

Application No: 14/5489W

Location: FCC Environment, Maw Green Landfill Site, Maw Green Road, Crewe, CW1 5NG

Proposal: Application to vary conditions 1, 2, 8, 46, 60, 61 and 62 of planning permission 10/0692W to extend the operational life of the maw green landfill facility to 31 December 2027; with restoration by 31 December 2028; vary the sequence of phasing of operations; surrender C260,000m³ of landfill void and associated re-contouring; retention of site office post closure of the landfill; and extend the operations by 30 minutes each day for receipt of HWRC waste

Applicant: Sarah Henderson, FCC Environment

Expiry Date: 16-Mar-2015

SUMMARY: There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by helping to support an existing waste management facility which provides both direct and indirect benefits to the local economy. Given the current lack of provision for residual waste management facilities and the projected capacity gap in future years, it is considered that the landfill will continue to make an important contribution to the strategic network of waste management facilities in the authority.

This should be balanced against any potential harm to residential amenity and the environment resulting from the proposals. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation including the existing environmental permit on the site. Subject to securing appropriate planning conditions, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of CRWLP, CNBLP and the approach of the NPPF and NPPW.

RECOMMENDATION: Approve subject to deed of variation of s106 agreement and conditions.

PROPOSAL

This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions 1, 2, 8, 46, 60, 61 and 62 of planning permission 10/0692W to extend the operational life of the Maw Green Landfill facility for a further 10 year period to 31 December 2027, with initial restoration by 31 December 2028. The application includes for the continued use of the associated landfill site infrastructure during this period, and the retention of the site office for 10 years post closure to assist with long term site management and environmental monitoring required by other regulatory regimes. Infrastructure associated with leachate and landfill gas management required for long term environmental monitoring will be retained on site until deemed no longer required by the relevant environmental regulators.

In order to reflect the recently permitted Material Recycling Facility (MRF) on one of the landfill cells in the south east (Ref: 13/2744W granted September 2014), the scheme includes for:

- regularisation of restoration levels across the landfill in line with the provisions of the MRF permission;
- consequential surrender of circa 260,000m³ of consented landfill void;
- A revised sequence of landfill phasing;
- A revised restoration scheme for the completed landfill site;
- increased surface water attenuation lagoon adjacent to the MRF.

Included within this application is the variation of condition 8 of the current consent to extend hours of operation by 30 minutes on each day from 1700 hours to 1730 hours solely to allow for the receipt of waste from Household Waste Recycling Centres.

SITE DESCRIPTION

Maw Green landfill is located approximately 1.5km to the north east of Crewe town centre and is accessed from Maw Green Road. It is bounded to the east by the Crewe to Manchester railway line, the south by Maw Green Road, to the west by fields and properties fronting onto Groby Road and to the north by agricultural land (both arable and pasture) and the Elton Flashes Nature Reserve (Site of Special Scientific Interest – SSSI).

The general arrangement of the landfill comprises the internal access road off Maw Green Road which connects to the site office, parking and weighbridge infrastructure. To the north is the waste to energy compound, beyond which is an area of hardstanding which is proposed to be used for the consented MRF. The leachate treatment plant is located to the west, accessible via an internal haul road traversing to the north of the completed Phase 1 area of the landfill. The main area of landfilling is located in the central and northern parts of the site. 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.

Public footpath Crewe FP6 runs from Groby Road across the north western extent of the site. The closest residential properties lie on Groby Road and Maw Green Road adjacent to the site boundary and beyond the railway line, however the current active landfill cell is approximately 220m from the nearest properties. Construction on the residential properties (approved under Ref: 12/0831N) off Maw Green Road on land directly opposite Phase 1 of the landfill site is also underway.

The site lies within Open Countryside, as defined in the local plan.

RELEVANT HISTORY

There is a long planning history on the site, the most relevant of which are:

- Ref 7/10731 – permission for raising of land levels by controlled landfilling of waste granted 1984;
- Ref: 7/P92/0450 – permission for extension to the landfill site until 2011 granted 1995;
- Ref: 10/0692W – permission to extend the operational life of the landfill until 2017, with restoration of the site by 2018 granted 2014
- Ref: 13/2744W – permission for temporary material recycling facility until 2027 granted 2014.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14, and 17.

National Planning Policy for Waste (NPPW)

Development Plan:

The Development Plan for this area is the Cheshire Replacement Waste Local Plan 2007 and Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

Cheshire Replacement Waste Local Plan 2007

Policy 1: ‘Sustainable Waste Management’

Policy 2: ‘The Need 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 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
BE.6: Development on Potentially Contaminated Land
NE.2: Open Countryside
NE.5: Nature Conservation and Habitats
NE.7: Sites of National Importance for Nature Conservation
NE.9: Protected Species
NE.17: Pollution Control
RT.9: Footpaths and Bridleways

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – Presumption in Favour of Sustainable Development
SD 1 - Sustainable Development in Cheshire East
SE3 – Biodiversity and Geodiversity
SE4 – the Landscape
SE11 – Sustainable Management of Waste
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management

Other Considerations:

National Planning Practice Guidance
Noise Policy Statement for England
Waste Needs Assessment 2014

CONSULTATIONS

Nature Conservation Officer:

Sandbach Flashes SSSI

The proposed development is located to the south of this SSSI and Natural England should advise upon the potential impacts of the proposed development upon the SSSI.

