

<b>APPLICATION NO</b>	<b>WD/2016/332</b>
<b>APPLICANT</b>	Mr Matthew Hayes, Integrated Waste Management
<b>DEVELOPMENT</b>	Planning permission to vary conditions 4, 6, 10, 11 and 20 of WD/2003/1842 to extend life of landfill site to 2026, revise landfill phasing, final landform and restoration
<b>LOCATION</b>	Winterton Landfill Site, access roads to landfill site, Winterton, DN15 9AP
<b>PARISH</b>	Winterton and West Halton
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Joanna Heweth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Elaine Marper – significant public interest)

## **POLICIES**

### **National Planning Policy Framework:**

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

### **National Policy Statement for Hazardous Waste**

### **Strategy for Hazardous Waste Management for England**

### **National Waste Management for England**

### **North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy LC16 (Lincoln Edge Scarp Slope Landscape Enhancement Area)

Policy IG5 (Footpaths and Cycleways)

Policy RD2 (Development in the Open Countryside)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T7 (Development of a Cycle Network)

Policy R5 (Recreational Paths Network)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy LC15 (Landscape Enhancement)

Policy LC16 (Lincoln Edge Scarp Slope Landscape Enhancement Area)

Policy HE9 (Archaeological Evaluation)

Policy W1 (Applications for Waste Management Facilities)

Policy W2 (Groundwater Protection)

Policy W3 (Flood Risk Areas)

Policy W6 (Transportation of Waste)

Policy W12 (Household Waste and Recycling Facilities)

Policy W19 (Non-inert Wastes)

Policy W20 (Landraising)

Policy DS8 (Methane Emissions)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS20 (Sustainable Waste Management)

Policy CS2 (Delivering More Sustainable Development)

Policy CS6 (Historic Environment)

Policy CS16 (North Lincolnshire Landscape, Greenspace and Waterspace)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

## CONSULTATIONS

**Highways:** The applicant should be requested to carry out a highway condition survey on the section of road between the entrance to the site and the A1007 at the 1, 5 and 10 year stage with a further undertaking to repair any damage that may be caused by the additional traffic movement.

**Environmental Health:** No comments.

**Ecology Officer:** The submitted Environmental Statement and appendices describe the methods and results of surveys that have been carried out for habitats and protected and priority species. The species considered, methods used and survey effort deployed are appropriate and in accordance with Natural England's standing advice and the council's scoping advice. There is no evidence of reptiles, great crested newts, roosting bats, hedgehog or other protected or priority species on site, except for brown hare and breeding farmland birds. Both the consented landfill and restoration and the new proposals could affect breeding birds through operational disturbance and loss of habitat. However, the new restoration proposals are an improvement on the consented proposals in terms of habitat quality, habitat diversity and potential to support priority species. Sensitive working methods may be required to avoid harm to protected and priority species. It is not clear whether existing and varied conditions will secure this or whether new conditions will be required.

### *Existing Biodiversity Value*

Survey work has revealed significant species and habitat diversity on site, including areas of Local Wildlife Site quality for calcareous grassland and open mosaic habitats (OMH) on previously developed land. Both the consented landfill and restoration and the new proposals could lead to the loss of these features. However, the new restoration proposals are an improvement on the consented proposals in terms of habitat quality, habitat diversity and potential to support priority species.

The submissions include a proposal for a landscape and biodiversity management plan to ensure that the required features are created and positively managed in the longer term. It would be useful if control of the non-native and invasive *Cotoneaster* species could be included in this. The submission and implementation of a plan should be secured by a planning condition. The plan should include more detailed specifications for the creation and management of habitats including details of trees, shrubs, hedgerows, seed mixes, soil quality and hydrology, as appropriate. Bat boxes and bird nest boxes (e.g. tree sparrow) may also be useful.

### *Public access*

At the scoping stage the applicant was requested to ensure that: "Public access- creation of open access or walking and cycling routes connecting to the existing network will be required in accordance with paragraph 75 of the National Planning Policy Framework, Saved Policy R5 of the Local Plan and Core Strategy Policies CS23 and CS25." The revised proposals appear to have addressed this request, which is welcomed.

### *Biodiversity Enhancement*

The National Planning Policy Framework states that: "The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."

and "opportunities to incorporate biodiversity in and around developments should be encouraged". With this application, biodiversity enhancement should be secured as described above. Conditions are recommended to secure this.

**Archaeologist:** This proposal does not adversely affect any heritage assets of archaeological interest or their settings. A Romano-British settlement was excavated within the landfill site boundary in 2003. Provision should be made within the Restoration Plan for an information board about the Roman site. The HER has no objection to the application subject to a condition securing this provision.

**Tree Officer:** No comments.

**Landscape Officer:** No comments.

**Public Footpaths Officer:** Policy IG5 of the local plan (Footpaths and Cycleways) states that the former North Lindsey Light Railway Line will be safeguarded for the construction of a linear footpath, bridleway and cycleway. As the western perimeter of the Winterton landfill site more or less accords with the course of the former light railway, the restoration provisions should incorporate a footpath and cycleway along its western perimeter. In addition, it is noted that the provision for footpaths within the site, as indicated on the submitted plan, is on a permissive basis only. In view of this an objection is raised and the applicant is requested to provide the following:

- a cycleway incorporated within the restoration provisions along the western perimeter of the site in accordance with policy IG5; and
- footpaths indicated as permissive to become public footpaths in perpetuity, for adding to the definitive map of public rights of way accordingly.

**Drainage Officer:** Comments awaited.

**Environment Agency (EA):** Originally objected to the application on the basis that an adequate flood risk assessment had not been submitted. The EA recognises that the flood zones in the EA current Flood Map for Planning (Rivers and Sea) do not take account of the current landform at the site. The existing topographic survey provided (drawing number 2194/5/001) shows the existing ground levels at the site. From this it is clear that a previously constructed engineered bund is located through the middle of the site. The highest level of this bund indicated as being at risk of fluvial flooding is at approximately 23 metres AOD. Given these high ground levels it is accepted that flood waters are unlikely to enter the northern part of the site where the area of proposed fill will be located.

