31st December 2018
- Final restoration as final restoration plan to be no later than 12 months following the cessation of production of leachate and landfill gas;
- Interim and final restoration proposals to be amended to include rough tussocky grassland to provide suitable habitat for breeding skylarks;
- Approved Method statement for protected species;
- Liaison Committee Scheme;
- Noise limits;
- Noise Monitoring Scheme;
- Best practical site management for noise/ dust/ odour/ flies/ vermin/ birds/ litter control as per ES

Informatives:

Natural England

The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

Environment Agency

Fowle Brook is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of Fowle Brook.

This site already has a permit. The changes are minor in nature and would not require a variation to the permit.

Network Rail

The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. If hazardous materials are likely to be sited on the land then Network Rail must be further contacted by the applicant. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the LPA acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains, without Network Rail approval. Soakaways should not discharge towards and/or within 10m of railway infrastructure. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

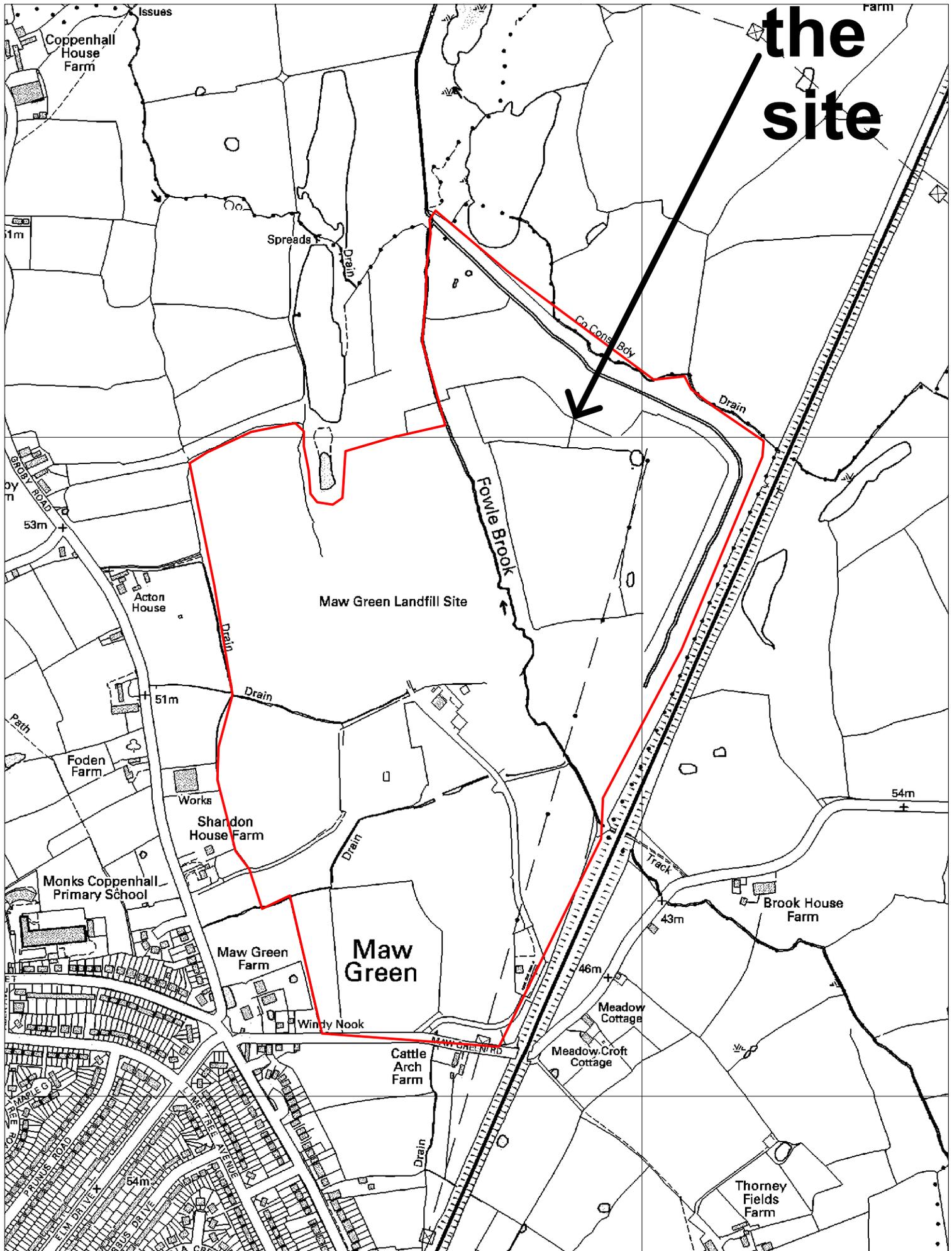
Public Rights of Way

No change to the surface of the right of way can be approved without consultation with Cheshire East Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that;

- There is no diminution in the width of the right of way available for use by members of the public;
- No building materials are stored on the right of way;
- No damage or substantial alteration, either temporary or permanent is caused to the surface of the right of way;

- Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way;
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature;
- No wildlife fencing or other ecological protective features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way; and
- The safety of members of the public using the right of way is ensured at all times.

Any variation to the above will require prior consent from Cheshire East Council's ProW Unit.



MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE, CW1 5NG
NGR - 370,690 : 357,670

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