

Application No: 14/0683W

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

Proposal: TO DEVELOP AND OPERATE A TEMPORARY WASTE TRANSFER PAD; RETENTION OF THE EXISTING ACCESS ROAD, CAR PARKING AND WEIGHBRIDGE / WEIGHBRIDGE OFFICE; HARDSTANDINGS; EARTHWORKS; SURFACE WATER MANAGEMENT SYSTEM; LANDSCAPING AND OTHER ANCILLARY DEVELOPMENT FOR A TWO YEAR PERIOD

Applicant: Jack Tregoning, 3C Waste Ltd.

Expiry Date: 18-Apr-2014

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Green Belt
- Alternative Sites – Compliance with Policy 5 of CRWLP
- Impact on Water Quality
- Highways
- Noise
- Air Quality
- Windblown Litter
- Landscape, visual and aboricultural impacts
- Ecology

#### **REASON FOR REPORT**

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

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is a parcel of land of approximately 0.87ha located within the north western boundary of Danes Moss Landfill site. The Danes Moss Landfill site is situated approximately 2km south west of the centre of Macclesfield. It lies between the A536 on the west and the Stockport and Newcastle-under-Lyme railway to the east. To the north, a belt of undeveloped land and playing fields lie between Danes Moss Landfill site and the edge of the

Macclesfield urban area. A mixture of agricultural land and open land/peat bog lies to the south. Access to the site is off the A536 Congleton Road.

The application site is situated on land currently used as hardstanding, vegetation planting/scrubland, and the existing access road serving the landfill site. The Household Waste Recycling Centre (HWRC) bounds the site to the west, the waste to energy compound (with 4 operational gas engines and back up flare) is situated to the north, and leachate treatment lagoons lie to the south. The site of the proposed leachate treatment plant also lies on the northern boundary, for which construction has not yet commenced.

Much of the Danes Moss landfill has now been completed and the area substantially restored with native woodland planting and acid grassland. The site is expected to reach capacity in mid-2014, although the site has permission for landfilling until December 2014, with the restoration complete within 12 months of that date.

The nearest dwellings are located on the western side of Congleton Road, to the north west of the application site, whilst a housing estate is located approximately 400m to the north east.

The application site lies in the Green Belt in the Macclesfield Borough Local Plan (MBLP). The site is not allocated within the Cheshire Replacement Waste Local Plan (CRWLP) as a Preferred Site and as such is considered to be a significant Departure from the Development Plan. The western section of the application site (comprising a section of the access road) crosses part of land identified as a 'proposed road', greenway and designated open space in MBLP. The Danes Moss Site of Special Scientific Interest (SSSI) lies to the south of the landfill and is designated for its valuable peat bog habitat. The remainder of the Moss area is designated as a Grade A Site of Biological Importance.

## **RELEVANT HISTORY**

The landfill has a long history of peat extraction and waste disposal since the early 20<sup>th</sup> Century. The current landfill permission expired on 31 December 2013 (09/0761W). Strategic Planning Board resolved to grant planning permission (12/3240W) in January 2013 for a further time extension to 31 December 2014 with restoration completed by 31 December 2015. This is subject to a deed of variation to the existing S106 legal agreement to secure the long term management of the site and adjacent SSSI. The planning permission has not yet been issued, pending completion of the legal agreement.

The landfill site has also had a range of other ancillary waste infrastructure consents. These include:

- 5/65397, 5/73660, and 5/96/1830P – leachate treatment facility
- 5/36254 and 5/38676 – Household Waste Recycling Centre (HWRC) and skip facilities;
- 5/82298 – Compost facility (no composting now occurs on site);
- 5/72375, 5/79115, 5/02/2190P, 5/07/0389P, 5/08/0638P waste to energy plant; and
- 12/1280W – Leachate Treatment Plant.

Planning permission has previously been granted for a waste transfer station (WTS) in 2008 (ref: 5/08/0639P) for a temporary period until 2014, in order to provide a replacement for the

landfill which was scheduled to close in 2012. The consent was subject to a s106 legal agreement to ensure that the WTS did not operate until landfilling ceased. However, as the landfill had a further time extension granted, the WTS was not required and the consent lapsed. A further planning permission was granted in September 2013 for a temporary waste transfer station (WTS) until December 2027 (ref: 12/4866W) to provide a facility to bulk up waste in the north of the authority. Both permissions relate to the same parcel of land being proposed by this application.

## **DETAILS OF PROPOSAL**

This is an application on behalf of 3C Waste Ltd to develop and operate a temporary waste transfer pad at the Danes Moss Landfill site for a two year period in the same location as the approved WTS building (Ref: 12/4866W) to meet short term need. After this time and subject to securing a long term waste contract, the transfer pad would then be used as the base for the construction of the WTS building permitted under 12/4866W. Once the WTS ceases operations in 2027, as is required by the planning consent, all land would be fully restored in accordance with the landscaping and restoration scheme. In the event that the applicant is not awarded the contract, the transfer pad would be fully restored at the end of its two year life.

The proposed transfer pad would replicate the function proposed in the approved WTS building, in that it would act as a replacement for the existing Danes Moss Landfill site which is expected to cease waste disposal operations by mid-2014. It would bulk up locally derived municipal solid waste (MSW) for onward transportation to a suitable treatment facility such as the recently approved Material Recycling Facility at Maw Green Landfill, Crewe.

The application proposes the following elements:

- A waste transfer pad with 'Alfabloc' walls on three sides;
- New hard surfacing to enable the safe deposit of waste;
- Retention of existing access road;
- Retention of the site office and weighbridge (as approved by WTS permission Ref: 12/4866W);
- Construction of a new vehicle turning area (as approved by WTS permission Ref: 12/4866W);
- Retention of landfill boundary fencing;
- A surface water management system;
- Landscape planting

### Waste Transfer Pad

The scheme proposes a hardstanding area of approximately 30m x 20m (equating to a 600m<sup>2</sup> floor area) contained by 'Alfabloc' walls on three sides. The concrete walls would be at a height of approximately 3m on the northern and southern sides and 3.6m on the western side. The eastern side would be kept open for receiving waste deliveries. The hardstanding area would be covered with heavy duty litter netting supported on poles and wire lattice system at a height of approximately 8m to allow vehicles to work beneath without risk of damaging the netting.

### Other aspects of the scheme

The facility would use the existing access off the A536 currently serving the landfill; and the existing weighbridge and site office would be retained. A new vehicle turning area will be provided beyond the weighbridge along with two new areas of tarmac surfacing opposite the transfer pad for vehicle manoeuvring.

Lighting is proposed for use during operational hours when natural illumination falls below safe working levels. This would comprise high pressure sodium flat glass lanterns and would be angled downwards and designed not to spill light to prevent glare and minimise light spillage/pollution to the surrounding area.

All surface water from the transfer pad would be managed via a contaminated surface water collection manhole. The water would then be pumped to the existing on-site leachate treatment facility used by the landfill site. Any limited quantities of foul drainage from the site welfare facilities at the weighbridge will continue to be collected in a sealed tank and removed from site at regular intervals to a nearby disposal facility.

### Operational process

All incoming vehicles would be weighed and recorded before unloading waste directly onto the transfer pad. The waste would then be stored there until sufficient quantities have been collected; and would then be re-loaded by means of a loading shovel, weighed and recorded before being transported off site for sorting, processing or disposal.