Based on the information provided in the FRA response letter, the new permit variation and planning variation propose to retain the void at the south of the site to facilitate water management on the site. Therefore we understand that there will be no change to the current water management strategy. We would recommend that the applicant explores opportunities for creating additional storage for water on the site. The Proposed Post-Settlement Contours figure (drawing number 1756-10- 05, March 2016) shows areas of land that may be required for engineering works/clay removal: such areas would be suitable for making additional space for water.

**Natural England:** No comment.

**Lincolnshire Wildlife Trust:** Note that the site contains areas of calcareous grassland and open mosaic habitat on previously developed land (OMH) which would qualify under the Local Wildlife Site criteria for Lincolnshire (Local Wildlife Site Guidelines for Greater Lincolnshire, 3rd edition, Greater Lincolnshire Nature Partnership). These are priority habitats listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Where habitats are found to meet any of the LWS criteria, the Trust would expect appropriate avoidance, mitigation or provision of compensatory habitat of at least double the area and of equal value to be provided. While the newly submitted restoration plans are an improvement over the currently consented ones in terms of diversity of habitats, there is no indication that the priority habitats to be lost will be recreated. We would strongly recommend that the areas of 'species rich grassland' include calcareous grassland where the soils are appropriate and that provision is made in the restoration scheme for areas of OMH representing a range of successional habitats. As high quality examples of these habitats have already developed on site unaided, seed sources are clearly available to allow natural colonisation. We would recommend that areas are left unseeded to allow this process to take place in the final restoration, however should seeding be desirable, appropriate native species of local provenance should be used. Details of how these habitats will be created and managed should be included in the proposed restoration management plan.

**Royal Society for the Protection of Birds:** Comments awaited.

**Health and Safety Executive:** No comments as the site does not fall within the zone of any hazardous installations.

## **PARISH AND TOWN COUNCILS**

**West Halton Parish Council:** Comments awaited.

**Burton-upon-Stather Parish Council:** Comments awaited.

**Winterton Town Council:** Comments awaited.

## **PUBLICITY**

Neighbouring properties have been notified, and site and press notices posted. No letters of representation have been received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

At the landfill community liaison group (CLG) meeting held on 22 September 2015 details of the proposed application were presented to the members and as agreed at that meeting a

further CLG meeting was held on 27 January 2016 to present the final proposals. The second meeting took place and full details of the proposal were provided.

The applicant has written to all neighbouring parish councils to inform them of the development proposals and to offer to attend a meeting of the parish council to present the proposals in more detail and to answer any questions which the parish council may have. The applicant subsequently attended the Burton-upon-Stather Parish Council meeting on 14 December 2015 where full details of the proposal were presented and questions answered.

## **ASSESSMENT**

The application relates to the existing Winterton landfill site to the north-west of Winterton. Access to the site is from the B1430 Coleby Road to the northern end of the site. The surrounding land is open countryside used for agriculture. The nearest residential properties to the site are: New Cliff Farm, around 250 metres to the south-east; an unnamed property on the A1077, 350 metres to the west; Booth House Farm, 650 metres to the west; and Northlands Farm, 750 metres to the north-west.

The landfill site was originally an ironstone quarry works and was started as a landfill site in 1977 including domestic, hazardous and non-hazardous waste. In 1996 planning permission was granted to extend the landfill site by 43 acres on the eastern side and for the restoration of the site for recreational uses, agricultural and commercial woodland purposes.

In 2004 planning permission (2003/1842) was granted for the reconfiguration of the void and revision to the phasing of the infilling to generate restoration material. This permission is now the principal consent as the previous permissions were consolidated.

Under the extant planning permission the landfill site is one site, however for operational purposes it is split into two and both parts operate under permits granted and enforced by the Environment Agency. The northern part of the site operates as non-hazardous landfill and the southern part operates as a hazardous landfill. The completed cells in Winterton North have been capped and restored to the levels required under the extant planning consent. The remaining area of Winterton North is open unrestored quarry and covers an area of around 14 hectares. The volume of uncompleted cells in Winterton North is around 2,512,000 cubic metres. In relation to Winterton South, the hazardous landfill, one cell remains operational and in January 2016 this cell had a remaining capacity of 51,000 cubic metres. The total volume of all of the uncompleted cells in Winterton South is around 877,000 cubic metres.

The majority of the northern half of the landfill has been completed and has been partially restored.

The application seeks planning permission for the variation of conditions 4, 6, 10, 11 and 20 attached to planning permission WD/2003/1842 in order to extend the life of the landfill to 2026 involving revision of the landfill phasing, the final landform and restoration. The proposed development was determined to be EIA development by the council at the pre-application screening stage and an Environmental Statement has been submitted with the application in accordance with the scoping advice from the council.

The proposal would involve the reconfiguration of the existing landfill to revise the phasing and location of hazardous waste cells and would also amend the restoration profile to a

lower level. The proposal includes a revised final restoration landscape design which would provide nature conservation and public access benefits. The proposal reduces the capacity of the site from that currently consented though would seek approval for the landfilling of 650,000 cubic metres of hazardous waste and 1,200,000 cubic metres of low-risk inert materials such as soils, construction and demolition wastes (referred to hereafter as low-risk materials) to allow the site to be restored. These materials would fall under the Landfill Tax (Qualifying Materials Order). There would be no further importation of biodegradable non-hazardous waste. The landfill would be served by the existing infrastructure in place for the currently operational landfill.

The proposed development would comprise the following key elements:

- an extension to the operational life of the landfill by 10 years, followed by a 12-month period for site restoration;
- reconfiguration of the existing landfill to revise the phasing and location of hazardous waste cells;
- importation of approximately 1,200,000 cubic metres of low-risk materials such as soils, construction and demolition wastes;
- creation of void space with the capacity to receive 600,000 cubic metres of hazardous waste and completion of the existing hazardous waste cell (circa 51,000 cubic metres of capacity at January 2016); and
- amend the restoration profile and final restoration plan.