Protected Species

A number of protected species are known to occur within the boundary of the maw green landfill site. The operational areas of the landfill however offer limited opportunities for wildlife and so the continued operation of the landfill is unlikely to result in a significant adverse impact upon protected species.

The current application is supported by a method statement of ‘Reasonable Avoidance Measures’ designed to minimise the potential risk posed to wildlife and also to lead to an enhancement for biodiversity.

In order to secure the implementation of these proposals, planning conditions are recommended in respect of:

- Development in accordance with method statement of reasonable avoidance measures;
- Details for two amphibian hibernacula and two barn owl boxes submitted within 3 months;
- Revised habitat management plan to be submitted and then implemented for 10 years after completion of restoration.

Forestry Officer:

Do not anticipate any significant new forestry issues arising from the proposals. The final restoration landscape scheme will need to be adjusted to reflect amendments.

Landscape Officer:

As part of the application a Landscape and Visual Impact Assessment has been submitted, which has been undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition 2013.

The proposed extension, in terms of time, would mean that the operational cells would be present for a longer period, although those cells that are affected are screened by already restored parts of the landfill site. The phased working of the site means that parts of the site have already been restored; the final restoration will be predominantly agricultural grassland, hedgerows, woodland and shrub planting.

Broadly agree with the Landscape and Visual Impact Assessment in that the main physical change resulting from the proposal will be the delay in the final restoration, by ten years. Overall there will be a minimal impact on the landscape fabric. The main visual impact will also be as a result of the delay in restoration.

Highways:

No objections raised to the application. With regard to the landfill operation, the site has been operating for some time and whilst the Highway Authority would welcome the cessation of the landfill operations and the movements currently associated with it, the operation is proposed to continue until 2027 and as the landfill operation does not directly cause current highway issues and there are no increases in trips proposed, we have no reason to object to the proposal.

The increase in hours in from 5.00 to 5.30pm does fall within the peak hours although this does not mean that numerous deliveries would take place in the additional half hour, deliveries are spread throughout the day and the applicant has stated that some 16 deliveries per day is expected, the increased hours will mean that trips can be further spread. It is not considered that the additional trips between 5pm and 5.30pm will cause a congestion problem on the highway network.

Flood Risk Officer:

The landfill site is within a flooding hotspot with known drainage issues. It is understood that the local highway drainage outfalls to a land drainage system which flows within the landfill site boundary. It would appear this is currently inaccessible for the purposes of inspection and maintenance and is likely to be causing the frequent and persistent flooding which often leads to road closures in the interest of safety.

The applicant must contact the flood risk management team directly to discuss drainage problems and infrastructure across this site.

Public Rights of Way:

The application affects Public Footpath Crewe No. 6, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached). A legal agreement is in place for the footpath to be restored along its original route as part of the final restoration. There are therefore no objections to the proposed extension of the Operation life of the site.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the current alignment of the right of way are fully complied with. Advisory notes are provided in respect of developers obligations and requirements concerning any works to the right of way.

Environment Agency:

No objection in principle to the proposed extended time of operation and reduced volume of imported wastes, but the developer is reminded that the Environmental Permit for the landfill may require variation and a revision of the hydrogeological risk assessment and monitoring provisions in order to take account of the proposed changes in waste mass, distribution and duration of operations etc.

Natural England:

No objection raised to the application. This application is in close proximity to Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other advice

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

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

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that further information is sought from the appropriate bodies in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

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

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. 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'.

Network Rail:

Network Rail has concerns that the safe operation of railway and/or the integrity of railway infrastructure may be jeopardised by the proposed works and consequently recommend conditions be attached in respect of drainage and arrangements for access, positioning of plant and machinery to avoid all railway land, fencing specifications for areas adjoining the railway, management of landfill gas and leachate in accordance with relevant legislation, and positioning of trees away from railway property.

Cheshire Brine Subsidence Compensation Board:

This application does not appear to include any foundation works and therefore the Board does not have any comments to make.

Environmental Protection:

Consider that the application should be approved subject to the continuation of all existing planning conditions to control environmental impacts and hours of operation.

The area surrounding the landfill has been subject to a number of recent residential developments and therefore a screening air quality assessment was requested to ascertain the impacts of road vehicles should operations continue. The submitted assessment included the cumulative impacts of other recent developments. It estimated that the road traffic air quality impacts would be small, not impact on the air quality management areas in Crewe and not cause any new exceedances of the air quality standards.

Current operations are subject to planning conditions to control the impacts of noise and dust on residential areas. The instances of complaints relating to these impacts are low and these conditions should be continued to ensure that the site controls and good practice measures are continued.

Odour related complaints received by this department are also uncommon although this may, in some part, be due to the lack of sensitive receptors downwind from prevailing winds and the location of the remaining phases to be worked. The site's Environmental Permit authorised by the Environment Agency contains measures to control odour emissions from the landfill operations and should issues arise, they would be resolved through this regime. The Environment Agency should be aware of any further planning developments around the site that may introduce new sensitive receptors to potential odour impacts. Litter and vermin control are detailed in existing planning conditions.