The applicant states that waste would normally be removed from site by the end of the working day. In exceptional circumstances where all waste cannot be removed, the applicant intends to retain a HGV on-site to store waste overnight before being removed the following day. The applicant states that the maximum time waste would remain on-site is 24 hours.

This transfer pad would have the capacity to handle up to approximately 40,000 tonnes of residual MSW waste per year which would be collected by RCVs from households and HWRC sites in the Macclesfield, Congleton, Wilmslow and Poynton catchment area. Waste would be delivered to the site in average 5.9 tonne RCVs (7.5 tonne if fully loaded) and removed from site using 20 tonne capacity HGVs. The proposal would generate 52 Refuse Collection Vehicle (RCV) movements per day (26in / 26out) and 16 Bulk Articulated HGV movements per day (8in / 8out).

The proposed hours of operation for waste deliveries and handling, site/vehicle maintenance would be:

- 0900 – 1730 Monday – Friday, including bank holidays with the exception of Christmas, Boxing Day and New Year, with no site operations on Saturdays and Sundays.

In addition the applicant is seeking additional hours of operation during emergency or exceptional circumstances such as following severe weather or following Christmas, Boxing Day and New Years Day Bank Holidays to allow for a period of 'catch up'. The hours proposed at these times are:

- 08.00 – 17.30 on a weekday; and
- 08.00 – 12.00 Saturday.

A scheme of landscaping planting is proposed to assist in screening the facility whilst it is operational; after which time all land within the application boundary, aside from the infrastructure required for on-going environmental monitoring, would be fully restored in accordance with a landscaping scheme designed to complement the wider landfill restoration.

## **POLICIES**

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

The relevant development policies are;

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

- Policy 1: Sustainable Waste Management
- Policy 2: The Need for Waste Management Facilities
- Policy 5: Other Sites for Waste Management Facilities
- Policy 12: Impact of Development Proposals
- Policy 14: Landscape
- Policy 15: Green Belt
- Policy 17: Natural Environment
- Policy 18: Water Resource Protection and Flood Risk
- Policy 22: Aircraft Safety
- Policy 23: Noise
- Policy 24: Air Pollution; Air Emissions Including Dust
- Policy 25: Litter
- Policy 26: Odour
- Policy 27: Sustainable Transportation of Waste
- Policy 28: Highways
- Policy 29: Hours of Operation
- Policy 32: Reclamation
- Policy 36: Design

### ***Macclesfield Borough Council Local Plan (2004)(MBLP)***

- NE7: Woodlands
- NE11: Nature Conservation
- NE12: SSSI's, SBI's and Nature Reserves
- BE1: Design Guidance
- GC2: Green Belt – 'Other operations and Change of Use'
- GC3: Visual Amenity of Green Belt
- RT1: Open Space
- RT7: Cycleways, Bridleways and Footpaths
- RT9: Outdoor recreation on Danes Moss Landfill
- T6 and T10: Highway Improvement and Traffic Management
- DC1: New Build
- DC3: Amenity
- DC6: Circulation and Access
- DC9: Tree Protection

DC13 and DC14: Noise  
DC16: Provision of Facilities  
DC17, DC19, DC20: Water Resources  
DC21 and DC22: Temporary Buildings and Uses

### ***National Planning Policy and Guidance***

National Planning Policy Framework (2012) (NPPF)  
PPS 10: Planning for Sustainable Waste Management (PPS10)

### **Other Material Considerations**

The revised EU Waste Framework Directive 2008 (rWFD)  
Government Review of Waste Policy in England 2011 (WPR)  
Waste Management Plan for England 2013 (WMP)  
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020  
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')  
Consultation on updated Planning Policy Statement 10

### **Cheshire East Local Plan Strategy – Submission Version (CELPS)**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

### **CONSULTATIONS (External to Planning)**

#### **Strategic Highways Manager**

The Strategic Highways Manager has assessed this application, accepts the reasoning in the submitted transport statement, and therefore has no objections to these proposals for development.

### **Environmental Protection Officer**

#### Public protection and health comments

The application seeks to provide a facility for the transfer of household waste from kerbside collections at the above site. A previous and extant planning permission for a similar operation was recommended for approval from this department with conditions relating to noise and odour attached. The extant permission however provided for an enclosed waste transfer building as opposed to the open pad proposed in this application.

The potential impacts from this type of facility are from construction noise and dust, operational noise, dust, odour, pests and lighting. Potential receptors to these impacts are the residential properties on the A536 Congleton Road to the west of the proposed site. These issues have been considered in the information accompanying the planning application.

- *Construction Impacts*

#### Noise

There is no specific consideration of the construction noise impacts of this proposed development. The impacts from this activity are temporary however and this department considers that the proposed hours of construction are further limited at weekends and allow for no works on Sundays and Bank Holidays. A construction environmental management plan (CEMP) should be prepared to show how these impacts would be controlled. Any piling operations should be agreed with the local authority prior to this taking place.

#### Dust

Potential impacts from excavation activities and transport movements should be controlled by the methods suggested, i.e. damping down, wheel washes and sweeping and again form part of a CEMP.

- *Operational Impacts*

#### Noise

Potential impacts are from vehicles accessing the site to deposit and remove waste and plant associated with the sorting of waste. The planning application proposes that the normal operational hours of working are:

Monday to Friday: 0900-1730 hours including Public Holidays with the exception of Christmas Day, Boxing Day and New Year's Day;

No working Saturday or Sunday

Emergency or seasonal / weather induced 'catch-up' times as:

Monday to Friday: 0800-1730

Saturday: 0800-1200 hours

The proposed hours are not outside those normally acceptable by this department although it should be ensured that the hours proposed for 'catch up' circumstances are used for that reason alone. The hours are also a reduction in those permitted for the extant permission.

The noise assessment indicated that impacts of the overall traffic movements from this proposal will not be significant and this is underpinned by the fact that there are greater total vehicle movements from the site's current consented use. Similarly there would not be any additional traffic related air quality impacts associated with this proposal. There should however, be a similar condition relating to vehicle movements as detailed in planning permission 12/4866W.

Computer modelling of the expected noise generated from on site activities has been carried out to aid the assessment of the impacts at noise sensitive receptors. The assessment has used noise measurements from similar facilities to assume the expected sound power levels from this proposal. The calculations have also included the mitigation effects from the proposed concrete barriers surrounding the transfer pad. Reverse alarms have not been included in the assessment. The assessment indicates that the noise limits conditioned for the extant planning permission would not be exceeded and I would therefore consider the levels from this proposal to be acceptable if similar noise limits, mitigation and good practice measures were applied as specified below.

#### *Odour*

Potential odour impacts come from the depositing, storage and removal of the waste in the transfer area. Concerns were raised by this department prior to the application for planning permission regarding the ability to contain odours from the waste transfer processes in the proposed open design. The proposal states that no waste would be left on the transfer pad overnight and any waste not removed from the site would be stored in a sheeted HGV overnight. This would decrease the potential for anaerobic decomposition and therefore unpleasant odours beyond the site boundary. A screening assessment has been carried out for the potential impact of odours on sensitive receptors. It indicates that the odours generated would not cause significant impacts upon local residential properties. However it is possible that there are occasions when unpleasant odours are detectable at sensitive receptors and it is possible that particularly odorous material is brought to the site. It is therefore highly important that, as a minimum, the measures proposed to manage odorous emissions are carried out in full throughout the operation of this development. Subject to these controls and given the evidence presented I do not raise objections to this planning proposal on the grounds of odour.

