

APPLICATION NO	WD/2008/1122
APPLICANT	SITA UK
DEVELOPMENT	Planning permission to extend an existing non-hazardous landfill site
LOCATION	New Crosby landfill site, off Dawes Lane, Scunthorpe
PARISH	SCUNTHORPE
WARD	Town
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council
POLICIES	<i>National policy</i>

Planning Policy Statement 10, 'Planning for Sustainable Waste Management' was published in 2005 and promotes a significant shift in waste planning policy, particularly with regard to the emphasis in assessing transport issues of waste planning applications from purely distance to the capacity of existing and potential transport infrastructure to support the sustainable movement of waste.

National Waste Strategy 2007: In May 2007 Defra published a new waste strategy for England (WS2007) which builds upon the former waste strategy of 2000, but also aims for greater ambition by addressing the key challenges for the future through additional steps. The targets and indicators contained within WS2007 are still predominantly focussed upon municipal solid waste (MSW). The key difference is that they are more ambitious than the correspondence targets set out within WS2000.

Regional policy

Regional Spatial Strategy for Yorkshire and the Humber: Policy ENV12 (Regional Waste Management Objectives):

- Plans, strategies, investment decisions and programmes should aim to reduce re-use, recycle and recover as much waste as possible.

- Local authorities should work with regional partners to ensure integration of strategies and proposals for sustainable waste management.
- Local authorities should support the urgent provision of a combination of facilities and other waste management initiatives which best meet the needs of their area.

Policy ENV13 (Provision of Waste Management and Treatment Facilities) – waste planning authorities should ensure that adequate sites and facilities are available to manage municipal, commercial and industrial construction and demolition, agricultural and hazardous waste, taking account of benchmark figures set out.

Policy ENV14 (Strategic Locational Criteria for Waste Management Facilities) – the following principles should be considered in designating specific sites:

- Waste should be managed on the site where it arises or, if not possible, at the nearest appropriate location.
- Facilities should be located in accordance with the core approach and the proposed distribution of housing and economic growth.
- Identification of sites for facilities should take account of established and proposed industrial sites that have the potential for the location of such facilities, previously developed land, including mineral extraction and landfill sites, redundant farm buildings and their curtilages.

Local policy

North Lincolnshire Local Plan: Policy W1 (Applications for Waste Management Facilities) sets out criteria which state that proposals for waste management facilities will only be permitted if it can be demonstrated that:

- the proposed site has adequate access and the local road network and/or other transport facilities can accommodate the anticipated traffic;
- the siting, design and landscaping of the development are of the highest practicable standard;
- the engineering design of the development is technically feasible and accords with current best practice;

- provision will be made for gas and leachate control systems;
- measures are included to prevent unacceptable visual and other amenity aspects;
- the development includes measures to ensure there are no unacceptable ecological or archaeological impacts and no significant risks of pollution or danger to public health or safety;
- adequate restoration and aftercare management of the development is included; and
- there would be no adverse cumulative environmental effects.

Policy W2 (Groundwater Protection) – proposals for waste management facilities will only be permitted where they will not adversely affect groundwater protection zones, watercourses, lakes, ponds and reservoirs.

Policy W6 (Transportation of Waste) – proposals involving the transportation of waste by road will not be permitted where the potential for rail and river transportation exists.

Policy W9 (Handling of Waste) – proposals for the use of land and the erection of buildings for the recycling, transfer, storage and other treatment of waste will be permitted providing that:

- the site is located near to the likely sources of waste and/or the markets for the recycled materials;
- the site is located within an existing industrial site or on land which is permitted or allocated for industrial development, or within an area of land that has already been disturbed by permanent development;
- the proposal will not give rise to unacceptable impacts on local communities or the environment.

Policy W10 (Source Separation) – proposals for major development which involve the disposal of waste and proposals which attract a significant number of people will be permitted provided that facilities for the source separation and storage of different types of waste for recycling are installed.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

CONSULTATIONS

Highways: No objections.

Environment Agency: No objections subject to conditions.

Lincolnshire Wildlife Trust: The proposal appears to be partly within Crosby Warren Quarry which is a regionally important geological site (RIGS). They request that the exposures are made more accessible by finishing the landfilled surface to allow access to the cliff edge of the RIGS. The Trust supports the use of the site for conservation after restoration.

English Heritage: No comment.