Advice is provided in respect of legislative provisions regarding encountering unexpected contamination.

Mid-Cheshire Footpaths Society: no comments received

Haslington Parish Council:

Do not have any major concerns with the proposals, provided that no additional traffic passes under the railway bridge along Maw Green Road. The increased hours of opening to 17:30 are noted, but are not a concern as they fall within what most people would consider the normal working day.

Crewe Town Council

Objects to the proposed variation of condition 8 on the existing permission to extend the hours of operation from 17.00 to 17.30 as it would add to traffic congestion during a peak period and extend the duration of noise and disturbance for nearby residents, including those on recently constructed or planned housing either side of Maw Green Road.

The Town Council does not object to any of the other proposed variations of the conditions.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants, a press notice and site notice were posted.

At the time of report writing 2 representations have been received which can be viewed on the Council website. They express a number of concerns which include:

- visual impacts of landfilling
- odour especially during damp weather conditions
- impacts from flies, birds and vermin
- length of time taken to complete landfilling and restoration
- potential for further time extensions
- impacts on residential amenity
- impacts on new residential developments being built in close proximity to the site
- noise and dust impacts
- detrimental impact on quality of life
- impact on value of property

APPLICANT'S SUPPORTING INFORMATION

The planning application is accompanied by a planning statement, planning drawings and an Environmental Statement (ES) prepared by Axis dated November 2014 on behalf of FCC Environment (and further information supplied on 6th March 2015).

OFFICER APPRAISAL

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

Principle of development

The principle of landfilling has already been accepted by virtue of the long history of waste disposal on this site. This application is to consider the variation of a number of planning conditions. The Planning Practice Guidance states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not a complete re-consideration of the application.

Sustainability.

The proposed development should be considered against the NPPF. The NPPF identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The NPPF defines sustainable development and states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Economic sustainability

The NPPF includes a strong presumption in favour of economic growth. Paragraph 19 states that: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'*. Likewise the NPPW states that waste planning authorities should (amongst other things) ensure that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities.

Any economic benefits of the development need to be balanced against the impacts of continued landfilling on residential amenity and the Environment. These are addressed below.

Extension to life of the landfill

The National Planning Policy for Waste (NPPW) identifies a number of roles that planning plays in sustainable waste management which include driving waste up the waste hierarchy and providing a framework in which communities and businesses take more responsibility for their own waste including enabling waste to be disposed of or recovered in line with the proximity principle. There is a need to plan for a mix of types and scales of facilities, including making adequate provision for waste disposal (paragraph 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. As a result of the requirements to drive the management of waste up the waste hierarchy, maximising the recovery of value from the waste stream and minimising the amount of waste disposed of to landfill, the rate of waste importation at Maw Green Landfill that was anticipated at the time of the last time extension application in 2010 has not transpired. This in turn has impacted on the ability to fill the landfill void and finish the restoration within consented timeframes. In future years, the ES identifies that waste destined for Maw Green landfill is likely to have been subject to pre-treatment through the consented MRF or other facility off site should the MRF not be developed, and as such this trend of lower waste inputs to the site is likely to continue.

Maw Green Landfill accepts a range of waste types namely municipal solid waste (MSW), commercial and industrial (C&I) and construction and demolition (C&D) principally from within Cheshire East. At present there remains 527,391m³ of currently consented landfill void space to be utilised, which takes into account the 260,000m³ lost to accommodate the consented MRF on one of the landfill cells (ref: 13/2744W). The applicant estimates that when the MRF is in operation, approximately 11,250tpa of the residual waste from this facility will be transferred to the landfill; and the landfill would also accept approximately 24,000tpa of waste not suitable for the MRF (i.e. not suitable for recycling/recovery), and 7000tpa of cover material.

The updated Waste Needs Assessment 2014 prepared as part of the evidence base for the emerging Cheshire East Local Plan Strategy estimates waste arisings and waste management capacity for the period to 2030. It forecasts that by 2030, there will still be a requirement to manage between 60,000 – 96,000 tonnes of local authority collected residual waste at landfill; along with 70,000 – 136,000 tonnes of C&I waste and 99,000 tonnes of C&D waste at landfill/treatment. In respect of waste management capacity for the period up to 2030, in the North West the availability of landfill capacity has decreased significantly, amounting to a third reduction in available void space of 32 million cubic metres since 2006. For the Cheshire East sub region, following the closure of Danes Moss to waste inputs from December 2014, the only remaining landfill to accept local authority collected residual waste is Maw Green, and at present after 2017 there will be no landfill capacity for residual waste within Cheshire East. The assessment also identifies a capacity gap in terms of energy recovery therefore there is a clear gap for managing residual waste. Whilst there is permitted capacity to manage residual waste in nearby authorities, these are being developed to meet their own local requirements and it is not known whether reliance could be placed on these facilities at this stage without liaison with the appropriate waste planning authorities which would be carried out as part of the emerging Local Plan work.