However, as part of the application for the environmental permit the Environment Agency may require further detailed information on emissions and control of odours and will make an independent assessment of this. As such and as the statutory body to enforce the control of odours from waste processes the Environment Agency's decision should not be pre-empted by any planning decisions.

#### *Dust, Litter and Pest Control*

The consideration of operational dust impacts has not been considered in the application although it is considered that the potential impacts can be controlled by damping down where necessary during dry and windy weather conditions. Good site management techniques relating to avoiding litter, sweeping, removal and containment would also be sufficient to



control dust, litter and pest issues but should be conditioned given the open design of this proposal.

#### *Lighting*

The proposed operational hours would be outside daylight hours and as a result some lighting would be required. The application states that the lighting would be designed as to minimise spillage and glare to any off site properties. I would expect all potential light design to be controlled by way of planning conditions.

We can therefore recommend that planning permission is approved subject to the following conditions

#### PILE FOUNDATIONS

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

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

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

The method statement shall include the following details:

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

*Reason: In the interests of residential amenity*

#### FLOOR FLOATING (POLISHING LARGE SURFACE WET CONCRETE FLOORS)

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

The method statement shall include the following details:

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

*Reason: In the interests of residential amenity*

## CONSTRUCTION HOURS OF OPERATION – Noise Generative Works

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

Monday – Friday: 08:00 to 18:00 hrs

Saturday: 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

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

## LIGHTING

Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

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

## HOURS OF USE

Unless in cases of emergency or exceptional circumstances, the development should be subject to the following hours of operation restrictions;

Monday – Friday 0900 hrs 1730 hrs

[With no operations on Saturdays, Sundays, Christmas Day, Boxing Day or New Year's Day]

*Reason: to protect residential properties from noise disturbance*

Exceptional circumstances may be for periods of catch-up following severe weather or Christmas periods

## NOISE

Prior to any development taking place a noise mitigation scheme shall be submitted and approved by the Local Planning Authority. This shall include details on good practice, plant maintenance and fitting of silencers. The approved scheme shall be implemented throughout the use of the development.

*Reason: to protect residents from noise disturbance.*

The proposed concrete barriers shall be installed as specified and maintained throughout the use of the development.

*Reason: to protect residents from noise disturbance.*

Except in the case of emergency or with the written prior consent of the Waste Planning Authority, the operational free field noise rating level, from all plant associated with the operations from the waste transfer station shall not exceed the following LAeq1 hour levels :

Location	Time	LAeq 1 hour
Northgate	All all times	48 dB
35 Surrey Road	All all times	50 dB

*Reason: to protect residents from noise disturbance.*

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

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

*Reason: to protect residents from noise disturbance.*

No site specific vehicles and/or mobile plant shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact unless otherwise agreed in writing with the Mineral Planning Authority.

*Reason: to protect residents from noise disturbance.*

#### DUST AND LITTER CONTROL

Prior to commencement of operation there shall be submitted to and approved in writing by the Local Planning Authority, a scheme for employing best practicable measures for the control and suppression of dust and litter during the period of operation of the development. The measures approved in the scheme shall be employed throughout the period of operation of the development unless any variation has been approved in writing by the Local Planning Authority.

*Reason: To reduce the impacts of dust and litter disturbance from the site on the local environment*

No waste shall be left open on the transport pad overnight

*Reason: To reduce the impacts of dust, odour and litter disturbance from the site on the local environment*

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

**Nature Conservation Officer:**

Danes Moss SSSI

The proposed development is located in the proximity of Danes Moss Site of Special Scientific Interest and Danes Moss Local Wildlife Site is located within 200m of the site boundary. It is unlikely that the proposed development would have an adverse impact upon these two designated sites. However, we note that Natural England has recommended conditions in respect of the safeguarding of the SSSI.

General Habitat Value of the proposed development site

We advise that the habitats present on site have some nature conservation value in the very local context. The habitats are however artificial, disturbed and are of recent origin. It is therefore advised that the proposed development will not lead to a significant loss of biodiversity.

If planning consent is granted we recommend that a condition be attached requiring the submission of proposals for the erection of protective fencing to safeguard the retained areas of habitat during the construction phase.

Proposed Restoration

The submitted restoration plan indicates the restoration of the site to rough grassland and native species plantation woodland. The broad principal of the proposed restoration are acceptable however we advise that the submitted plan lacks detail.

We recommend that a detailed landscape/habitat restoration plan be submitted. In accordance with the recommendations of the submitted ecological assessment we also recommend that the restoration proposals include details of a new wildlife pond. Ponds are a local and national priority habitat and so the creation of this additional habitat on site would deliver a significant gain for nature conservation in accordance with the NPPF.

Breeding Birds and bat boxes

If planning consent is granted it is recommended that the following conditions are attached to safeguard breeding birds and ensure some additional provision is made for nesting birds and roosting bats.

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

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

Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby

permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

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

#### Common toad

Common toad a UK BAP species and hence a material consideration has been recorded on site in considerable numbers. However, considering the scale of the proposed development the adverse impact on this species is unlikely to be significant other than at the very local scale. The provision of a pond as part of the restoration proposals and the proposed rough grassland and woodland restoration proposals for the site would however be of significant benefit for this species.

#### Great Crested Newts

The latest detailed survey for this species was completed in 2008. A number of surveys have been undertaken of the ponds adjacent this site over the years all of which have been negative. We therefore advise that this species is unlikely to be present or affected by the proposed development.

#### Reptiles

A population of common lizard is known to occur on Danes Moss SSSI. The last survey for this species undertaken of the application site was 2008 which did not record any evidence of this species.

We advise that whilst the possibility of individual reptiles venturing onto the application site cannot be entirely ruled out, the distance between the application and the SSSI and in particular the nature of the intervening habitats makes this unlikely. We therefore advise that on balance common lizards are not reasonable likely to be present or affected by the proposed development

#### **Landscape Officer**

The application site already has previous consent for a temporary waste transfer station; given the similarities in scale I do not feel that this application would result in any significant landscape or visual impacts.

#### **Environment Agency**

We have no objection in principle to the proposed development. All the points relating to odour management are covered in the submitted Odour Management plan.

#### **Natural England**

##### No objection – with conditions

This application is in close proximity to Danes Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England

draws your attention to Section 28(l) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

### Conditions

We would expect the developer to follow best practice guidance during the construction work to ensure appropriate measures are in place to mitigate any potential impacts on the natural environment. An effective Construction Environmental Management Plan (CEMP) will help provide reassurance that construction activities will be well managed.

Therefore, Natural England requires suitably worded conditions to be included in any planning decision notice that gives permission for this proposed development to include:

- Submission and approval of a detailed Construction Environmental Management Plan, before any work commences;
- Submission and approval of a detailed scheme for the management of foul and surface water drainage on the site;
- The implementation of the following sections in the Planning statement: section 2.1.9 - lighting; 9.3 – dust.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Danes Moss SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28l (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

### Other advice

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

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

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

### Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there

is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

#### Biodiversity enhancements

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

#### **Canal and Rivers Trust – no comments**

**United Utilities** - United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

#### *Drainage Comments*

Our records show that there are no known public sewers in the vicinity of the proposed development.

#### *Water Comments*

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 746 2200 regarding connection to the water mains or public sewers.

#### *General comments*

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

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

### **Gawsworth Parish Council**

The Council raise no objections subject to a condition that this site would only be operational once the existing land fill site closes.

## **OTHER REPRESENTATIONS**

No other letters of representation have been received.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site has a long established use for waste activities, most notably as a landfill, and more recently household waste recycling. The principle of developing a temporary WTS in this location has previously been established by virtue of consent 5/08/0639P and more recently 12/4866W.