East Midlands Airport: No safeguarding objections to the proposal.

Government Office for Yorkshire and the Humber: No comment.

Yorkshire Forward: No comment.

PARISH COUNCIL

Objection on the following grounds:

- Air-borne pollution and litter problems would be created because Appleby village is directly downwind of Crosby landfill.

- SITA lorries already come through Appleby village. This extension would increase the number of HGVs through the village.
- Given the variety of wildlife in the vicinity – ducks, great crested grebes etc – members were surprised at the lack of wildlife on site.
- If planning permission is granted, conditions should be attached requiring the waste to be deposited only from North Lincolnshire and not other parts of the country.
- The air quality in Appleby must be monitored to protect residents from any changes.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. No representations have been received.

ADDITIONAL REPORT

This proposal was deferred at the 3 December 2008 Planning Committee to enable consultation with North Lincolnshire Council's Waste Contracts Project Board. The Board, however, have no comments to make in respect of the application.

The applicants have also been requested to respond to comments made at the December Planning Committee by members concerning:

- the need for the extension, given other consented landfill sites within North Lincolnshire; and
- concern that North Lincolnshire's landfill sites would be accepting waste from outside its boundaries by increasing its capacity for landfill.

The applicants' comments are summarised as follows:

The applicants (SITA UK) operate within a waste management contract with North Lincolnshire Council that is due to expire in 2011. A replacement contract (25 years) is required and if permitted the extension is predicted to last around 17 years (based upon 1 million tonnes of capacity). At present New Crosby accepts 100,000 tonnes per annum of residual waste, of which 50% is municipal solid waste (MSW) from North Lincolnshire Council and the balance is commercial and industrial waste (C&I). MSW imports are likely to fall to approximately 20,000 tonnes per annum. Additionally, as landfill tax rises, it is likely that C&I waste deposits will decrease.

**ORIGINAL
ASSESSMENT**

Given that the New Crosby extension, if permitted, would commence accepting waste in 2012/2013, SITA predict the site would last around 17 years to 2030 (based upon 1 million tonnes of capacity).

Planning permission is sought to extend the existing New Crosby Landfill Site to the south-east in a three phase development. The footprint for waste disposal on the existing site is 8.19 hectares; the proposed extension will increase the waste footprint of the landfill site to 16.8 hectares, an increase of 8.68 hectares. The current waste disposal lifespan of five years would be extended to approximately 22 years with the original four phases being increased to seven. The predicted annual waste input for the extension is 60,000 tonnes, which would equate to an extension in life of approximately 17 years. The existing non-hazardous cell was the subject of planning permission reference 2003/1092 which was approved in January 2004. The landfill site became operational in 2005 and is currently just under half full, having accepted 400,000 tonnes of waste. The landfill extension would have the capacity to receive approximately 1,000,000 tonnes of residential waste material comprising a combination of municipal waste from the general population within North Lincolnshire and local industrial and commercial waste arising from Corus steelworks. SITA was awarded an integrated waste management contract for a seven-year period commencing on 1 April 2004 by North Lincolnshire Council. The aim of the contract was to enable the council to meet its recycling targets by increasing kerbside collections of paper, segregated garden/kitchen organic waste and carrying out high levels of recycling on the eight civic amenity sites. This proposal will provide sufficient disposal capacity to meet the requirements of this contract which expires in 2011. It is predicted that the New Crosby facility will be full in 2012. As with any significant landfill proposal the environmental impacts are of key importance in the consideration of the scheme and it is essential that mitigation measures are considered to reduce the potential for adverse impacts upon the environment and residential communities. An environmental impact assessment has been submitted with the application and considers issues such as air quality, landscape and visual impact, ecology and nature conservation, traffic and transportation issues.

The key issues in determining this proposal are whether there is a need for the extension, whether the environmental impacts would be sufficiently

mitigated to prevent harm to the environment, and whether the amenity of nearby residents would be sufficiently protected by the proposed mitigation measures.

From a planning policy perspective the proposal complies with national, regional and local policies because the environmental and amenity issues have been fully assessed within the Environmental Statement which is considered below. The extension is justified in terms of need and available capacity and the extension is justified in this location adjacent to the main urban area of Scunthorpe.