On this basis it is considered that the extension of time for a further ten year period is appropriate to support the strategic network of waste management facilities and allow waste to be managed in accordance with the proximity principle. It would also allow the remaining consented void to be utilised as per originally envisaged when the site was granted planning permission; and would provide both direct and indirect economic benefits to the local economy. As such the scheme accords with the approach of the CRWLP, NPPF and NPPW.

Extension to operating hours

CRWLP policy 29 states that the normally permitted hours of operation for waste management facilities are between 0730 to 1800 hours Mondays to Fridays, and 0730 to 1300 Saturdays. Where sites are open solely for the receipt of waste from Household Waste Recycling Centres (HWRCs) longer hours are permitted between the hours of 1300 to 1700 Saturday and 0800 to 1700 Sundays and Bank or Public Holidays. The policy also makes allowance for longer working in exceptional circumstances provided there are no consequent unacceptable impacts.

The landfill currently has a range of permitted hours of operation for the various activities as follows:

- normal landfill operations from 0800 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays;
- reception of local authority domestic household waste between hours of 0800 to 1700 hours on bank holidays, and Saturdays around festive periods
- receipt of waste from HWRCs from 0800 to 1700 Monday to Sunday including Bank and Public Holidays;
- plant maintenance between 0700 to 1900 Mondays to Sundays; and
- Site engineering works between 0700 to 1900 Monday to Sunday, April to October inclusive.

When considered against this background, the additional 30 minutes proposed for the receipt of HWRC waste until 1730 each day would present similar level of impacts to that generated by the consented activities on the landfill at present.

The hours proposed accord with CRWLP policy 29 in respect of weekday activities, and given the importance of the landfill as a strategic facility in the authority this is considered to amount to the exceptional circumstances required to justify this small deviation from policy position on weekends. Any impacts on residential amenity and highway network associated with this amendment are considered further below. Subject to there being no unacceptable impacts on these considerations, the scheme accords with the approach of policy 29 and NPPW.

Social sustainability

Impact on amenity

Policy 23 of CRWLP states that a proposal will not be permitted where it would give rise to unacceptable levels of noise pollution. This approach is reflected in policies 24 (air emissions), 25 (litter) and 26 (odour) which do not permit development where there would be unacceptable impacts on amenity of nearby residents.

NPPW states that waste planning authorities should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities; and should work on the assumption that the relevant pollution control regime is properly applied and enforced.

The NPPF states that new and existing development should not contribute to unacceptable levels of noise pollution, nor give rise to '*significant adverse impacts on health and quality of life*' (paragraph 123). It should also be appropriate for its location, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. It also states that

planning decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

With regards to the impacts of the continued landfilling on residential amenity it is noted that the proposal would provide a continuance of the existing landfill activities with no material change in operations or practices aside from those specified above.

Noise

Noise monitoring was undertaken in the vicinity of the most sensitive site boundary positions including new properties on Maw Green Road. Background noise levels at the nearest receptors varied between 40dB(A) and 45dB(A) during daytime periods.

The noise assessment identifies that future road traffic noise impacts on existing residential areas associated with the landfill would result in an increase of between +0.6 dB and +0.9dB LAeq_{10 hrs} compared to baseline noise levels which is assessed as being negligible in magnitude. The predicted noise levels associated with normal landfilling operations are likely to stay within existing levels imposed on the current planning conditions, and this is assessed as being negligible in magnitude. Cumulative noise impacts arising from operation of both MRF and landfill activities are predicted to increase the highest noise levels by 1dB(A) which is assessed as neutral to minor in magnitude.

A range of best practice measures for the regular maintenance, silencing and operation of all plant, machinery and vehicles are identified in order to further attenuate noise impacts on nearby receptors. This includes limits on use of reverse alarms, regular maintenance of plant, use of equipment fitted with silencers or acoustic hoods and routing of plant to avoid neighbouring residential properties. With the implementation of mitigation, the residual noise impacts for road traffic, operational and restoration impact are assessed as negligible and of neutral significance.

The existing planning conditions would be replicated on any new consent and include noise level limits, noise monitoring and implementation of best practice measures. It is noted that no objections are raised by Environmental Health Officer and they identify that instances of noise complaints are low. No concerns are raised in respect of the extension to permitted hours of operation.

On the basis of the views of the Environmental Health Officer and subject to the replication of planning conditions controlling noise impacts, it is considered that the proposal would not give rise to any unacceptable levels of noise pollution and would accord with policies 12 and 23 of CRWLP and BE.1, BE.17 Pollution Control of CNBLP and the provisions of the NPPF.

Air quality (emissions)

The potential impacts of road traffic emissions arising from continued vehicle movements on residential receptors is assessed in the Air Quality Assessment. The initial screening assessment undertook a review of available background air quality information including airbourne pollutant concentrations, monitored air quality results and industrial emissions from the landfill infrastructure. It also took account of the predicted trip generation rates and changes in traffic flow proposed, including traffic data from committed housing schemes in the

area. It identifies that whilst there are a number of air quality management areas within Crewe, these are all distant to the site. The assessment predicted the potential changes in concentrations of key pollutants NO₂ and PM₁₀ at key receptors and identified that the predicted changes are all imperceptible with resulting negligible impacts. As such the development is not predicted to result in any unacceptably high levels of air pollution or have any unacceptable effect on air quality. Given that the impacts are identified as negligible, would not impact on the air quality management areas in Crewe, and would not cause any new exceedances of the air quality standards it is considered that the proposal accords with policies 24 and 28 of CRWLP and the approach of NPPF and NPPW.