The landfill would continue to operate using the existing associated ancillary infrastructure including landfill gas utilisation plant, leachate treatment facility, access roads, fencing, weighbridges, wheel washes, surface water management, maintenance buildings and site offices. The hazardous waste and qualifying materials would be filled concurrently to ensure sufficient engineering stability is provided to the hazardous cells. As there would be two different types of waste each type would need different engineering and lining systems to be used. This would require prior approval by the Environment Agency.

The filling would be in seven phases with the final phase involving placement of a further 187,000 cubic metres of material which would raise the depth across the site by an average of 3 metres. This stage would allow the landform to be tied into the existing quarry basewall to deliver an attractive final form. The resulting landform would be similar to the previously consented landform. The existing southern void would remain unfilled and would be managed as a surface water lagoon.

The proposal includes details of the restoration of the land after the completion of the capping with low permeable materials. The proposal would include a mix of sheep pasture and native woodland with spring/summer meadows with field boundary hedges planted. An area of species-rich grassland would be created around the edges of the new water body to the south.

A number of informal recreational footpath routes would be developed across the site and associated car parking would be provided by the retention of the existing operational on-site car park.

In accordance with the requirements of EIA development the applicant has advised that a number of alternatives were considered for the management of the site following the expiration of the existing planning consent in March 2016. The options considered were:

- do nothing;
- apply for an extension of time to undertake a minimum restoration scheme;
- apply for an extension of time to complete the landfill to the levels consented by planning permission PA/2003/1842, i.e. the currently consented levels;
- apply for an extension of time to complete the landfill to a level lower than that previously consented but one which provides an improved landform to the minimum restoration scheme.

The option of applying for an extension of time to complete the landfill to a level lower than that previously consented was considered the most favourable by the applicant. The main reasons for this were that this option would deliver an improved landform at the site, it would resolve some of the geotechnical and groundwater issues associated with the 'do nothing' and 'do minimum' options and would enable the majority of the completed site to be opened up to the public for recreation and access.

The phasing of the cell construction and filling operations for the qualifying materials cells has been designed to ensure the stability of the hazardous cells located to the south. In addition the phasing of the qualifying materials area has been designed so that in the unlikely event that the site is not filled at the anticipated rates, a lower, acceptable landform can be achieved without the requirement for the further importation of waste.

The qualifying materials area would not generate any leachate that would require treatment due to the inert nature of these materials. However, the existing non-hazardous cells and the existing and proposed hazardous cells would produce leachate that would be managed using the existing site regime.

The applicant confirms that there would be no requirement to install or maintain a landfill gas management system for the newly created hazardous waste cells or the qualifying materials waste as neither would generate landfill gas. The existing gas wells within the non-hazardous waste cells would remain in place and gas would continue to be extracted and would not be affected by the proposal.

Whilst the period of operation would be extended, this would be limited to 10 years, and no non-hazardous biodegradable materials would be brought onto the site, eradicating amenity concerns often associated with municipal wastes such as odour, vermin and birds.

Currently surface water and groundwater collects at two locations within the remaining quarry void between the non-hazardous and hazardous waste cells and the southern quarry void. Water from the central quarry void flows by gravity to the southern quarry void and from here it is pumped into a surface water drain that flows into Winterton Beck. The surface water run-off from the restored non-hazardous waste cells, the site access and internal road drain to a channel that runs northward along the western edge of the internal road which ultimately discharges to Winterton Beck via constructed settlement ponds. This would continue as described.

On completion of the landfill the surface water and groundwater would be directed to the southern quarry void. The water level in the southern void would be maintained at a level to avoid any flooding.

There are no proposed changes to the existing operational hours. Waste disposal operations and restoration operations would be limited to 7am to 5.30pm Monday to Friday and 8am to 1.30pm on Saturdays. There would be no waste disposal or restoration operations on Sundays. Site engineering works would be limited to 7am to 7pm Monday to Friday and 7am to 7pm on Saturdays.

## **Environmental impacts**

### *Planning policy and proximity principle*

The national planning policy in relation to the disposal and treatment of waste requires decision-makers to assess proposals against the waste hierarchy principle which means that waste should be re-used, recycled or utilised for energy before being landfilled, which is the last resort. This supports the golden thread throughout planning policy relating to sustainable development. National planning policy requires decision-makers to assess applications for waste disposal against the proximity principle which is also part of EU legislation requiring member states to establish an integrated and adequate network of waste disposal installations. Such a network must enable waste to be disposed of in one of the nearest waste installations by the best methods in order to ensure a high level of protection for the environment and public health.

In relation to the disposal of hazardous waste, the government has adopted specific planning policy. Such waste is described as containing one or more hazardous properties that may cause harm to human health or the environment but **not** including radioactive waste. The National Policy Statement for Hazardous Waste states that hazardous waste management infrastructure is essential for public health and a clean environment. EU Directives have increased the type of waste now classified as hazardous and therefore the amount to go to specialist disposal sites is increasing with greater demands on spare capacity.

The application states that some of the hazardous waste would come from the applicant's four Energy from Waste installations (the contaminated ash for example) together with other contract waste. The applicant operates as a merchant facility accepting waste from third party organisations. The application shows that the applicant has a long-term contract to accept 30,000 tonnes per year of hazardous filter cake formed from air pollution control residues. The site currently accepts 4000 tonnes per year of hazardous waste from various contracts.

To ensure that Winterton is the nearest site for such disposal, however, the applicant has been requested to provide further details of the origin of the hazardous waste and has confirmed in writing that the majority of the hazardous material will come from the applicant's parent company's (FCC) treatment operations in Yorkshire. The sites treat liquid and solid industrial wastes arising from waste incineration, chemical manufacture, metal cleaning, processing and similar processes which generate wastes requiring chemical and physical treatment. An output from such treatment is a filter cake which requires disposal to hazardous landfill. The treatment operations are located at:

- Knostrop, Knowsthorpe Lane, Leeds, Yorkshire

- Blackburn Meadows, Alsing Road, Tinsley, Sheffield, Yorkshire
- Ecclesfield, Starnhill Close, Ecclesfield, Sheffield, Yorkshire.