Need for the development

The RSS Yorkshire and Humber Plan May 2008 sets out current landfill capacity and identifies the lowest sub-regional capacity as nine years' supply and that the Humber sub-region has 13 years' supply until around 2018. If this proposal is approved the extension would be operational approximately in 2013 and operating until around 2030, and would assist in meeting the long-term need for new landfill capacity. The environmental statement considers the question of whether this proposal is in an appropriate location for meeting future landfill needs. Consideration is given to the fact that Scunthorpe is the principal source of both MSW and also C&I waste arising within North Lincolnshire. This site is the nearest disposal facility to North Lincolnshire Council's main area of waste production and therefore from a sustainability point of view the number of vehicle movements and journey distances is being minimised.

Traffic and transportation

Access to the site would continue to be via Dawes Lane, an unclassified public highway running eastwards from Scunthorpe town centre. This links to an internal private access road serving the current Corus landfill area. A new access road was constructed from the Corus weighbridge to the new Crosby site which would be used to service the extension. A new style access road would be constructed to connect the weighbridge reception facilities to the waste disposal area. The council's highways department have considered the traffic impact assessment and raise no objections to the proposal. The transport assessment concludes that the proposals represent acceptable development in highway and transportation terms. The proposals are anticipated to generate only limited traffic demand which would

represent replacement demand for operations at the existing landfill site. The predicted low levels of demand can be accommodated safely and efficiently by the immediate local highway network and would not result in any material adverse impacts on highway capacity, safety or traffic-related environmental conditions. Whilst the issue of the number of HGV movements through Appleby is a concern of members of Appleby Parish Council, as the vehicle movements will in effect be replacement demand it is not considered to be a justifiable reason for refusal.

Ecology, nature conservation and landscape/visual impact

The site contains vegetated habitats that are typical of ex-industrial land within the local area. There are only a small number of plants of local nature conservation interest which are not considered to be of great significance, particularly given that restoration of the site to grassland/heath would achieve beneficial impacts in terms of landscape character, visual amenity and habitat creation. The site is not used by reptiles, badgers, water voles, otters, crayfish or roosting bats. The survey methods are considered to be acceptable to the council's Environment Team officers. The most notable findings were great crested newts that were a distance of 300 metres from the site. However, whilst they are a European protected species, existing newt fencing and inhospitable habitat prevents them from accessing the application site. Therefore no further mitigation methods are considered necessary. The restoration of the site when landfill operations have ceased provides an excellent opportunity to enhance this area in terms of ecological and landscape potential. The council's environment officers have raised no objections to the restoration scheme subject to attaching conditions requiring a biodiversity management plan to be submitted to deal with the relevant issues.

Air quality

Appleby Parish Council have raised the issue of air quality as a primary concern due to the prevailing south-west wind potentially depositing air-borne pollution and litter upon the residents of Appleby. Given that this proposal is an extension of continuing existing activities, the findings of the 2003 assessment are relevant to this appraisal. The 2003 assessment concluded that no significant adverse impact to air quality would occur. The Environmental Protection team have considered the

environmental impact statement with regard to noise and air quality and raise no objections on either issue, particularly given that the site will be regulated under the Environmental Permitting Regulations 2007. All potential impacts, for example odour, dust emissions from vehicle movements to and from the site, landfill gas generation and impact upon nearest receptors to the site have all been compared to environmental assessment levels used to protect human health. The conclusion of the assessment was that the worst case emissions would be within Environmental Assessment Levels.

Noise and vibration

A noise impact assessment has been undertaken by the applicants. To prevent or minimise noise nuisance the use of best available technique has been applied which underpins good practice. The predictions detailed in the report represent a worst case situation by considering the noise climate during landfilling on high points of the site and therefore no screening being provided. Therefore for much of the time the levels received at the potential noise sensitive receptors will be significantly lower as a consequence of plant operating at lower levels, working behind previously tipped waste and at greater distances. Site activity will only occur during the day and there will be no night-time disturbance to local residents.

Archaeology

The application site lies wholly within an area of former open-cast working and there is therefore little chance that any archaeological remains survive. The council's archaeological officer agrees with the archaeological report provided by the applicants in the environmental statement that the site can be considered to be archaeologically sterile.

