15 January 2014

Development Management Committee

Thursday, 23 January 2014 at 6.30pm

Parr Hall, Palmyra Square South, Warrington, Cheshire WA1 1BL

PLEASE NOTE CHANGE OF VENUE

AGENDA

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

Item

1. Apologies for Absence

To record any apologies received.

2. Code of Conduct - Declarations of Interest
Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.
3. **Minutes**

To confirm the minutes of the meeting held on 9 January 2014 as a correct record.

4. **Planning Applications (Main Plans List)**

Report of the Executive Director Economic Regeneration, Growth and Environment

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**Part 2**

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

Nil

*If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington.*
DEVELOPMENT MANAGEMENT COMMITTEE

9 JANUARY 2014

Present: Councillor T McCarthy (Chair)
          Councillor J Richards (Deputy Chair)
          Councillors B Barr, L Murphy, J Davidson,
          C Jordan, F Rashid, G Settle and S Woodyatt

DM63 Apologies for Absence

Apologies for absence had been received from Councillor M McLaughlin.

DM64 Code of Conduct – Declarations of Interest

There were no declarations of interest received.

DM65 Minutes

Resolved,

That the minutes of the meeting held on 5 December 2013 were agreed as a correct record and signed by the Chair.

DM66 Planning Applications

Resolved,

That Pursuant to the Town and Country Planning Act 1990 (As Amended) the applications for permission to develop land be considered and dealt with in the manner agreed.

DM67 2013/22625 Land between Joy Lane and Wrights Lane, Burtonwood, Warrington, WA5 4DF – Full Planning – Proposed golf driving range including a single storey building, fencing, access, car parking and associated landscaping (Resubmission of 2012/20756

The Executive Director of Economic Regeneration, Growth and Environment submitted the above application with a recommendation of approval subject to conditions.

Representations were heard in support of and against the Officer recommendation.

Resolved,

That application 2013/22625 be refused

Reason
The proposal represented inappropriate development in the green belt. It was considered that very special circumstances had not been demonstrated which clearly
outweighed the harm that would be caused to the green belt by reason of inappropriateness. By virtue of the siting, scale and nature of the proposed development, including its associated infrastructure and required noise mitigation measures, the proposal would harm the openness of the green belt and outlook enjoyed by the occupiers of Finger Post Farm. In addition it was considered that the proposed development would conflict with the purposes of green belt namely in that it would lead to countryside encroachment. For these reasons the proposed development would not accord with the National Planning Policy Framework, saved Policies GRN1, GRN2 and DCS1 of the Warrington Unitary Development Plan and emerging Policies CS1, CS5, QE6 and QE7 of the emerging Local Plan Core Strategy.

DM68 Results of Planning and Enforcement Appeals

A report of the Executive Director of Economic Regeneration, Growth and Environment set out the result of recent appeals along with the Inspector’s findings and the Executive Director’s subsequent comment:

<table>
<thead>
<tr>
<th>Application/Appeal Reference</th>
<th>Location and Description</th>
<th>Committee/Delegated Decision</th>
<th>Appeal Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/21330 APP/M0655/A/13/2202844</td>
<td>Land to the south of Leigh Golf Club, Broseley Avenue, Culcheth, Warrington</td>
<td>Refuse</td>
<td>Allowed</td>
</tr>
<tr>
<td>2013/21330 APP/M0655/A/13/2202844</td>
<td>Land to the south of Leigh Golf Club, Broseley Avenue, Culcheth, Warrington</td>
<td>Refuse</td>
<td>Costs Allowed</td>
</tr>
<tr>
<td>2013/21806 APP/M0655/A/13/2202385</td>
<td>19 Surrey Street, Latchford, Warrington, WA4 1HE</td>
<td>Refuse</td>
<td>Dismissed</td>
</tr>
</tbody>
</table>

Resolved,

That the report be noted.