The applicant states that the potential alternatives to Winterton landfill would be to deliver to sites in third party ownership in Skelmersdale, Lancashire; Port Clarence, Teeside or Kings Cliffe in Cambridgeshire. These facilities are more distant than Winterton landfill and so cannot be considered to be a more sustainable option. Furthermore, none of these sites are under the control of the applicant and thus there is no certainty they can receive a proportion of the waste stream. The table below shows a comparison of vehicle miles from treatment to disposal facilities.

Treatment facility	Disposal facility			
	Winterton	Skelmersdale	Teesdale	Cambridgeshire
Knothrop, Leeds	58 miles	70 miles	70 miles	111 miles
Blackburn Meadows, Sheffield	48 miles	77 miles	97 miles	85 miles
Ecclesfield, Sheffield	53 miles	73 miles	95 miles	90 miles

The Winterton landfill facility will also accept air pollution control residues from FCC Environment's Energy from Waste facilities. The planning statement explains that the amount of hazardous waste is expected to increase and details the policy support at a national level for new hazardous waste infrastructure.

#### *Quarry backfill material*

The applicant has confirmed that, in relation to the inert material, the majority going into the quarry backfill void is likely to be soils. Historically a lot of the soils may have been sent to landfill sites as daily cover or restoration material. However, because non-hazardous waste going to landfill is reducing and many landfill sites are shutting, there is not the same need for soils. It is not economical to tip low-value materials (such as the types of material which will be accepted at Winterton) into landfill sites. Thus, as landfill reduces, so do the disposal options for soils and low-risk materials.

An equally important impact is the change to the EA licensing of sites which may have accepted such materials. Historically much of this type of material has gone to 'recovery' projects such as restoration of quarries and slag heaps. However, the EA is issuing very few new permits for these facilities and there has also been a tightening of the permitted wastes and tonnages on the EA standard template permits.

The material is likely to be sourced within the local area as the materials, by their nature, do not travel great distances.

National planning policy requires local authorities to dispose of their own waste locally, if at all possible, in line with the proximity principle. It is acknowledged, however, that historically hazardous waste has been brought into the site from the wider region and from sites around the country, given that this is a hazardous waste landfill.

The Winterton site no longer accepts municipal domestic waste and therefore the permission granted in 2004 cannot be implemented in full without a different waste stream to fill the voids left from the original quarry operation. In principle and in order to secure the satisfactory restoration of the site to make up for the loss of the domestic waste stream it is considered that the proposal is acceptable and would comply with local and national planning policies.

#### *Flood risk and surface water*

The Environment Agency (EA) originally objected to the application as a satisfactory Flood Risk Assessment had not been submitted with the application. This has now been prepared and the EA has confirmed that the proposal would adequately address the potential flooding concerns through suitable design and mitigation.

As the southern part of the site would remain unfilled as part of the current proposal, it would collect the surface water from the north and would be left as a water body in the final restoration scheme. The EA has suggested to the applicant, however, additional areas of the site could be set aside for extra surface water storage. Whilst only a recommendation, and not a requirement, the applicant is still considering such a facility.

#### *Leachates and waste odour*

The existing leachate collection system would be undisturbed together with the methane gas recovery installations and energy production for the local grid. As domestic waste would no longer be accepted, any potential odours from the site would be eliminated. The proposed hazardous and inert waste material does not give rise to such problems. The hazardous waste does give rise to leachate, however, and the proposal is designed to deal with this.

#### *Species protection and biodiversity*

The submitted protected species survey shows no evidence of reptiles, great crested newts, roosting bats, hedgehog or other protected or priority species on site, except for brown hare and breeding farmland birds. Both the consented landfill and restoration, and the new proposals, could affect breeding birds through operational disturbance and loss of habitat. It is considered, however, that the new restoration proposals are an improvement on the consented proposals in terms of habitat quality, habitat diversity and potential to support priority species.

Survey work has revealed significant species and habitat diversity on site, including areas of Local Wildlife Site quality for calcareous grassland and open mosaic habitats (OMH) on previously developed land. Both the consented landfill and restoration, and the new proposals, could lead to the loss of these features. However, the new restoration proposals are an improvement on the consented proposals in terms of habitat quality, habitat diversity and potential to support priority species. The council's Ecologist is satisfied that the proposals are acceptable subject to conditions. The applicant has agreed to a condition requiring the submission of a biodiversity and landscape management plan.

The Lincolnshire Wildlife Trust also comments about the calcareous grassland and OMH and considers that where habitats are found to meet any of the Local Wildlife Site criteria, the Trust would expect appropriate avoidance, mitigation or provision of compensatory habitat of at least double the area and of equal value to be provided. The Trust also comments that while the newly submitted restoration plans are an improvement over the

currently consented ones in terms of diversity of habitats, there is no indication that the priority habitats to be lost would be recreated. The Trust recommends that the areas of 'species rich grassland' shown on the restoration scheme includes calcareous grassland where the soils are appropriate and that provision is made in the restoration scheme for areas of OMH representing a range of successional habitats.

The applicant has agreed to the imposition of a condition to secure 'species rich grassland' including calcareous grassland where the soils are appropriate and that provision is made in the restoration scheme for areas of OMH.

### *Landscape impact*

The Environmental Statement (ES) shows details of the proposed land restoration form compared to the previous consent. The main difference would be the change to the southern part of the site as this would not be filled and would be left as a surface water lagoon at the level of the original excavated quarry site. The middle part of the site would be filled over the next 10 years and would appear very similar to the original approval in 2004. The restoration proposal would provide a natural landscape with enclosed pasture land, hedges, trees and grassland. It is considered that, in terms of the views of the site, the main impact would be from the west.

The ES concludes that from the road to the west of the site, including at the village of Coleby, the waste-tipping operations would be clearly visible for a further 10 years. This would contrast with a future baseline position of a minimally restored void, which could be considered a 'scar'. Both of these options would contrast with the more naturalistic features in the surrounding landscape and, given the relatively short distance involved, would be quite clearly seen and give rise to adverse visual effects. The ES concludes that the advantage of the proposal is that in the longer-term, post-restoration, the final landform would result in a beneficial effect when contrasted with the baseline landform where a residual void would persist in the central area of the site.