Hydrology and hydrogeology

The proposed extension involves the importation and deposit of wastes known to generate both landfill gas and leachate which has the potential to impact upon the site's surrounding geological, hydrological and hydrogeological regime. Ongoing management of landfill gases and leachate would ensure that there is no impact on the surrounding ground, surface waters or ground waters. The site is to be provided with leachate management facilities to enable leachate at the base of the cell to be collected and removed. The existing site has a comprehensive surface water management system which

separates clean surface water from potential contamination by waste. It is proposed to install a network of wells that allow gas to escape within the waste.

Operations

The site would be open to receive waste between 7am and 5pm on Mondays to Fridays and between 7am and 12 noon on Saturdays. To maintain capacity at the council's civic amenity sites the facility would accept civic amenity waste only from 12 noon till 5pm on Saturdays and 7am to 5pm on Sundays. Sunday working is not proposed except in exceptional circumstances with the approval of the local planning authority and the Environment Agency. It is proposed that essential maintenance and pumping operations may be carried out outside these hours. When the site is not open the gate would be locked.

Restoration and aftercare

Once areas of the site have reached their final restored level, that also accounts for settlement of landform as the waste mass degrades, they would be capped with a material that limits rainwater seepage, leachate generation and the escape of gas. The restoration scheme comprises a combination of grassland and scrub. The aftercare of the site restoration is mainly restricted to maintenance of low-level vegetation and fences. A gas and leachate management plan would be monitored and maintained until such time as they are no longer required on site. The final cap would also be subject to periodic inspections to ensure its ongoing integrity. A long-term management plan, including inspections of the site and a review of the progress of the restoration scheme, would be drawn up in agreement with the local planning authority and is likely to be required by planning condition.

RECOMMENDATION

Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of five years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

- 2.

The development hereby permitted shall not be commenced until such time as a scheme to secure the maintenance of groundwater levels below 2 metres of the base of the landfill has been submitted to and approved in writing by the local planning authority. Any such scheme shall be supported by detailed information, including a maintenance programme, and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed in writing by the local planning authority.

Reason

To protect groundwater quality in the long-term, by ensuring maintenance of the proposed pumping scheme.

3.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (i) a description and evaluation of the habitats and features to be managed or created;
- (ii) ecological trends and constraints that may influence management for the desired habitats and features;
- (iii) aims and objectives of management;
- (iv) appropriate management options for achieving aims and objectives;
- (v) prescriptions for management actions, including:
 - (a) details for the treatment and disposal of Japanese knotweed (*Fallopia japonica*) and other invasive species in accordance with Environment Agency guidance;
 - (b) details of measures to be carried out to avoid harm to great crested newts, other protected species and nesting birds during the operational and restoration phases of development;
 - (c) details of measures for the conservation of Grayling butterfly (*Hipparchia semele*);

- (d) details of measures for the enhancement of heathland, acid grassland, wetland and calcareous grassland habitats during the operational and restoration phases of development;
- (vi) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- (vii) monitoring procedures and remedial measures triggered by monitoring;
- (viii) persons responsible for:
 - (a) compliance with legal consents relating to nature conservation;
 - (b) compliance with planning conditions relating to nature conservation;
 - (c) installation of physical protection measures during construction;
 - (d) implementation of sensitive working practices during construction;
 - (e) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - (f) implementation of the management plan.

Reason

To protect features of recognised nature conservation importance in accordance with policies DS1, LC5 and LC6 of the North Lincolnshire Local Plan.

4.

The management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To protect features of recognised nature conservation importance in accordance with policies DS1, LC5 and LC6 of the North Lincolnshire Local Plan.

5.

The site shall only open to receive waste between the hours of 7am and 5pm Mondays to Fridays and 7am till 12 noon on Saturdays. Civic amenity waste shall only be received between the hours of 12 noon till 5pm on Saturdays and 7am till 5pm on Sundays.

Reason

To protect the amenity of occupiers of the nearest residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

Deliveries of waste outside the hours stated in condition 5 shall only be allowed in exceptional circumstances with the prior written approval of the local planning authority.

Reason

To protect the amenity of occupiers of the nearest residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

The permission hereby granted shall have a duration of 20 years from the date the development is commenced unless otherwise agreed in writing with the local planning authority. At the end of the 20-year period, or other period as agreed in writing with the local planning authority, all tipping operations shall have ceased and the site shall have been cleared to commence restoration.

Reason

To ensure that the development is carried out in accordance with the details as submitted.

8.

Restoration of the site shall proceed fully in accordance with the details submitted within the Environmental Statement. Any alteration to this scheme of working shall only be undertaken with the prior written approval of the local planning authority.