### **Green Belt**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.

In respect of waste development in the Green Belt, PPS10 identifies that the locational needs of some types of waste facilities, and the wider environmental and economic benefits of sustainable waste management are material considerations that should be significant weight. This particular emphasis has however been removed in the recent consultation on the update to PPS10; and whilst this is only in draft form and carries very limited weight; it nonetheless indicates the new approach being advocated by the Government in respect of waste development in the Green Belt.

The CRWLP makes it clear that the management of waste in the Green Belt is inappropriate unless it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt (CRWLP Policy 15). The Green Belt in this location has an important role in preventing the unrestricted sprawl of Macclesfield urban area. The application site lies on the northern edge of the Green Belt and is entirely within the landfill boundary, on land made up of the internal access road, hardstanding and an area of vegetation/scrubland. The transfer pad would be situated within a cluster of other built development/infrastructure; broadly in a similar location and with a smaller footprint than the WTS that was consented under 12/4866W. On this basis it is considered that the scheme would present a lesser impact in terms of the purposes of including land in the Green Belt than was generated by the previously consented schemes.



The Green Belt in this location, whilst not being particularly significant in terms of visual or landscape quality, has an important role in maintaining openness given the close proximity of Macclesfield urban area. However, the degree of openness on this northern boundary has already been compromised by existing built development including the Highways Depot, settlement of Lyme Green, road infrastructure; and within the landfill itself, the waste to energy plant, nissen hut, household waste recycling centre and leachate management system which have all changed the intensity and visual appearance of the site, introducing a degree of urbanisation in this location. Views of the transfer pad would be seen against this backdrop and the scheme would not result in a substantial increase in the developed portion of the landfill site. The degree of built development is also less substantial than has previously been proposed under 5/08/0639P and 12/4866W and is a temporary feature for a significantly shorter length of time than previously proposed; after which the site would be restored in a manner to compliment the wider landfill restoration scheme.

Despite this, the proposal would introduce a new visible built feature onto land in the Green Belt which would present a degree of detrimental impact on the openness and visual amenity of the Green Belt. It is necessary therefore to consider whether any other material considerations amount to the very special circumstances necessary to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused. The particular benefits arising from the provision of a waste transfer facility in this location were previously considered significant enough to outweigh any harm harm to the Green Belt in respect of 5/08/0639P and 12/4866W. This scheme offers the same type of waste management facility as previously approved, albeit with a lower annual throughput and shorter operational life.

#### *Sustainable Waste Management*

The scheme offers a number of benefits in terms of its contribution towards sustainable waste management which are supported by planning policy.

PPS10 emphasises the need to provide a framework in which communities take more responsibility for their own waste, and help deliver sustainable development through driving waste up the waste hierarchy. Equally it emphasises the importance of '*providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time*' is emphasised (paragraph 2), along with ensuring that the recovery or disposal of waste is secured without endangering human health or harming the environment. Policy 1 of CRWLP also requires new waste management facilities to demonstrate how the development would:

- a) contribute to an integrated network of waste management facilities;
- b) satisfy the objective of enabling waste to be disposed of in one of the nearest appropriate installations;
- c) maximise opportunities for transporting waste by rail or water;
- d) protect environmental, economic, social and community assets; and
- e) optimise the use of previously developed or used land or buildings.

The principles of the waste hierarchy, self sufficiency and the use of waste as a resource are also now enshrined in UK legislation, and a series of challenging targets must be met including the re-use or recycling of 50% of household waste by 2020 (the Waste Management

Plan for England 2013) and to reduce the amount of biodegradable municipal waste (BMW) landfilled to 35% of that landfilled in 1995 by 2020 (Landfill Directive). Equally in terms of capacity gaps, the Cheshire Joint Waste Needs Assessment 2011 estimates that, by 2030, over half of all MSW waste arisings will be recycled (130645 tonnes); and it identifies a capacity gap of 300,000 - 400,000 tonnes per annum for MSW; and an indicative requirement by 2030 for 10 facilities for MSW recycling. Whilst these figures are now dated, it nonetheless provides a broad picture of potential future demand.

With regard to these points, it is noted that there is currently an imbalance of waste management facilities serving the north of the authority. The majority of MSW is generated within the areas of highest population, centred around Macclesfield urban area. Danes Moss Landfill currently serves both Macclesfield, Congleton, Knutsford, Wilmslow and Poynton but is scheduled to close mid-2014; after which time there will be a shortage of facilities. In the absence of any alternative, waste would be transported in RCVs over long distances to other areas. The applicant states that this would create difficulties in facilitating an efficient and sustainable network of waste management facilities to meet local needs. It is also noted that the provision of a WTS facility in Macclesfield to meet current and future waste arising from this major centre of population was identified as a specified requirement in the Needs Assessment produced to inform the preparation of the CRWLP.

The applicant makes the case that a facility on this site provides a number of benefits to sustainable waste management as it:

- diverts waste from landfill, and in allowing MSW to be bulked up for onward transportation to Maw Green Landfill;
- greatly reduce the overall vehicle miles associated with managing waste generated in the north of the authority, limiting both vehicle emissions and carbon footprint;
- enables RCVs to have a much shorter turnaround time, assisting contractual requirements of the Waste Collection Authority.
- help to maximise the recycling and recovery of waste by bulking up waste for treatment at a MRF, where further processing can recover recyclates and value from the waste
- enables Cheshire East to be self sufficient in managing their own waste and meeting the requirements of Waste (England and Wales) Regulations 2011 and will contribute to a sustainable network of facilities;
- assist the waste collection authorities in meeting their contractual requirements.

The applicant also notes that the facility would handle approximately 40,000 tonnes of waste per year which is broadly in line with throughout of the landfill in recent years and is approximately 20,000 tonnes per annum lower than the previously approved WTS. The continued use of this site is more preferable than the development of a new site elsewhere as it would utilise existing infrastructure, and by acting as a replacement for the landfill there would be no cumulative impacts.

Whilst it is noted that the Inspectors report into the CRWLP discounted the landfill as a potential location for waste transfer, the Inspector did not have the benefit of the extensive site search undertaken by the applicant which demonstrates that the sequentially preferable sites are not available or deliverable at this time. Furthermore, the Inspector's comments related to the whole of the Danes Moss Landfill site, rather than the small application site proposed. However, fundamental to this issue is the fact that these very special

circumstances have already been deemed acceptable and the facility will assist in supporting a flexible and efficient network of sustainable waste management facilities to serve the needs of the local community, in line with the approach outlined in PPS10.

Whilst there is a need to carefully balance the waste planning policy/legislative requirements against the policy presumption against inappropriate development in the Green Belt, in this instance there is a clear overriding need for a transfer facility in the north of the authority to serve this large urban catchment following the closure of Danes Moss Landfill. Sufficient evidence has been provided to demonstrate that very special circumstances exist to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused. Should planning permission be granted, it is recommended that a condition be imposed to ensure operations cease within two years and to secure the full restoration of the site. On this basis, the scheme does not conflict with Policy 1 and Policy 15 of CRWLP, Policy GC1 of MBLP, along with the approach of the NPPF and PPS10.