It is considered that the proposed impact on the landscape would be acceptable together with the landscape proposals.

### *Traffic*

The submitted Transport Assessment (TA) estimates that there would be a total of 158 two-way vehicle movements per day, Monday to Friday (6am to 4pm) for the 10-year extension period. It is anticipated that there would be 14 two-way vehicle movements in the morning peak hour and none in the evening peak hour. This is based on 269,000 tonnes being imported per year. These calculations also assume that import/export of material is evenly spread throughout the year. From the historical data provided in the TA, this shows some daily and monthly fluctuations but there are no significant variations.

The Highway Authority advises that, whilst the proposed number of vehicle movements is significant, there is sufficient capacity on the highway network to accommodate this. It is expected that all vehicles would travel east from the site along Coleby Road to the A1077, where the distribution at this stage is unknown. The TA assessed a 50/50 north/south split, with all vehicles travelling north and all vehicles travelling south.

The Highway Authority advises that whilst there are no objections to the application, given the proposed level of HGV for the next 10 years, it would be beneficial to seek some form of maintenance contribution for Coleby Road, between the site access and A1077. The

Highway Authority considers that the applicant should be required to carry out a condition survey on the section of between the entrance to the site and the A1077 at the 1, 5 and 10 year stage with a further undertaking to repair any damage that may be caused by the additional traffic movement. The applicant has questioned this requirement, however, and has asked why a condition survey of the section of Coleby Road between the site access and A1077, which is understood to be a 'C' classification route is required, given that such standard routes are designed to accommodate levels of traffic which would not be exceeded in this instance. Furthermore, the proposal scheme represents a continuation of the existing use of the route, this section of which is specifically unrestricted in terms of HGV traffic. Accordingly, proposals would not result in a quantum of traffic on the route that would be extraordinary in order to make the additional operational life of the Winterton landfill acceptable.

The Highway Authority has confirmed in response that the suggestion of a condition survey and potential maintenance contribution is based on the fact that, according to the TA, there will be an additional 150 vehicle movements (two-way) per day over the 10-year period. This is fairly significant and could have an impact on the structural condition of the road over the 10 year extension period. It is assumed that the majority of heavy/large vehicles along this road would be associated with the landfill site and it therefore seems reasonable to request condition surveys to monitor the impact of the continued use of the landfill site and for the applicant to make good any deterioration. In view of this it recommended that a condition survey is required.

#### *Public rights of way*

The Public Rights of Way Officer has objected to the application on grounds that policy IG5 (Footpaths and Cycleways) of the local plan states that the former North Lindsey Light Railway will be safeguarded for construction of a linear footpath, bridleway and cycleway. The submission details show the provision of such a footpath along the western edge of the site but that it would be on a permissive basis only. The plans also show other informal footpaths submitted plans which were all shown on the previous consent in 2004.

The applicant is happy to provide the footpaths as shown but has commented, however, that following closure and restoration of the site there would still be a number of ongoing operations associated with environmental monitoring and controls, for example HGV movements involved with the removal of leachate and vehicle movements to the gas management infrastructure which would continue to use the western haul road. As a result public access could only be provided when it was safe to do so and in areas of the site where there would be no conflict with ongoing operations. In view of this the applicant considers that the proposed footpaths would have to be permissive footpaths rather than adopted in perpetuity as requested by the Public Rights of Way Officer. A permissive path (which could be for walkers, riders, cyclists, or any combination) is a path whose use is allowed by the landowner.

A permissive path is often closed on a specified calendar day each year (lawful only if it is not already a public right of way of some description) and clearly signed (eg signpost or waymark) as permissive. The act of so closing or signing it ensures that any future use of it does not count towards the 20 years use 'as of right' needed to establish its public status. These are precautions to prevent it becoming designated as a statutory right of way in relation to its permitted use. Further information on this matter will be provided to members at committee.

### *Archaeology*

The council's Archaeologist is satisfied that, given the previous quarry activities, there are no reasons to suggest that there would be any disturbance of archaeology on site if planning permission was granted. A Romano-British settlement was excavated within the landfill site boundary in 2003 and it is considered appropriate to request the applicant to display an interpretative board within the site to explain the archaeological significance of the site and what was previously excavated. The applicant has agreed to such provision.

There are no other designated heritage assets nearby which would be affected by the proposal.

### *Local amenity*

The nearby parish councils have all been consulted regarding the application including West Halton, Winteringham, and Burton upon Stather but no responses have been received. As part of the requirement of the EIA the applicant carried out pre-application community involvement but again no responses have resulted from this. No letters of representation have been received from any local residents.

A Winterton Landfill Community Liaison Meeting is held several times a year with the parish councils, North Lincolnshire Council, the Environment Agency and the applicant in attendance. Minutes of the last meetings have been requested which show in January 2016 there had been some objections regarding a landfill odour near to the entrance to the site which now seems to have been addressed. The Council's Environmental Health officer has raised no objections to the application.

The minutes of the community meeting also show that the applicant set out the current proposals to the members. No concerns were raised at the meeting.

In terms of hours of operation, these would remain the same as existing. It is considered that noise levels would also remain the same as the previous levels. Again no objections have been raised by the Environmental Health Officer.

### *Conclusion*

It is considered that the proposal is acceptable and would meet the requirements of policies W1, W19 and W20 of the local plan and policy CS20 of the Core Strategy. The proposal would enable the satisfactory restoration of the site allowing the filling of the central void within the site. The proposed restoration scheme would provide improved habitat creation and biodiversity enhancement in accordance with national and local plan policies.

Whilst members will be advised at the meeting regarding the details of where the waste is expected to come from, the site is a regional and national facility for hazardous waste and there are no current technologies which would allow the waste to be treated, as opposed to being disposed of in landfill in accordance with the waste hierarchy. On this basis it is considered that the extension of the life of the landfill for 10 more years has been justified and the application to vary the conditions is considered to be acceptable.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.

The continued landfill development hereby approved shall be limited to a period up to and including 28 March 2026. At the end of this period, unless further permission has been obtained, all operations shall cease; all structures, other than those required in connection with the restoration of the site, continuing monitoring and environmental control of the site or those required by any licence, shall be removed; and the restoration of the site completed in accordance with the approved plans within the following 12 months ending on 28 March 2027.