Odour

Potential odour generation on landfills can occur from a variety of sources including deposit of waste, landfill gas and landfill gas utilisation plant emissions. Odour impacts from landfilling activities on nearby receptors have already been assessed and considered acceptable by virtue of the previous landfill consents on the site. Whilst the scheme proposes to vary a number of planning conditions, additional odour issues are not likely to arise as a result of this proposal.

Existing practices employed at the site to minimise the release of odour and its potential to cause nuisance beyond the site boundary and nearby sensitive locations would be continued. This includes an odour suppression system available where necessary to neutralise odour before it leaves the site boundary, effective waste compaction, immediate disposal and burial of malodorous materials and progressive capping of waste to minimise passive venting of landfill gas. Odour is also routinely monitored through the Odour Management Plan required by the Environmental Permit which includes for daily odour at agreed monitoring locations.

The Environmental Health Officer notes that odour related complaints are uncommon at the site and there are existing provisions for controlling odour emissions under other environmental legislation. It is also noted that NPPW makes it clear that the planning authority should assume the relevant pollution control regime is properly applied and enforced.

On this basis, the existing operational procedures are considered adequate to ensure that the potential adverse impacts are controlled and existing planning conditions controlling odour impacts would be replicated on any new consent. As such the scheme is considered to accord with policies 12 and 26 of CRWLP and policy BE.1 of CNBLP and the provisions of the NPPF.

Dust and Windblown Litter

There is potential for dust impacts on sensitive receptors in dry conditions under certain wind directions. There is also the potential for litter to escape from the site during periods of adverse weather. Existing good site management practices would be continued to minimise the potential for dust and litter nuisance. This includes; cleaning of site roads, water spraying of site and haul roads, sheeting of vehicles, litter fencing around the perimeter of active working areas, use of litter pickers and covering of waste with inert material at the end of each day.

Mud and litter on the public highway from vehicles using the site would be managed through established on-site measures including use of wheel wash, rumble strips and road sweeper. Dust and litter is monitored by the site operator and controlled by the Environmental Permit and the existing planning conditions in respect of litter and dust would be replicated. As such the risk of dust nuisance and litter is not expected to increase as a result of the proposal. The Environmental Health Officer also notes that complaints from dust are low.

On the basis of securing the above provisions by planning condition, the application is considered to accord with policies 12 and 25 of CRWLP, policy NE.17 of CNBLP and the provisions of the NPPF and NPPW.

Flies and vermin

A range of best practice for managing flies and vermin is already in use at the site as required by both the planning and permitting regime which would be continued. This includes measures such as use of an outside contractor to monitor and control pests and vermin, and effective site management involving well defined, tightly controlled, tipping areas and prompt capping on completed areas. Subject to replication of the existing planning conditions, the development is considered to accord with policy 12 of CRWLP and NPPW.

Birds

Should planning permission be granted, on-going control practices including inspections by the appointed bird control contractor would continue. Existing planning conditions for bird control would also be replicated and bird control is addressed through provisions in the Environmental Permit. As such the application accords with Policy 12 of the CRWLP and NPPW.

Environmental Sustainability

Landscape

Revised phasing sequence

Phased working and progressive restoration has resulted in the majority of the site having been filled and restored. The proposed phasing would involve the completion of cell 14b, and then the final cell (14c). The sequence of phasing allows the eastern extent to be landfilled first and then landfilling in a westerly direction with progressive restoration to ensure that the majority of landfilling is screened for those views to the east of the site beyond the railway line. This will help to ensure that the landscape and visual impacts of the continued landfilling are mitigated as far as possible.

Revised restoration

With the exception of the 'MRF area' and the land immediately adjoining it, there would be no change to the consented pre-settlement contours. The landfill site, on completion, will comprise a gently sloping domed landform with a highest elevation of 60 metres AOD (post settlement). The completion of the remaining landfill cells will create a stable and acceptable landform, and prevent the creation of a large waterbody. The land proposed to be taken up by the MRF will retain its current levels whilst the adjoining land would slope to tie with consented contours. Once areas of the landfill have reached their final restored level they will

be capped with low permeability materials to allow the site to be restored and minimise both rainwater infiltration and escape of gas.

The consented interim restoration plan shows the restored site at the 12 month point following cessation of landfilling operations with the leachate treatment plant, waste to energy compound and associated access track would remaining on site. This consented plan has been revised to take account of the existing surface water lagoon on the western boundary and the enlarged surface water lagoon consented as part of the MRF permission. It also includes for a new area of native species woodland on the area of re-profiling (immediately north of the consented MRF area), along with species rich grassland and woodland planting for the MRF area which was previously consented as part of the MRF permission. In line with the consented restoration proposals a final restoration plan has also been provided (following removal of all built infrastructure) showing the land restored predominantly to agricultural grassland with woodland and shrub planting, areas of species rich grassland, ponds, and hedgerows as per consented arrangements. The consented aftercare arrangements would be replicated which include for maintenance of grassland, woodland, and hedgerows.