### **Alternative sites – Compliance with Policy 5**

For development not located on preferred sites in CRWLP, the applicant must demonstrate that:

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

A detailed site search exercise was undertaken in support of the previous application for a WTS (12/4866W). This assessed in land use planning terms, all potentially suitable sites within a 20 minute drive time of Macclesfield, including those urban areas just beyond the catchment (i.e. Congleton, Prestbury and Bollington). The 20 minute drive time used in the assessment was considered reasonable given the need to ensure a sustainable and efficient waste collection service. The applicant is relying on this previous site search exercise in support of this application and this is considered sufficiently relevant and up-to-date to be used in support of this application.

The alternative site assessment considered potential sites from a range of sources including the preferred sites of the CRWLP; sites identified to inform the preparation of the CRWLP (Entec 'Search for Potential Waste Management Sites' Report); and employment allocations in the Congleton and Macclesfield Borough Local Plans. The sites were assessed against a range of locational criteria defined in PPS10 including individual site/environmental characteristics, neighbouring land uses and access constraints. The 5 remaining after this filtering process were investigated further and were subsequently discounted on the basis of:

- CRWLP preferred site WM10 (Hurdsfield Industrial Estate) – units were either being used for office development or were considered too small to accommodate the operational requirements of the WTS;
- MBLP allocation E3/E4 (Lyme Green Employment and Business Park) – presence of high end flagship stores makes WTS inappropriate due to proximity to sensitive receptors;

- MBLP allocation E4 (Fence Avenue, Macclesfield) – limited number of available units and constrained by scale/design; presence of high profile retail uses made the proposed land use inappropriate; access to the site is constrained and internal access arrangement unsuitable.
- MBLP allocation E5/E6 (Land south and west of Moss Lane, Macclesfield) – unsuitable access off Moss Lane; undeliverable until new distributor road is constructed; considered too close to sensitive receptors; potential cumulative impacts with the Henshaws waste management facility.
- CRWLP preferred site WM17/WM18 (Radnor Park Congleton) – no available plots capable of accommodating a WTS.

In terms of Policy 5, the Danes Moss site lies within the Green Belt and is not defined as previously developed land (as per the NPPF definition). Thus sites in CRWLP, MBLP or other previously developed land in the urban area would be sequentially preferable. However, the applicant has demonstrated that all other sequentially preferable sites within the catchment have been considered and ruled out as they were:

- Either not suitable for a WTS of this scale and nature,
- Not available at the time, or
- Not deliverable for this use at this time.

It is also noted that due to the age of the CRWLP, many of the preferred sites have been built out and are no longer available; and the emerging Local Plan Strategy has identified Strategic Sites for other forms of new development on some of these 'Preferred Sites'.

In respect of unallocated sites for new waste management facilities, PPS10 says these should be considered favourably when consistent with the policies of PPS10 (paragraph 21) and the waste planning authorities core strategy. Particular considerations include the physical and environmental constraints, such as any potential land use conflict; capacity of transport infrastructure; and the cumulative effects of waste facilities on the amenity of local residents and on the environment. Aside from the co-locational benefits on this facility on Danes Moss Landfill already outlined, it is noted that such a location would have similar land use impacts to the landfill and would generate similar operational impacts on local amenity. It would also be operated within the environmental controls already established for the landfill and has good access to the A classified road network which will be required for the onward transportation of bulked up waste from this site.

On the basis of the findings of the alternative site assessment, and the identified co-locational benefits arising from the use of Danes Moss Landfill for this facility, the applicant has demonstrated there are no other more suitable or sequentially preferable sites at this time for the provision of a transfer facility within a sustainable drive time catchment of Macclesfield. As such, the scheme meets the requirements of CRWLP Policy 5 and the approach of PPS10.

### **Impact on water quality**

The scheme proposes to manage surface and foul water on site in line with current operations. Surface water runoff will be diverted via a series of trapped gullies into a contaminated surface water manhole, before being pumped to the existing leachate treatment facility. The limited amount of foul effluent arising from staff welfare facilities would be managed via a sealed tank and removed to a waste water treatment facility.

PPS10 makes clear that it should be assumed the relevant pollution control regime is properly applied and enforced. The scheme will require an Environmental Permit which will be regulated by the Environment Agency (EA). This will consider any potential pollution to water resources. Given that no objections are raised by the EA and the scheme proposes to utilise existing landfill drainage arrangements, it is considered that there would be no adverse impact on ground/surface water quality or resources. As such, the scheme accords with policy 18 of CRWLP and policies DC19 and DC20 of MBLP, along with the approach of PPS10 and NPPF.

### **Highways**

A Transport Statement (TS) has been submitted to assess the predicted future traffic demands arising from the facility by comparison to the consented WTS. On the basis of a 40,000tpa throughput, this equates to an average weekday demand for 68 movements a day comprising 52 RCV movements (26 in and 26 out) to deliver the waste, and a further 16 HGV movements (8 in and 8 out) for its removal. By comparison, the approved WTS proposed 74 RCV movements (37 in, 37 out) and 24 HGVs (12 in, 12 out); as such this scheme would result in an overall net decrease of 30 weekday trip movements from the site than was previously proposed under the WTS. The scheme also proposes a reduction in the times of vehicle movements compared to the previous scheme as no weekend vehicle movements are proposed (aside from in exceptional circumstances). The TS confirms that staffing levels for the transfer pad are anticipated to be similar to the consented WTS and as such changes in staff traffic demand are assessed as being negligible.

The TS for the consented WTS identified that when compared against current landfill operational traffic, the predicted future vehicle movements arising from the WTS would result in an overall net decrease in operational trip movements and as such there would be no material highway operational issues. Given that this scheme would result in a net reduction of 30 vehicle movements over levels on the consented scheme; there are equally no material highway operational issues anticipated to arise from this scheme. It is also noted that the predicted daily movements for this scheme are well below the existing 400 HGV movements (200 in, 200 out) permitted for landfill; and this maximum HGV operating limit was re-confirmed as being appropriate by the Local Highways Authority in the grant of the landfill extension of life in 2009.

In relation to the cumulative impacts arising from the operation of the transfer pad alongside the HWRC, leachate plant and landfill restoration (which will continue until December 2015) the TS for the consented WTS concluded that the WTS would not result in a material change in the operational capacity conditions over the local highway network. Given the reduction in movements proposed by this scheme, it is considered that this would remain the case.

In order to prevent the facility from being able to operate beyond their proposed annual capacity, a planning condition could be imposed restricting the overall tonnage limit of the facility to 40,000tpa. Equally conditions could be imposed to ensure that the transfer pad will

not be operational until such time as landfilling activities (aside from landfill restoration) have ceased to ensure that cumulatively, the scheme will not result in any exceedance of the current permitted HGV movements for the landfill (at 400 movements (200 in, 200 out). The Strategic Highways Manager accepts the reasoning in the TS and has no objections to the proposal.

In respect of site access, the previous TS for the WTS identified that no off-site highway improvements would be required to facilitate the scheme as the traffic demands can be accommodated by the existing site junction layout which currently serves the landfill and other associated facilities on site. On the basis of their being less vehicle movements associated with this scheme it is assumed that this remains acceptable. The Highways Officer also considers that the junction with the A536 is of a good standard which provides more than adequate visibility. Internally the scheme will utilise the existing landfill access road which already accommodates HGV traffic. In addition the scheme incorporates an additional area of hardstanding to enable the safe manoeuvring of vehicles using the pad.

In view of the above, it is considered that the level of traffic would not exceed the capacity of the local road network and there are adequate access arrangements for the nature and volume of traffic proposed. Subject to the imposition of the above planning conditions, the scheme accords with Policies 11 and 28 of CRWLP; Policies DC3 and DC6 MBLP; policy CO4 of CELPS, along with the provisions of PPS10 and NPPF.