Signed…………………………

Dated …………………………
### DEVELOPMENT MANAGEMENT COMMITTEE

**Thursday 23rd January 2014**

**Start 18:30**

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| 1    | 2    | 2013/22598 | Arpley Landfill Site, Forrest Way, Sankey Bridges, Warrington  
The extension of operational life of Arpley Landfill facility to October 2018; restoration by October 2019; revised sequence of landfill phasing and restoration works; revised landform; continued use of the existing leachate treatment facility including access roads, site compound, weighbridges, wheel washed, fences, surface water management, site offices and transfer pad associated with the operations of the Landfill | Refuse          |
**ITEM 1**

<table>
<thead>
<tr>
<th><strong>Application Number:</strong></th>
<th>2013/22598</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>ARPLEY LANDFILL SITE, FORREST WAY, WARRINGTON, WA4 6YZ</td>
</tr>
<tr>
<td><strong>Ward:</strong></td>
<td>PENKETH AND CUERDLEY, GREAT SANKEY SOUTH, BEWSEY AND WHITECROSS</td>
</tr>
<tr>
<td><strong>Development</strong></td>
<td>Environmental Impact Assessment Application (Major) - Proposed extension of operational life of Arpley Landfill Facility to October 2018; restoration by October 2019; revised sequence of landfill phasing and restoration works; revised landform; continued use of the existing leachate treatment facility and landfill gas utilisation plant and ancillary infrastructure including access roads, site compound, weighbridges, wheel washes, fences, surface water management, site offices and transfer pad associated with the operations of the landfill.</td>
</tr>
<tr>
<td><strong>Date Registered:</strong></td>
<td>10-Oct-2013</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>3C Waste Limited</td>
</tr>
<tr>
<td><strong>8/13/16 Week Expiry Date:</strong></td>
<td>29-Jan-2014</td>
</tr>
</tbody>
</table>
1. Site Description and Surroundings

1.1 Arpley Landfill Site (the site) covers an area of approximately 160ha and is situated approximately 2km south west of Warrington town centre. The northern boundary is formed by the River Mersey, a bund / embankment stands between the river and the site, the height of the embankment varies but is typically between 10.5m and 12.5m AOD. The River Mersey is tidal in the stretch adjacent to the site and forms part of the Mersey Estuary.

1.2 The southern boundary of the site is formed by Moore Nature Reserve created as part of the original planning permission for the landfill through a Section 52 Agreement under the Town and Country Planning Act 1971. The Agreement specifies the setting-up, ongoing management and funding of the nature reserve.

1.3 The Manchester Ship Canal is located approximately 100m to the south of Moore Nature Reserve. A section of the former Runcorn and Latchford Canal, now disused, is located along the south eastern boundary of the site. To the east and the west of the site are agricultural fields. The West Coast Mainline railway (Crewe to Warrington) and the Warrington to Chester railway line run to the south east of the site.

1.4 The undeveloped areas in the eastern half of the site have been historically used for depositing dredged material from the Manchester Ship Canal and the River Mersey area.

1.5 A residential housing estate (Saxon Park) has recently been developed approximately 344 metres to the north of the site boundary and is accessed from Forrest Way, this is the closest residential area to the site. Moss Side Farm, a residential property, is located approximately 379 metres from the site boundary. The residential area of Sankey Bridges is located to the north of the site, adjacent to Liverpool Road.

1.6 The landfill site itself is partially restored and includes areas of mixed woodland, scrub and grassland. The restored areas of the site cover an area of approximately 100 hectares. Waste disposal operations are currently being undertaken in the central areas of the site, within the Boundary Phase of the landfill. Construction of Boundary Phase Landfill Cell 3 has been completed and waste disposal operations were permitted until 2013.

1.7 Under the existing permission (Ref:1/17988), the site is divided into five phases as shown in the applicants submitted Figure 5.2a;
• Birchwood – to the south east (restored)
• Lapwing – to the west (mostly restored)
• Walton – to the north west (partially restored)
• Boundary this phase was being filled at the permitted end date
• Arpley – Far East, not yet affected.

1.8 The site includes several elements of built infrastructure including the following:

• site office and car park;
• weighbridge and office;
• landfill gas utilisation plant;
• leachate treatment facility;
• site compound and Warrington transfer pad; and
• surface water attenuation pond.

2. Relevant Site History

2.1 In 2011 a planning application (2011/19244) was submitted to Warrington Borough Council to extend the permitted disposal operations to October 2025. The application was refused on the following grounds:-

1. The application is considered to be inappropriate development in the Green Belt for which no overriding long term need has been demonstrated or other very special circumstances to overcome the harm to the Green Belt. The proposals are therefore contrary to the provisions of Policy GRN1 of the adopted Warrington Unitary Development Plan and Policies CS1 and CS4 of the emerging Warrington Local Plan Core Strategy.