Footpath No. 6 runs across the northern and western parts of the site (restored areas) will be reinstated broadly along its original route (through the central and eastern parts of the site) as part of final restoration; whilst new routes will run east and south from this.

In terms of landscape and visual impacts the ES identifies that neither the effects upon the landscape fabric or upon landscape character are considered to be significant. The extended life of the site would result in landfill cells being present for a longer period but the nature of the view would not change from that currently experienced and this would not have an influence on the surrounding landscape. The current operational area of the landfill is also well screened from the surrounding area by the adjacent restored parts of the landfill and by the nearby railway embankment. As such the effects of the proposal upon visual amenity are not considered to be significant. Equally the retention of the site office is not considered to present any significant visual or landscape impacts.

It is noted that should the application be refused, the resultant remaining landform would be considered incongruous, leave a portion of the landfill without final restoration and could also have associated drainage, leachate and landfill gas complications.

On this basis it is not considered that the development would have any adverse impacts on the landscape or any significant adverse visual impacts and would accord with policies 12 and 14 of CRWLP and policy NE.5 and RT.9 of CNBLP, along with the approach of the NPPF and NPPW.

Highway Impacts

Policy 28 of CRWLP requires demonstration that the level and type of traffic proposed would not exceed the capacity of the local road network; nor lead to unacceptable impacts on amenity or road safety.

The Transport Assessment (TA) identifies that historical daily HGV movements to Maw Green ranged from 60 – 80 vehicles. Based on the anticipated reduction in waste inputs to the landfill, the number of vehicles are estimated to reduce to 16 for landfilling/restoration, 8 for

leachate removal, 2 for landfill gas management and a further 15 associated with staff and visitor trips.

The TA has used both committed development traffic and background traffic flows to assess the impacts on link capacity of Maw Green Road and on network capacity. This includes a capacity assessment of the proposed new 5-arm Remer Street roundabout junction with Maw Green Road, as well as the existing Remer Street/Maw Green Road priority junction. It demonstrates that in terms of impacts on link capacity, traffic flows remain below 10% of baseline two-way traffic levels on Maw Green Road, west of the proposal site during the AM peak hour and the 12 hour period.

With regards to network capacity the Maw Green Road approach to the Sydney Road junction is projected to experience future operational difficulties in terms of capacity. The TA identifies that such difficulties would be encountered regardless of the landfill extension proposals, and the effect of landfill traffic on junction operation is negligible. Assessment of the proposed junction improvement identifies that there would be no projected capacity issues arising as a consequence of the landfill traffic and that the junction would operate with significant spare capacity.

On the basis of the link impact and link capacity assessments, the TA concludes that the effects of the proposed landfill traffic would be minimal when compared with the baseline conditions and would not give rise to any adverse operating conditions on Maw Green Road thus would have a negligible effect on the operation of the immediate local highway network. Given that the landfill operation does not directly cause current highway issues and there are no increases in trips proposed, the Highways Officer raises no objection to the time extension.

With regards to the increase in hours of operation, the Highways Officer notes that whilst this does fall within peak hours, the vehicle movements are anticipated to be spread throughout the day and it is not considered that the additional trips between 5pm and 5.30pm will cause a congestion problem on the highway network.

Given that landfill vehicle movements are anticipated to reduce in future years, and on the basis of the findings of the TA and views of the Highways Officer, it is considered that the scheme would not give rise to any unacceptable impacts on the highway network and would accord with policy 12 and 28 of CRWLP and policy BE.1 of CNBLP, along with the approach of the NPPF and NPPW.

Water Resources

Policy 18 of CRWLP and Policy BE.4 of CNBLP requires development to ensure that there are no unacceptable impacts on groundwater and surface water quality, resources, supply or flow, and the proposal does not cause unacceptable risk of flooding on or off site.

Concerns have been raised over incidents of flooding off site around the railway bridge over Maw Green Road. The Council Flood Risk Officer suggests that the local highway drainage outfalls to a land drainage system which flows within the landfill site boundary which is currently inaccessible for the purposes of inspection and maintenance, and this may be the cause of localised flooding incidents.

The scheme proposes no changes to the existing surface water management regime aside from a revision to the restoration plan to take account of the enlarged surface water lagoon approved by the MRF permission.

Existing surface water management has evolved in parallel with the development of the landfill and comprises:

- A settlement / attenuation lagoon situated on the eastern side of the site adjacent to the power generation compound.
- A settlement lagoon situated on the western side of the site, adjacent to the leachate management compound.
- On the northern boundary of the site a French drain collects runoff and discharges it to Fowle Brook.
- Within the footprint of Cell 14C, the engineering borrow-pit acts as a temporary surface water lagoon.

Surface water from areas under construction has been collected within Cell 14C temporary lagoon, and has either been pumped direct to the Emission Point on Fowle Brook, or via the eastern attenuation pond. All surface water discharged to Fowle Brook complies with the standards required by the Environmental Permit. The surface water from the restored northern and eastern flanks of the landfill is discharged to Fowle Brook. Runoff from the western flank is directed into the western settlement /attenuation lagoon.