## **Noise**

A noise assessment has been submitted to assess the likely impacts arising from the construction and operation of the scheme. Background noise measurements were undertaken at the nearest sensitive receptors during a typical weekday period and computer modelling was undertaken to establish the anticipated noise generated by on site activities. Noise measurements of other similar facilities were also taken to establish sound power levels likely to be generated by the scheme.

### *Construction and Operational noise impacts*

In terms of the predicted noise levels associated with the operation of the facility including the movement of plant and handling of wastes, the assessment identifies no exceedance of background noise levels; and with a worst case scenario of lowest background noise levels and highest site noise outputs, the levels show that complaints are unlikely. It is noted that the predicted noise levels are also below the levels imposed on the previous planning conditions for the WTS and the predictions include for mitigation provided by the concrete barriers surrounding the transfer pad.

On the basis that the previous noise limits imposed by condition on the WTS consent are not exceeded; the Environmental Health Officer considers the scheme to be acceptable subject to similar controls being imposed to control construction and operational noise impacts; in particular:

- Submission of a construction environmental management plan (CEMP)
- Restricting piling activities and submission of piling method statement;
- Method statement for floor floating operations;
- Restrictions on hours of operation for noise generative construction works;
- Restrictions on hours of operation for site activities;

- Noise mitigation scheme;
- Noise limits and scheme for predicting and monitoring noise levels;
- Control of reverse alarms;

#### *Cumulative effects*

The assessment also considers the impacts arising from on-site activities alongside external HGV movements involved in the transportation of waste and identifies that the impacts to the nearest sensitive receptors would be neutral to negligible and barely perceptible.

#### *Road traffic noise*

The noise assessment predicts an increase of around 0.8dB LA10 1hr arising from traffic associated with the proposed transfer pad, which is classified as negligible according to relevant guidance. Likewise with respect to other HGV movements on site, as a worst case the scheme is predicted to increase noise levels by up to 2.7dB LA10 1hr which is classed in relevant guidance as a negligible impact in the short-term and long term. As such the impact would not be considered significant. The change in noise level when taking into account the addition of HWRC, Leachate and Temporary Landfill activities shows a minor impact in the short-term and is therefore not considered significant. The Environmental Health Officer acknowledges that the impacts of the overall traffic movements will not be significant and notes that there are greater total vehicle movements arising from the current consented landfilling activities.

On the basis of the noise mitigation and controls being secured by planning condition, and taking into account the operational times and distance to sensitive receptors, the Environmental Health Officer does not raise any objection. As such, it is considered that the impact on residential amenity arising from noise generated by the scheme would not be significant and would not give rise to any unacceptable levels of noise pollution or significantly injure the amenity of nearby sensitive receptors. The scheme therefore accords with Policy 23 of CRWLP, Policy DC3 of MBLP and policy SE12 of CELPS, along with the approach of PPS10 and NPPF.

### **Air Quality**

#### Odour

The impact of odour emissions on local amenity is a key issue with this proposal given that the transfer pad does not benefit from any substantial built structure or cover, apart from the provision of three concrete walls; and is intended to be used to store large volumes of MSW including putrescible waste which would not benefit from any bagging or other containment.

The site would require an Environmental Permit to operate which is regulated by the Environment Agency (EA), and an application has been submitted in parallel with this planning application. The permitting system is designed to prevent, and where that is not practicable reduce, emissions to air, water and land from potentially polluting installations. Permitted sites are required to be operated in such a way that all the appropriate preventative measures are taken against pollution, and to ensure that no significant pollution is caused. The permit typically includes an odour boundary condition and requiring compliance with an Odour Management Plan (OMP) to prevent or where that is not practicable, minimise impacts

from odour; and the applicant has confirmed that an OMP has been submitted to accompany the permit application.

In situations where there are both applications for planning permission and an Environmental Permit, EA guidance states that planning authorities should be confident that the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land; but should not focus on controlling pollution where it can be controlled through the Environmental Permitting Regime. Likewise PPS10 makes it very clear that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and should focus on whether development is an acceptable use of land.

The potential for odour to impact on local amenity is however still a material planning consideration and waste management facilities are not permitted where they would have an unacceptable impact on the amenity of nearby receptors (policy 26 of CRWLP). The applicant has submitted an Odour Assessment which uses an atmospheric dispersion model to predict the potential for odour generation from the facility and the level of impact on sensitive receptors. The assessment takes account of factors including meteorological data, topography, site activities, screening and proximity to receptors. It identifies that the current activities on the adjoining landfill site and HWRC each have the potential to produce notable odours; albeit it is noted that the landfilling will cease in December 2014. The greatest potential for odour release from the proposed facility is associated with handling/loading and storage of household waste; and the assessment notes that such material will be from kerbside collections and as such may be up to 2 weeks old.

The modelling identifies that fugitive odour emissions from the site will not result in significant impacts on amenity, assuming that waste is stored on site for less than 24 hours and the volume stored on site at any one time is minimised. It identifies that the rapid turnaround of the material and timescales for the storing the waste will help to minimise the potential for the waste to anaerobically degrade. It is also noted that controls would be imposed on the Environmental Permit to ensure that odour levels from the facility do not cause annoyance to receptors outside of the site. As such the assessment concludes that with the implementation of good site management practices, the proposals will not significantly impact the nearby sensitive receptors, or produce significant additional impacts to those posed by the adjoining landfill site and HWRC. With respect to the occasional need to retain waste overnight, this would be held in a single sheeted HGV and subsequently removed the following day; and given the lack of interference with the waste, its proposed containment and the short timescales proposed, no significant fugitive emissions are likely and as such adverse impacts from significant fugitive emissions are highly unlikely.

The Odour Assessment also identifies a number of site management practices which are contained in the Odour Management Plan submitted with the Environmental Permit application. These include:

- Inspection of loads to identify loads with abnormally high odour problems;
- Good site waste management and handling arrangements;
- Control of overall quantities stored on site;
- Limited movement/agitation of waste material;
- Sheeting of all incoming loads;



- Regular cleaning of access roads, hardstanding areas, vehicles etc;
- Programme of planned maintenance of plant;
- Emissions monitoring and complaint system.

The EA have confirmed that all points relating to odour management are covered sufficiently in the submitted Odour Management Plan. Overall the Odour Assessment considers that with the implementation of certain management measures, the proposals will not significantly impact the nearby sensitive receptors, or produce significant additional impacts to those posed by the adjoining landfill site and HWRC. Equally the Environmental Health Officer does not raise any objection to the scheme subject to the measures to manage odour emissions being carried out in full for the duration of the operations. On the basis of the Environmental Permit controlling the overall site management practices; and subject to securing conditions to restrict the amount of time waste is stored on site it is considered that the scheme would not present an unacceptable impact on the amenity of nearby receptors and would comply with policy 26 of CRWLP, policy DC3 of MBLP, policy SE12 of CELPS and the approach of PPS10 and NPPF.

### Dust

The applicant anticipates that there will be minimal quantities of dust generated by the scheme. The dispersal of dust is highly dependent on weather conditions and it is noted that the facility would be located approximately 180m from sensitive receptors; whereas the applicant notes that small dust particles are normally deposited within 100m. The Environmental Health Officer considers that the impacts of dust can be controlled by good site management techniques such as sheeting of vehicles, manual sweeping of the site and use of wash down facilities and raises no objection concerning dust impacts. Planning conditions are recommended in respect of sheeting of vehicles and submission of a dust control scheme and subject to these being secured, it is considered that there would be no unacceptable impacts on amenity of nearby residents and would comply with policy 24 of CRWLP, policy DC3 of MBLP, policy SE12 of CELPS and would accord with the provisions of PPS10 and NPPF.