2. The impacts of the development are unable to be assessed in full as the applicant has failed to provide sufficient information in relation to European protected species contrary to the requirements under Part 1(3) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, The Conservation of Habitats and Species Regulations 2010, Policies GRN2 (criterion 8) and GRN18 of the adopted Warrington Unitary Development Plan and Policy QE5 of the emerging Warrington Local Plan Core Strategy.

3. The HGV movements generated by the proposed development would have a detrimental effect on the amenity of residents and
pedestrians through adverse impacts on air quality and dust and as such is contrary to the provisions of Policies GRN2 (criterion 9), DCS1 (criterion 1), REP9 and MWA5 (criterion 3) of the adopted Warrington Unitary Development Plan and Policies CS1 (criterion 11), QE6 (criterion 4 and 7) and MP8 of the emerging Warrington Local Plan Core Strategy.

4. The proposed development will lead to an adverse impact on the amenity of occupiers of nearby residential properties through adverse impacts on odour and as such is contrary to the provisions of Policies GRN2 (criterion 9), DCS1 (criterion 1), REP11 and MWA5 (criterion 3) of the adopted Warrington Unitary Development Plan and Policies CS1 (criterion 11), QE6 (criterion 7) and MP8 of the emerging Warrington Local Plan Core Strategy.

2.2 The above refusal is now the subject of an appeal and landfilling has continued following the permitted end date of 13 October 2013 Ref: 1/17988), when the Council consider that landfilling operations should have ceased. Therefore the Council has requested an amended restoration scheme but this has not been forthcoming at the time of this report. Such a scheme is necessary to ensure the long term restoration of the site if the application is refused.

2.3 The original permission (reference 1/17988) was granted on the 30th May 1986 for a “Proposed waste disposal site on land between the River Mersey and the Manchester Ship Canal, Walton/Arpley, Warrington”. The planning permission time limited waste disposal operations to continue for 25 years from the date to which they were commenced. It is understood that waste disposal operations commenced on the 13th October 1988 and without a subsequent grant of planning permission all waste disposal operations would be required to cease on the 13th October 2013. The list below provides a summary of the planning permissions considered relevant to the current planning application;

- 30th May 1986 (1/17988) Waste Disposal to cease 25 years from commencement
- 22nd July 1993 Extension of hours for working for site engineering works
- 19th July 1995 (1/33081) Variation of condition 7 – sequence of operations
- 31st March 1998 (1/34522) Variation to restoration, landform and sequence of operations (inc. S106 Agreement 31 March 1998)
• 11\textsuperscript{th} January 1999 (1/34522) Variation (by letter) to phasing of cells 3a, b and c of Walton phase
• 27\textsuperscript{th} March 2001 (1/34522) Variation (by letter) to Condition 8 to revise haul road and amend phasing sequence
• 11\textsuperscript{th} March 2003 (1/34522) Amended phasing sequence for Walton phase to allow Cell 4 to be completed before Cell 3
• 5\textsuperscript{th} July 2004 (1/34522) Variation of Condition 8 – amendment to approved phasing scheme, varying boundary Cell 3c and reverting back to completing Cell 3c before Cell 4.

2.4 There are also permissions relating to an access road to enable the importation of waste by rail and permissions concerning amendments to working hours which have not been included in the above list.

2.5 The landfill site has accepted municipal, commercial and industrial waste, together with a small volume of construction and demolition waste since first coming into operation in 1988.

3. Proposals

3.1 The main details of the application are:

• a 5 year extension to the operational life of the landfill facility with a further 1 year for restoration;
• Controlled non-hazardous waste disposal enabling the filling of approximately 1,654,000\textsuperscript{m}$^3$ of engineered void to achieve an acceptable landform;
• a revised sequence of landfill phasing;
• revised lower level restoration (no tipping) of the Arpley Phase;
• a revised restoration scheme for the completed landfill site;
• continued operation of the existing leachate treatment facility and landfill gas utilisation plant; and
• continued use of associated ancillary infrastructure including access roads, a site compound, weighbridges, wheel washes, surface water management, site offices and transfer pad.