**Reason**

To allow the continued filling of the site to enable a satisfactory land form to be achieved and full restoration of the site in the interests of visual and environmental amenity in accordance with policies W1, DS1 and LC15 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

2.

The development hereby approved shall be carried out strictly in accordance with the following plans: Statutory Plan (Location Plan) 1756-01-01, General Arrangement 1756-01-02, Phasing Plan 1756-01-03, Proposed Pre Settlement Contours 1756-01-04, Proposed Post Settlement Contours 1756-01-05, Site Containment Engineering 1756-01-06, Sections 1756-01-07, Surface and Ground Water Management 1756-01-08 and Restoration Landscaping Plan 1756-01-09.

**Reason**

For the avoidance of doubt and in the interests of proper planning.

3.

The site shall be filled in accordance with the phasing scheme shown on drawing 1756-01-03.

**Reason**

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

4.

Any soil deficiencies within the application site which may arise from the use of the stripped soil for the restoration of other parts of the site, shall be made good by reference to a soil conservation strategy for the remaining parts of the site to be restored. Such a strategy shall be submitted to and approved in writing by the local planning authority prior to any restoration works and shall include:

- (a) an estimate of the soils required for restoration purposes and the quantities of topsoil, subsoil, imported soils and soil-making materials currently available on site. This information shall be updated on an annual basis and shall relate to the approved restoration plan;

- (b) the location of each storage mound;
- (c) the proposed soil profiles for the differing intended after-uses giving information of depths and textures of the soil types;
- (d) a soil replacement plan which delineates the areas intended to receive the proposed soil profiles; and
- (e) the details of proposed soil stripping and replacement techniques, including ground preparation, ripping and stone picking.

All work shall accord with the approved strategy unless otherwise agreed in writing with the local planning authority.

**Reason**

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

5.

Restoration shall take place in sequence as soon as each section has been filled and shall be to the general levels shown on submitted drawing 1756-01-04 so as to facilitate natural drainage and to permit the agricultural and woodland uses together with biodiversity enhancements to be achieved at the earliest opportunity.

**Reason**

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

6.

The existing restored section of the site shall not be used for refuse tipping at any time.

**Reason**

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

7.

Following the completion of waste disposal operations in any phase and the capping of the waste in accordance with the requirements of the Waste Regulation Authority, and prior to the replacement of soil and soil forming materials, the local planning authority shall be afforded the opportunity, with at least 14 days' notice, of such intended replacement operations, to ensure that the finished surface is suitably prepared and graded and the ground conditions satisfactory for the replacement to commence.

**Reason**

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

8.

Either indigenous soil stored in accordance with condition 4 or imported soil-forming material shall be re-spread over the prepared surface to a depth of no less than 0.75 metres and to the levels shown on drawings 1756-01-04 and 1756-01-07.

Reason

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

9.

Any stones or other objects with a diameter in excess of 200mm shall be removed from the materials to be re-spread prior to their being re-laid, and the replacement shall conform with the details of the Soil Replacement Plan referred to in condition 4 (d).

Reason

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

10.

Any depressions arising from the differential settlement of waste within five years of the replacement of soils shall be filled with imported soils to a specification to be agreed in writing with the local planning authority and the surface restored to even grade.

Reason

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

11.

Following the replacement of soils, the land shall, unless otherwise agreed in writing by the local planning authority, be restored in accordance with the pattern of land uses detailed in the Environmental Statement and shown on plan 1756-01-09.

Reason

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

12.

Any areas in which agriculture is the proposed after-use shall be subject of aftercare measures for a period of five years following the restoration, and the details of such measures shall be submitted to and approved in writing by the local planning authority no less than six months before the completion of restoration of land in any phase.

Reason

To ensure satisfactory restoration of the site and to comply with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

13.

Within three months of the date of this decision a biodiversity and landscape management plan for the approved restoration proposals shall be submitted to and approved in writing by the local planning authority and shall include:

- (a) details of soil preparation;
- (b) details of all planting, including species mixes, size, planting density and quantities;
- (c) details of seeding, including species mixes and sowing rates;
- (d) details of other habitat creation/enhancement measures, including the creation/retention of calcareous grassland areas within the site and the creation /retention of open mosaic habitat;
- (e) details of measures to avoid harm to nesting birds and other protected or priority species during landfill and restoration works;
- (f) details of bat roosting features to be installed;
- (g) details of nesting sites to be installed to support tree sparrow, starling, kestrel and shelduck;
- (h) control of non-native and invasive plant species;
- (i) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (j) proposed timings for the above works in relation to the phasing of the landfill and restoration works;
- (k) prescriptions for retention of and access to geological exposures, where appropriate; and
- (l) details of maintenance and aftercare provisions for all the items listed above covering a period of five years from the cessation of landfill operations. Any trees which die, are removed or become diseased within five years of planting shall be replaced in the next available planting season with others of similar size and species to those originally planted unless otherwise agreed in writing with the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

#### Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy and to ensure a satisfactory landscaped site in accordance with policy LC15 of the North Lincolnshire Local Plan.

14.

The development hereby approved shall be carried out strictly in accordance with the Surface Water and Flood Risk Assessment contained within chapter 9 of the submitted Environmental Statement and associated Appendices 9.1, 9.2, 9.3 and 9.4.

Reason

To protect against flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS20 of the North Lincolnshire Core Strategy.

15.

Within six months of the date of this decision notice, a scheme to show an archaeological interpretive display board shall be submitted to and approved in writing by the local planning authority. Such scheme shall show details to be included on the display board regarding the previously excavated Romano-British settlement within the site and shall indicate the size, materials and position of the board. The board shall be erected in accordance with the approved details within two months of the completion of the restoration of the site and shall thereafter be retained.

Reason

To provide the public with an educational and interpretive display in the interests of archaeology and the history of the site in accordance with policy HE9 of the North Lincolnshire Local Plan and policy CS6 of the North Lincolnshire Core Strategy.

16.