The enlarged surface water lagoon was designed as an integral part of the wider landfill catchment, attenuation and discharge designs. The existing eastern surface water lagoon will be enlarged to provide for a 1 in 100 year storm capacity plus 20% for climate change. The attenuation lagoon discharges to Fowle Brook via a flow control chamber which restricts the flow to 20l/s. In the event of 20l/s being exceeded, the surplus water will be attenuated within the lagoon. Therefore, the proposal will not cause any additional pressure on the Fowle Brook. It is also noted that there are no objections or comments on this issue from the Environment Agency.

On the basis that the scheme proposes no changes to the consented surface water management regime of the MRF, and this proposal would not result in any additional pressure on Fowle Brook; the scheme is considered to accord with policy 18 of CRWLP and BE.4 of CNBLP. With regard to existing off-site drainage issues, these are on-going landfill management considerations which should be addressed separately by the operator and Flood Risk Team.

Ecology

NPPF requires the conservation and enhancement of biodiversity by ensuring that any significant harm from development is avoided adequately mitigated or compensated for; and opportunities to incorporate biodiversity in new development is encouraged. Any development likely to have an adverse effect on a Site of Special Scientific Interest (SSSI) is not normally permitted (paragraph 118).

Sandbach Flashes Site of Special Scientific Interest (SSSI) lies directly to the north of the landfill, whilst Brookhouse Pools Site of Biological Importance (SBI) is situated beyond the railway line to the east. Natural England are satisfied that the proposed development will not

damage or destroy the interest features of the SSSI and advise that it does not represent a constraint in determining this application. No concerns are raised by the Nature Conservation Officer in respect of impacts on the SBI.

A large proportion of Maw Green Landfill Site has been restored to a variety of habitats including agricultural grasslands, wild flora grasslands, woodlands, hedgerows and aquatic habitats with three ponds to the north and Fowle Brook to the east. The restored habitats have significant ecological value and are known to support a number of protected or notable species including water shrew, barn owl, grass snakes, and birds. The phase 1 extended survey and protected species assessment identifies that there is suitable foraging and habitation for water voles and reptiles; and the hedgerows and ponds may act as commuting route and feeding areas for bats.

Great crested newts are present in ponds on the northernmost point of the site. The ponds function as aquatic receptor mitigation habitat for great crested newts translocated from ponds lost to landfilling activities. Whilst the land surrounding the ponds provide optimum foraging and hibernation habitat, the operational areas of the landfill are not considered suitable to support this species; the ponds are situated approximately 500m away, and are separated by a substantial buffer zone of bare ground and short ephemeral vegetation. A badger sett is also located on the site, however the operational areas are over 30m away and as such no impacts are anticipated.

The potential impacts on protected species are assessed as being low, insignificant, indirect and temporary in nature as the landfilling activities are largely confined to existing operational areas subject to ongoing disturbance and activity where there is little or no habitat of any significant value. A range of precautionary reasonable avoidance measures and biodiversity enhancement measures are proposed including controlling timing of works, amendments to work practices, pre-commencement appraisals, destructive searches of any areas deemed to be habitable by protected species along with supervision of habitat clearance by a suitably licensed ecologist. Barn owl boxes and amphibian hibernacula are proposed, along with provision of an associated habitat management plan to promote the long term sustainability and favourable conservation status of protected species.

The Nature Conservation Officer advises that the operational areas of the landfill offer limited opportunities for wildlife and the proposal is unlikely to result in a significant adverse impact upon protected species. Planning conditions could be imposed on any consent to secure the implementation of reasonable avoidance measures method statement; erection of additional amphibian hibernacula and barn owl boxes.

With respect to the request of the Nature Conservation Officer for a planning condition to secure 10 years implementation of the management plan, there is no requirement for any long term habitat management under the current consent. Given that this proposal is for a continuation of the landfill with no change to existing operations and no additional impacts on existing habitats or species; and given that there are no changes proposed to the final restoration scheme that would harm nature conservation features, it is not considered that a 10 year management period could be justified in this instance. As such it is not considered that such a requirement would satisfy the six tests in paragraph 206 of the NPPF in that it would not be considered 'reasonable' or 'necessary'. The operator already undertakes environmental management works across the site and it is considered that a planning condition could be imposed to secure the provision of a landscape and ecological

management plan with details of implementation, maintenance and monitoring to be agreed with the planning authority to reflect the existing aftercare provisions on the current consent. The Nature Conservation considers that this approach is acceptable.

Based on the views of the Nature Conservation Officer and Natural England, and subject to the imposition of planning conditions to secure mitigation and management of the site, the scheme is considered to accord with policy 17 of CRWLP and policy NE.5, NE.7 and NE.9 of CNBLP, along with the approach of the NPPF.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

Conclusion – The Planning Balance

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

Whilst the NPPW and European legislation seek to drive waste up the waste hierarchy and maximise the reuse, recycling and recovery of waste before landfilling, waste planning policy recognises that there will be a need for the provision of landfill capacity for residual waste. NPPG paragraph 048 states 'Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste. The continued movement of waste up the Waste Hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed...'