3.2 Justification for the scheme is provided by the applicant in the Planning Statement dated October 2013 where paragraph 1.4.3 states;

\textit{The scheme is designed to help meet the essential short term municipal waste management requirements of the Merseyside and}
Halton Waste Disposal Authorities. Landfill void will be preserved to serve their requirements, with the Applicant being obliged under contract to receive a minimum of 200,000 tonnes per annum of waste from Merseyside. It is projected that municipal waste from Merseyside will be in the region of 240,000 tonnes per annum in 2014, reducing by 10,000 tonnes per annum until 2017 when the Teesside residual waste treatment facility may be operational. ...

and in paragraph 1.4.4

Given the engineered state of the site and its most irregular landform, it will not be possible to simply restore the site to an acceptable landform without the need for significant further importation of material. This proposal will enable existing void to be filled and an acceptable landform to be achieved. It will also amend the predominantly woodland restoration to a mosaic of habitats, including woodland, scrub, conservation grassland and open grassland.

4. Current site operations

4.1 The site has been in operation since 1988 and is divided into five distinct phases:

- Birchwood;
- Lapwing;
- Walton;
- Boundary; and
- Arpley.

4.2 Waste disposal operations at the site have progressed from west to east, with the site subdivided into a series of distinct phases. The Lapwing and Birchwood Phases and the majority of cells in the Walton Phase have been restored.

4.3 Landfill operations are undertaken under the authority of the Environment Agency (EA) in line with the sites Environmental Permit. It is significant that many of the day to day operational issues relating to the site are covered by controls available to the agency rather through planning controls exercised by the Council. The design of existing and future cells has been informed by a Hydrological Risk Assessment. Cells where waste is deposited are constructed in line with the Construction Quality Assurance regime which requires the prior approval of the Environment Agency.
4.4 Leachate, which is liquid produced as rain water passes through deposited material and as waste decomposes, is collected at the base of each cell and pumped to an on-site leachate treatment facility. Once treated, and under a specific consent from the EA, effluent is discharged into the River Mersey.

4.5 Landfill gas arising from the decomposition of waste is extracted from the landfill cells and piped to the on-site landfill gas utilisation plant, where it is used in the production of electricity which is exported to the National Grid.

4.6 Dredgings from the Ship Canal continue to be deposited on site and used in the restoration of completed cells. Previously deposited areas of dredging are being excavated and are also used in the restoration process.

5. Proposed Operations

5.1 The proposal is for the construction of an engineered landfill that will have the capacity for approximately 1,654,000 cubic metres (as of October 2013) of material (waste material plus 17% of daily cover and regulating material) over a 5 year period. The proposed development falls within the boundary consented under planning permission 1/17988

5.2 The proposal states that the site would continue to be worked and restored in a progressive manner and that this would require the temporary capping of some areas whilst adjacent cells are filled to the proposed levels.

6. Access

6.1 The site is accessed via Forrest Way and a bridge provides access over the River Mersey. Forrest Way links with Barnard Street to the north which provides access to Liverpool Road, the main arterial route used to access the site. The main internal site access road runs parallel to the northern boundary and, in addition to providing landfill access, it also serves the landfill gas utilisation plant, the weighbridge, the site office and car park, and the leachate treatment facility and the Transfer Pad.

6.2 It is proposed that a tonnage cap should begin at a level of 500,000tpa in 2014 (the first year of operation) reducing by 5% per annum until
2017 at which point it would level off a 428,688tpa. In terms of vehicular demand, based upon recorded 2012 weighbridge data, these tonnages could equate to average and peak daily traffic levels of 157 and 205 vehicles respectively during the 2014 first full year of opening dropping to an average and peak traffic levels of 135 and 175 vehicles per day respectively in 2017.

6.3 An assessment of the existing access issues and alternative access strategy at the Arpley landfill site was undertaken by Axis to inform the 2011 planning application for the extension of life. This Alternative Access Feasibility Report considered a series of potential route options by road, rail and water, concluding that the Liverpool Road access corridor continues to represent the only real practical and viable option to service the Arpley landfill. The applicant proposes to continue to use the existing route into and out of the site and that is via Barnard Street and Forest Way.