### **Windblown Litter and Pest Control**

There is potential for windblown litter and pests due to the design of the facility. It is noted that the waste would be covered by a net secured to the concrete walls on three sides which would provide a degree of containment for the spread of litter. The Environmental Health Officer considers that good site management techniques for the handling and storage of waste, and regular sweeping, removal and containment of litter would be sufficient to control these issues; and recommends securing a planning condition in respect of a scheme for control of litter and the sheeting of vehicles storing waste overnight. It is also noted that such considerations would also be addressed as part of the Environmental Permit. On the basis of the above measures being secured, the scheme is considered to accord with policies 12 and 25 of CRWLP, policy DC3 of MBLP, policy SE12 of CELPS and the approach of PPS10 and NPPF.

### **Landscape, Visual and Aboricultural Impacts**

The development would be located within the wider landfill site and would be well enclosed by the perimeter planting at this site and by the landform of the landfill itself. As such it would not be visible from the surrounding area and any effects would be confined to areas within the

landfill site itself. The development would also be situated adjacent to the existing Household Waste Recycling Centre, the waste to energy compound and the consented Leachate Treatment Plant and would always be viewed in the context of these developments. As such the landscape and visual assessment identifies that the effects of the scheme would not be significant, and would not give rise to any change in landscape character over and above that generated by the consented WTS (Ref: 12/4866W). It is also noted that the consented WTS was larger in scale than this facility and the landscape and visual impacts were previously deemed acceptable.

A landscape scheme has been submitted for both the interim landscaping proposals whilst the facility is in operation, and following restoration of the site. The details provided are considered acceptable in principle and would complement the approved restoration proposals for the landfill. In view of the fact that this is no difference in landscape or visual impacts to that presented by the previously consented application, the Landscape Officer does not raise any objections on landscape or visual grounds. Subject to securing the provision of full details of the interim and final landscaping scheme by planning condition, the scheme is therefore considered to comply with policies 12 and 14 of CRWLP, policy SE4 of CELPS and the approach of NPPF and PPS10.

#### Arboricultural Impacts

The proposed development requires the removal of a number of young and semi-mature trees from within a small copse to the east of the HWRC. These are not visible from Congleton Road, but form part of the landscape within the internal aspect of the Danes Moss Landfill Site. Their value lies in their collective presence, and the Forestry Officer in the assessment of the previous WTS proposal (Ref: 12/4866W) did not consider them to be an important or significant component of the landscape. As such their removal was considered to have only a moderate impact on the amenity of the local area. With respect to this scheme, it is noted that the facility would largely occupy the same footprint as the consented WTS and as such there would be no additional losses of trees. The scheme includes for supplementary planting of native woodland to the south of the facility, the north east and to the west beyond the HWRC. Overall the Arboricultural Assessment concludes that if the necessary trees are removed and all tree protection measures are implemented and adhered to, the proposal should not cause significant detrimental impacts to the overall tree cover in the locality. Subject to the provision of replacement planting as part of a wider landscaping scheme and securing tree protection measures for the duration of the works, it is considered that the scheme would accord with policy 11 and policy 14 of CRWLP, policies DC1, DC3 and DC9 of MBLP, Policy SE5 of CELPS and the approach of the NPPF.

#### **Ecology**

Part of the application site is made up of existing vegetation planting and scrubland. The site is also located approximately 600m from the Danes Moss Site of Special Scientific Interest (SSSI) and Danes Moss Local Wildlife Site (LWS) is located within 200m of the site boundary. The ecological appraisal predicts no indirect impacts on the Danes Moss LWS given that there are no watercourses on or near the site and it is unlikely that it is hydrologically linked to the peatland LWS. Natural England (NE) also confirms that due to the nature and scale of the proposal, no adverse effects on the SSSI are anticipated and the SSSI does not represent a constraint in determining the application. In order to safeguard the SSSI, NE recommends the following:

- Submission and approval of a detailed Construction Environmental Management Plan, before any work commences
- Submission and approval of a detailed scheme for the management of foul and surface water drainage on the site.
- The implementation of the following sections in the Planning statement: section 2.1.9 - lighting; 9.3 - dust

It is considered that such provisions could be secured by planning condition.

#### *Badgers*

In terms of impact on badgers, the ecological appraisal identifies that the habitats present limited opportunity for sett building and provide poor quality foraging. A sett was previously recorded approximately 100m from the application site. However, no disturbance is envisaged by this scheme, subject to careful construction techniques. To ensure no new setts have been created prior to site construction, a brief check of all areas within 30m of the site is recommended. The ecological appraisal identifies a potential for obstruction of badger movement during the construction period and mitigation measures are recommended to protect the species. No additional risk to badgers traversing the internal access road is anticipated following its realignment as badger movement is limited during the daytime. In addition, the landscape scheme provides suitable foraging opportunities in the long term. The Nature Conservation Officer has not raised any concerns in respect of impacts on badgers.

#### *Great Crested Newts*

The Ecological Appraisal does not identify any waterbodies within the development site however there may be terrestrial habitat that is potentially of high quality for foraging/hibernating Great Crested Newts. The two manmade leachate lagoons on the landfill site are considered at best to offer sub-optimal potential aquatic habitat for Great Crested Newts. Great Crested Newts are unlikely to breed in these lagoons but they may be used as a foraging resource. The Ecological Appraisal identifies four additional waterbodies within 500 m; however no Great Crested Newts were recorded. Considering the absence of Great Crested Newts from waterbodies within 500 m of the site, the Ecological Appraisal identifies that the likelihood of Great Crested Newts utilising the terrestrial habitat within the proposed development site/ wider survey area is considered negligible. On the basis the survey results the Nature Conservation Officer advises that this species is unlikely to be present or affected by the proposed development.

#### *Bats*

Two buildings approximately 25m from the site are considered to have limited bat roost potential. Appropriate measures are recommended to avoid disturbance to these buildings. A small number of bat boxes are proposed to enhance the potential roosting resource. The ecological appraisal identified that the site is unlikely to have more than limited potential value to foraging bats and not potential significant linear commuting features will be impacted. The ecological appraisal submitted identifies a range of design mitigation and wildlife enhancement measures to be incorporated into the final landscape/restoration proposals which will be secured by planning condition including controls over the use of lighting.

#### *Breeding Birds*

Potential impact on breeding birds will be largely associated with species nesting in the surrounding vegetation or grassland, along with temporary disturbance during construction. The ecological appraisal recommends construction work to avoid bird breeding times. Any

habitat loss is offset by habitat creation and the landscaping scheme includes for plantation woodland and scrub which will provide suitable nest sites in the medium term. Additional sites will be provided in the long-term by scrub/woodland planting associated with the final landscape restoration scheme. To off-set any short term loss of potential nesting habitat six bird boxes are proposed on retained trees. The ecological appraisal also recommends the establishment of an appropriate buffer around nesting areas to avoid potential disturbance of nesting birds during construction. These provisions can be secured by planning condition, in line with the recommendations of the Nature Conservation Officer.

#### *Toad*

Common toad, a UK BAP species, has been recorded on site in considerable numbers. However, considering the scale of the proposed development the Nature Conservation Officer considers that adverse impacts on this species are unlikely to be significant other than at the very local scale. The provision of a pond as part of the restoration proposals for the site would be of significant benefit for this species, a matter which can be secured by planning condition.