The landfill provides a facility for the management of MSW, C&I and C&D waste and has a consented void space for 527,391m³ of waste. In view of the current lack of provision for residual waste management facilities and the projected capacity gap in future years, it is considered that the landfill will continue to make an important contribution to the strategic network of waste management facilities in the authority. The extension of time for the landfill supports an existing facility which provides both direct and indirect benefits to the local economy. This should be balanced against any potential harm to residential amenity and the environment resulting from the proposals. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation including the existing environmental permit on the site. As such the scheme is considered to accord with policies of CRWLP, CNBLP and the approach of the NPPF and NPPW.

RECOMMENDATION

That the application be approved subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 10/0692W namely:

- 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.

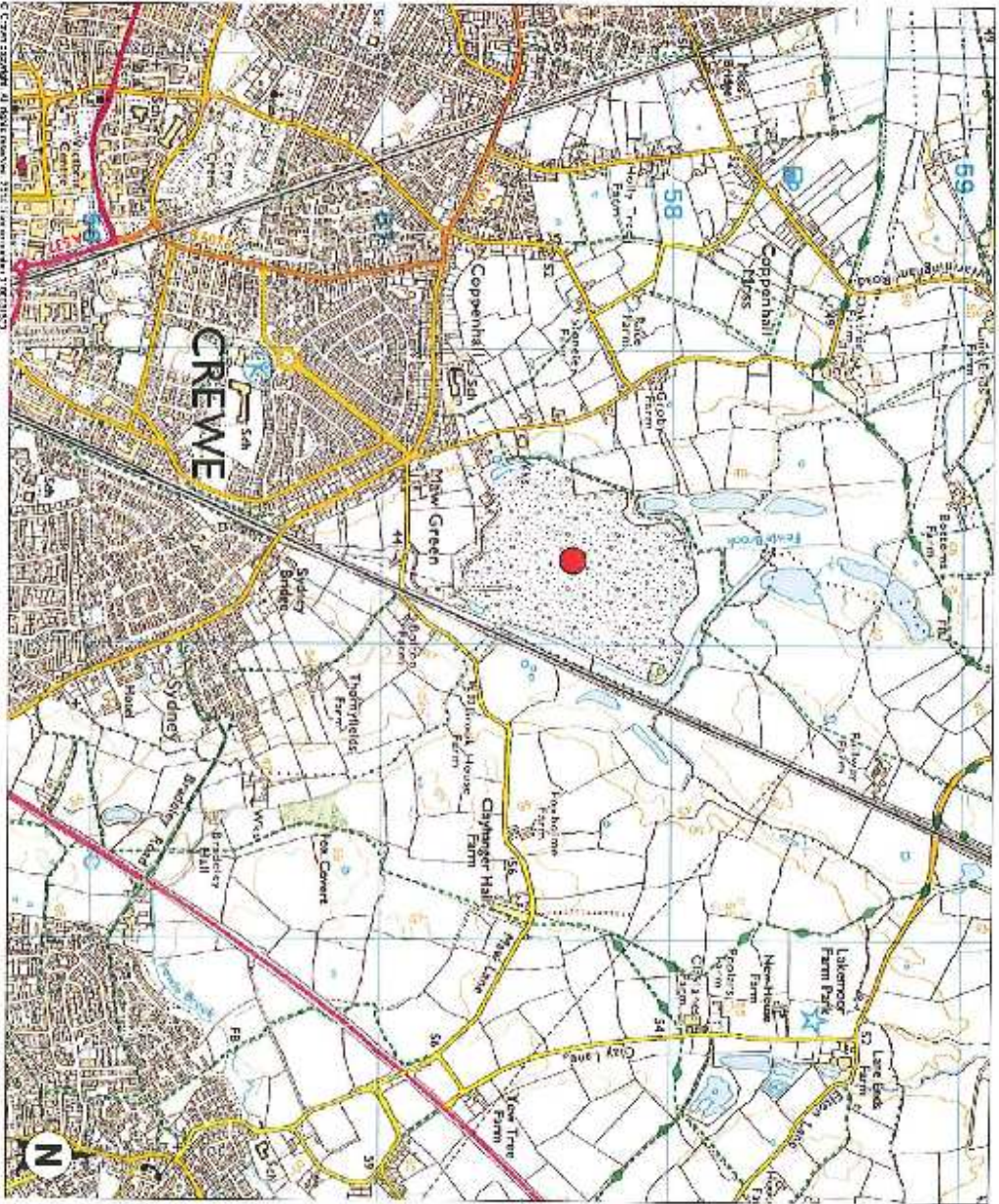
AND

Subject to the imposition of planning conditions in respect of:

- All the conditions attached to permission 10/0692W unless amended by those below;
- Revised restoration plan;
- Revised phasing plan and associated phasing conditions;
- Revised pre-settlement contours, and associated contouring conditions;
- Extension of time to 31st December 2027 with interim restoration of the site within 12 months or no later than 31st December 2028
- Landscape and ecological management plan
- Provision of ecological mitigation measures

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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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





FCC
FRESH COUNTRY
CREWES



axis
AGRICULTURE

New Green Land 1, Crewe:
Expansion of Life

Figure 1.1

Site Location Plan

Scale 1:10,000	Date November 2014
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 Site location