Reason

To ensure that the development is carried out in accordance with the details as submitted.

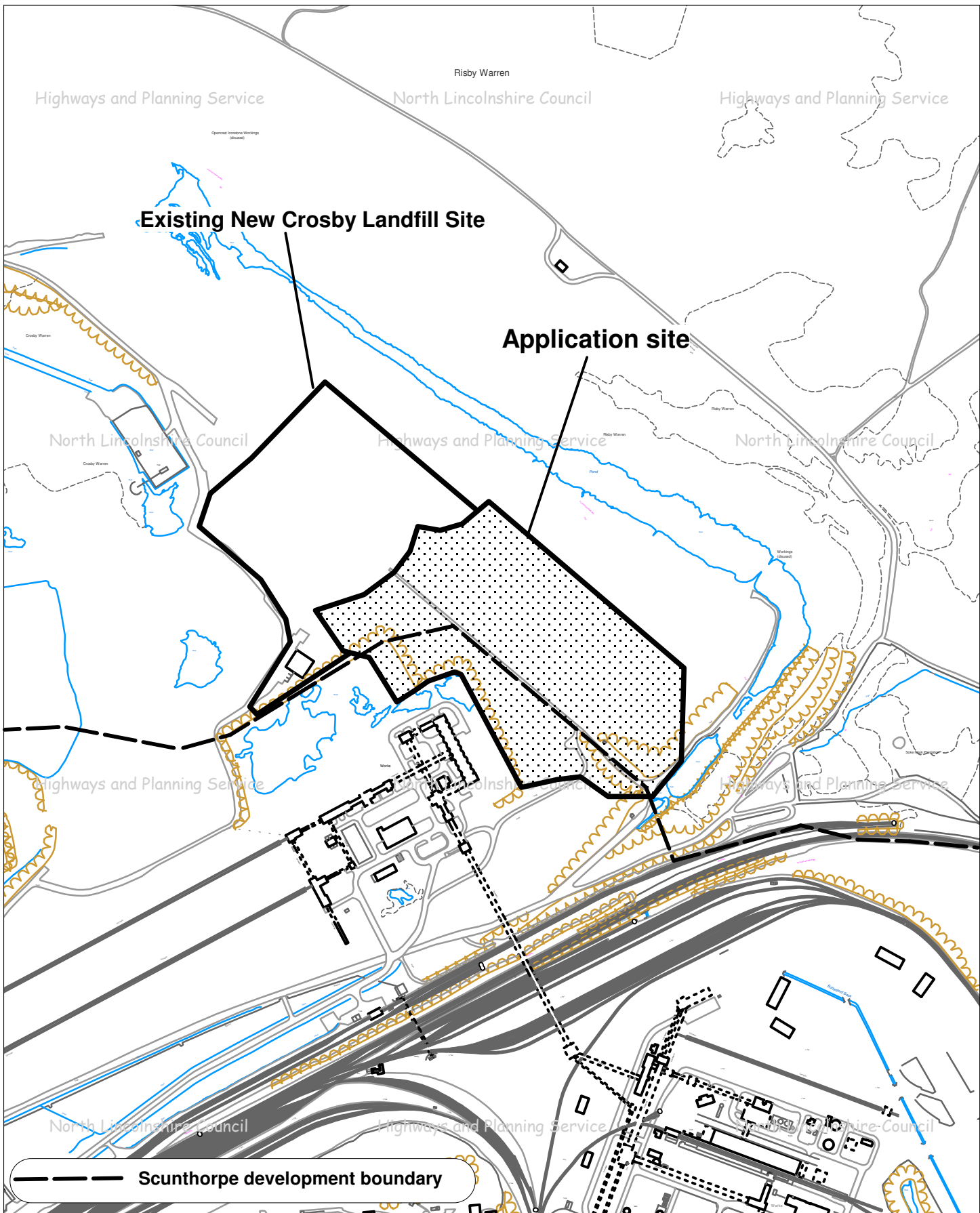
9.

Prior to the commencement of development, a long-term management plan for the monitoring and maintenance of the restoration scheme shall be submitted to and agreed

in writing by the local planning authority. Details to be submitted shall include a programme of periodic inspections of the site with a review of the progress of the restoration scheme.


Reason


To ensure restoration is carried out in accordance with the agreed scheme.



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