#### *Reptiles*

The Nature Conservation Officer notes that a population of common lizard is known to occur on Danes Moss SSSI; however the last survey undertaken did not record any evidence of this species. Whilst the possibility of individual reptiles venturing onto the application site cannot be entirely ruled out, the Nature Conservation Officer advises that the distance between the application site and the SSSI and in particular the nature of the intervening habitats makes this unlikely; and it is therefore advised that on balance common lizards are not reasonable likely to be present or affected by the proposed development.

#### *Habitats*

The Nature Conservation Officer notes that the habitats present on site have some nature conservation value in the local context. However, the habitats are highly artificial, disturbed and are of recent origin. As such, the proposed development is not anticipated to lead to a significant loss of biodiversity. The proposed restoration of the site to rough grassland and native species plantation woodland is considered acceptable. The Nature Conservation Officer recommends the detailed design of the landscape/habitat restoration scheme to be secured by planning condition, with provision of a new wildlife pond to deliver a significant gain for nature conservation in accordance with the NPPF.

In view of the conclusions of the ecological appraisal and views of the Nature Conservation Officer, subject to the imposition of conditions as detailed, it is considered that the scheme would not have any unacceptable direct or indirect impact on any nature conservation assets or protected species. As such, it complies with policy 12 and 17 of CRWLP, policies NE11 and NE12 of MBLP, policy SE3 of CELPS, along with the approach of PPS10 and NPPF.

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

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

## Planning Policy Framework and Planning Policy Statement 10: Planning for Sustainable Waste Management.

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

Whilst there is a need to carefully balance the waste planning policy/legislative requirements against the policy presumption against inappropriate development in the Green Belt, in this instance there is a clear overriding need for a transfer facility in the north of the authority to serve this large urban catchment following the closure of Danes Moss Landfill; and sufficient evidence has been provided to demonstrate that very special circumstances exist to overcome the policy presumption against inappropriate development in the Green Belt and any harm caused.

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

As such, the proposal accords with the provisions of the PPS10 and the NPPF; policies within the Cheshire Replacement Waste Local Plan, the Macclesfield Borough Local Plan and the emerging Cheshire East Local Plan Strategy.

### **RECOMMENDED:**

**That the application be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 [as Green Belt Development] with a recommendation that the application be approved subject to the following:**

- 1. Standard conditions**
- 2. No operation of the facility until all landfilling ceases (not including restoration activities)**
- 3. Cessation of operations within two year period**
- 4. Restricted overall throughput of 40,000tpa**
- 5. Restrictions on processing of waste**
- 6. All waste unloading/handling to take place within the transfer pad**
- 7. Hours of working**
- 8. Scheme for the control on dust**

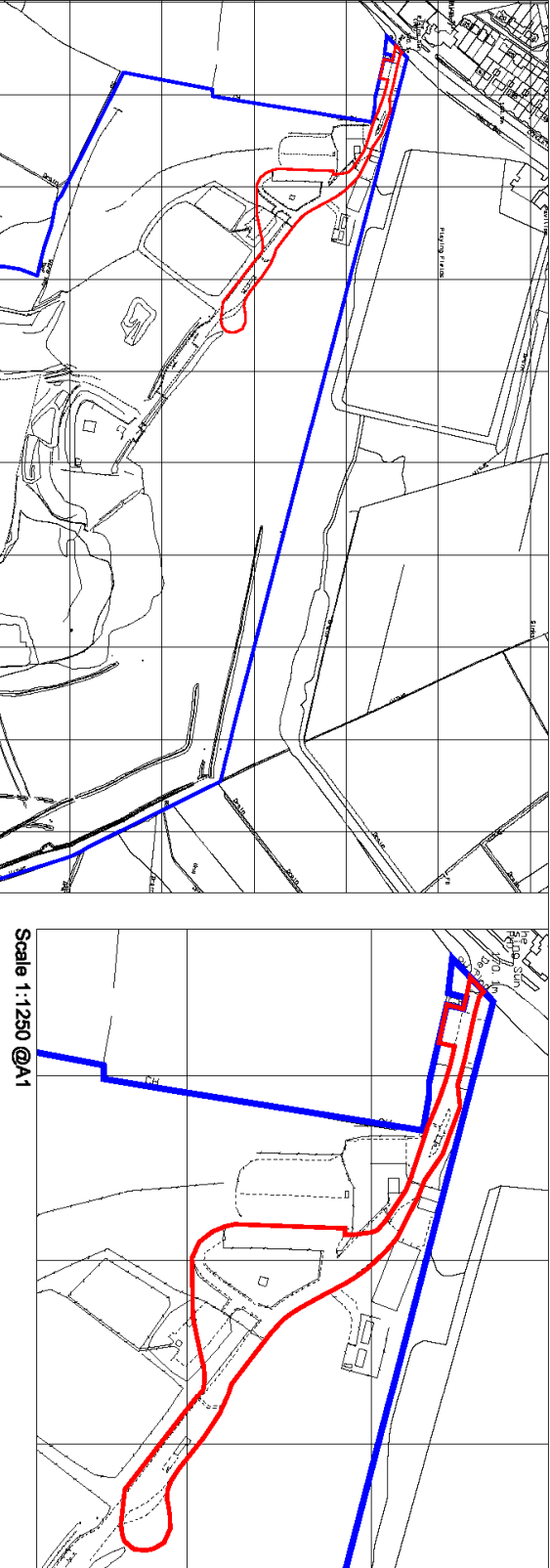
- 9. Restrictions on highway movements**
- 10. Sheeting of vehicles**
- 11. Submission of construction environmental management plan**
- 12. Noise mitigation scheme**
- 13. Details of piling activities**
- 14. Set noise levels**
- 15. Scheme of noise monitoring**
- 16. Scheme for foul/surface water disposal**
- 17. Control of water pollution**
- 18. Details of lighting and restrictions on its use**
- 19. Badger survey**
- 20. Breeding bird survey and bird/bat mitigation**
- 21. Safeguarding of retained habitat during construction**
- 22. Landscape scheme (whilst building in operation)**
- 23. Final restoration scheme (once building is removed)**

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

#### **Procedural Matters**

The Town and Country Planning (Consultation) (England) Direction 2009 requires resolutions to grant permission for inappropriate development to be referred to the Secretary of State where it involves the provision of a building or buildings with a floorspace of 1000 square metres or development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

In view of the potential impacts of the scheme on the openness of the Green Belt, should planning permission be approved on this scheme, the application would be referred to the Secretary of State to provide them with an opportunity call the application in for their own determination.



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Application Boundary  
Land in Ownership or Control of the Applicant

axis	
FCC Environment	
Dunne Macra Waste Transfer Plant	
Shelburne Park	
Date: January 2014	
Drawing number: 1499-01-002	
Scale: 1:2500	
Author: P. M. M. M.	
Check: P. M. M. M.	
Drawn: P. M. M. M.	
Reviewed: P. M. M. M.	
Approved: P. M. M. M.	
Project: Dunne Macra Waste Transfer Plant	
Location: Shelburne Park	
Client: P. M. M. M.	
Contract: P. M. M. M.	
Drawing: P. M. M. M.	
Scale: 1:2500	
Author: P. M. M. M.	
Check: P. M. M. M.	
Drawn: P. M. M. M.	
Reviewed: P. M. M. M.	
Approved: P. M. M. M.	