Within two months of the date of this decision notice, a scheme to show a proposed highway condition survey shall be submitted for approval in writing by the local planning authority. Such scheme shall include details of the survey to be carried out in years one, five and ten of the duration of the permission, to determine whether any highway repair work shall be necessary, to be undertaken at the cost of the applicant. The surveys and repair work shall be implemented in full in accordance with the approved scheme.

Reason

To protect the highway network in the interests of public safety.

17.

Vehicle wheel cleaning facilities shall be retained at all times within the site boundary and shall be used when necessary to avoid the transfer of materials onto the adopted highway.

Reason

In the interests of road safety in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

18.

The site shall only be used for the disposal of waste as described in the submitted application and for no other type of waste without a further planning application being submitted to and approved by the local planning authority.

Reason

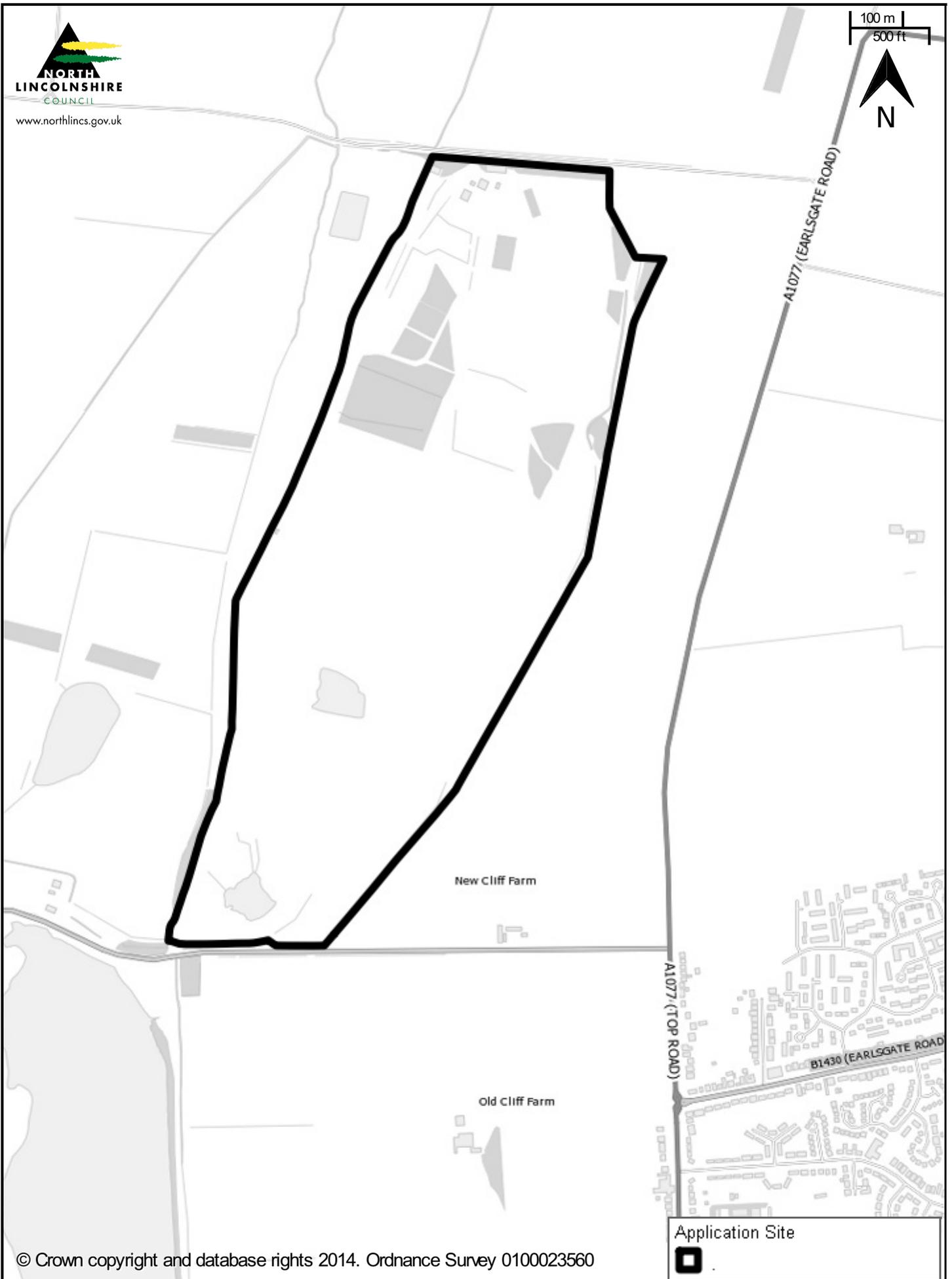
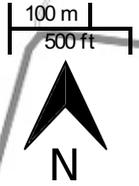
For the avoidance of doubt and in accordance with policy W1 of the North Lincolnshire Local Plan and policy CS20 of the North Lincolnshire Core Strategy.

**Informative 1**

Planning permission is hereby granted after full consideration of the Environmental Impact Assessment (EIA) submitted as part of the planning application in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 as amended.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



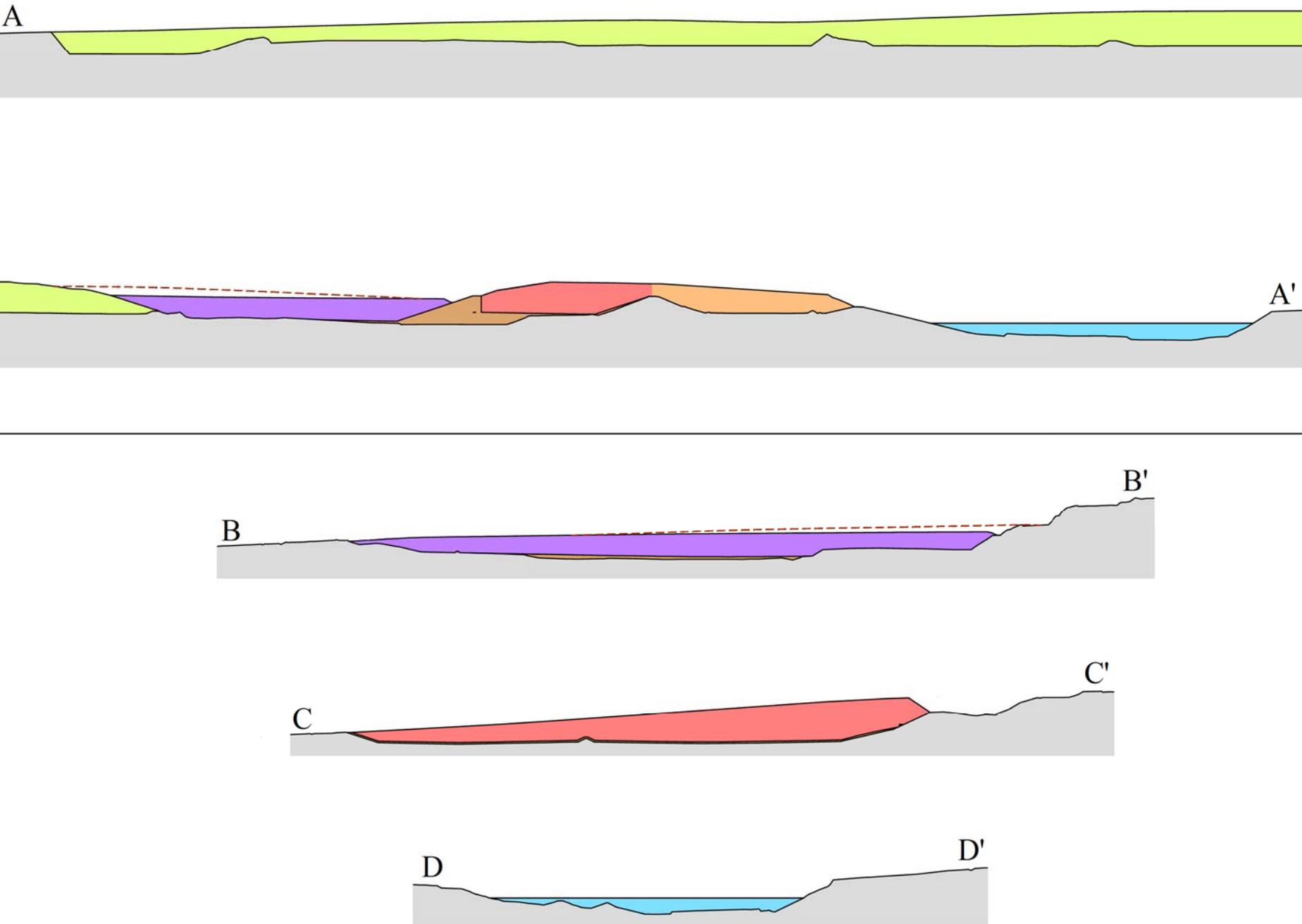
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**WD/2016/332**

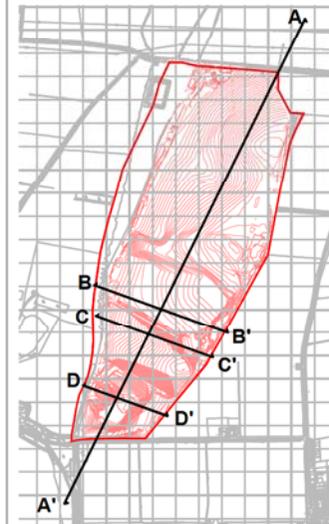
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Printed on: 15/6/2016 at 11:58 AM

Drawn by: S Barden



-  Current Non-Hazardous Void (filling largely complete)
-  Proposed Qualifying Material
-  Consented Hazardous Void (pre-settlement)
-  Proposed Hazardous Void Extension (pre-settlement)
-  Proposed Engineered Fill
-  Proposed Water Filled Void
-  Proposed Qualifying Material Phase Q7 Overtip



WINTERTON LANDFILL SITE:  
EXTENSION OF LIFE

Figure 4.6

Sections

# WD/2016/332 Proposed restoration scheme - Not to scale

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Revision History

Revision History	Date

XRef List:

-  Application Boundary
-  Post-Settlement Contours (2m Intervals)
-  Area Restored to Dtae (as of 2015)
-  Deciduous Native Woodland
-  Willow Coppice
-  Waterbody
-  Ditch
-  Spring/ Summer Meadow
-  Species-Rich Grassland
-  Sheep Pasture
-  Hedgerow
-  Viewpoint
-  Proposed Route of Permissive Footpath
-  Legacy Infrastructure (to be removed when no longer required)



Species-rich grassland to include areas of exposed bare rock on steep slopes and 'benches'. Self-colonisation of bare rock to be encouraged as part of management

Create Office West House Drive Boreham Essex SSO1 0844 8700 007 www.axisped.co.uk	South Manchester Office Cavendish House 15 Wood Lane Manchester M14 6TJ	<b>axis</b>
client: Integrated Waste Management		
project: Winterton Landfill Site Extension of Operational Life		
drawing title: Restoration Landscaping Plan (Indicative)		
date: March 2016	drawing number: 1756-01-09	drawn by: AM checked: AM status: For Planning scale: As shown



Consented Restoration

Proposed Restoration (Indicative)



- Application Boundary
- Area restored to date (as of 2015)
- Post-Settlement Contours (2m Intervals)
- Deciduous Native Woodland
- Willow Coppice
- Waterbody
- Ditch
- Spring/ Summer Meadow
- Species-Rich Grassland
- Sheep Pasture
- Hedgerow
- Viewpoint
- Proposed Route of Permissive Footpath
- Legacy Infrastructure (to be removed when no longer required)

Species-rich grassland to include areas of exposed bare rock on steep slopes and 'benches'. Self-colonisation of bare rock to be encouraged as part of management



WINTERTON LANDFILL SITE:  
EXTENSION OF LIFE

Figure 4.8  
Consented and Proposed  
Indicative Restoration  
Schemes

Scale As shown	Date March 2016
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Wildlife pond/  
wetland area

WD/2016/332 Existing and proposed restoration scheme - Not to scale