7. Operating Hours

7.1 The applicant proposes that the landfill facility will be open to receive normal waste inputs between 0800 and 1730 hours on Mondays to Fridays and between 0800 and 1300 hours on Saturdays. The landfill facility will continue to operate on Bank Holidays. Sunday working is not proposed except in exceptional circumstances and would require the express consent of the LPA. The leachate treatment facility and landfill gas utilisation plant will continue to operate 24 hours a day, 7 days a week.

7.2 The site employs 18 full and 4 part time staff. It is expected that this would continue over any extended period of operation.

8. Profiling Works

8.1 The proposed profiling works would not increase the height of the pre-settlement landform from the consented maximum of 41 metres above AOD.

9. Restoration

9.1 The restoration scheme comprises a combination of native woodland planting on the steeper lower slopes and a mosaic of habitats on the crown of the landform with conservation grassland, hedgerows, hedgerow trees and isolated copses. The area of the site to the east
of the main landfill (Arpley Phase) will be restored upon completion of the waste disposal operations to provide grassland and woodland habitats.

9.2 It is proposed that a number of informal recreational footpath routes will be developed across the site to provide public access for recreation. The footpaths on the site would link the restored landfill to Moore Nature Reserve to the south. The site office and car park would be retained following cessation of the waste disposal operations and will form part of the restoration scheme.

9.3 The aftercare of the site will include maintenance of grassland, woodland, hedgerows and other habitats in accordance with a long term management plan to ensure that the ecological and recreational resource is optimised.

9.2 The site would be subject to ongoing management of gas, leachate and ground and surface water monitoring until such time as they are no longer required. Facilities to deal with leachates would remain on site. Landfill gas would continue to be utilised through plant on the site to produce electricity.

10. **Legal Agreements and Draft Heads off Terms**

10.1 The applicant considers that the use of planning obligations is not considered necessary or reasonably required under this planning application.

11. **Planning Policy Introduction**

11.1 This section of the report outlines the relevant policy and guidance to which the Authority is obliged to have regard in weighing the merits of this application.

11.2 Policy and guidance relevant to this application fall under:

**National**

- National Planning Policy Framework (NPPF) (March 2012)
Consultation on Waste Management Plan for England (July 2013)
Consultation on Updated national waste planning policy: Planning for sustainable waste management (July 2013)

Local

Emerging Local Plan Core Strategy (LPCS)
  o Submission Local Plan Core Strategy (September 2012)
  o Consolidated Proposed Modifications to the submitted Warrington Local Plan Core Strategy (May 2013)
  o Schedule of Post Submission Proposed Main Modifications (August 2013)
  o Schedule of Post Submission Proposed Other (Minor) Modifications (August 2013)
  o Waste and Minerals Background Paper (May 2012)
Warrington Municipal Waste Management Strategy (2009)

11.3 Warrington’s UDP was adopted in 2006 under the old planning system and therefore the weight that can be attributed to saved policies is dependent on the degree of conformity between that policy and the NPPF. In September 2012, the Core Strategy was submitted to the Secretary of State for independent examination. Examination Hearing Sessions took place in June 2013 and the Inspector intends to hold an additional Hearing Session following additional consultation on Main Modifications.

11.4 The Core Strategy is therefore at an advanced stage of preparation. An application should therefore also be considered against emerging Core Strategy Policies. Weight attributed to emerging policies depends on: stage of preparation; extent to which there are unresolved objections to relevant policies; and degree of consistency with NPPF. However, substantial or full weight should not be attributed to any emerging policy until there is some assurance that the Plan as a whole is sound (through the examination process or receipt of Inspector’s report).


12.1 The National Planning Policy Framework (NPPF) was published in March 2012. NPPF does not contain specific waste policies as these will be set out within the National Waste Management Plan (which
was published for consultation in July 2013). However, it is clear that local authorities taking decisions on waste applications must have regard to NPPF.

12.2 At the heart of NPPF is a presumption in favour of sustainable development. NPPF confirms the development plan is the starting point for decision making. However, when taking decisions, the presumption guides Local Planning Authorities to grant permission where the development plan is absent, silent or relevant policies are out of date, unless:

- Adverse impacts of the proposal would ‘significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or
- Specific policies in the NPPF indicate the development should be restricted.

12.3 The Government attaches great importance to Green Belts (Paragraph 79, NPPF) and that inappropriate development, is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The landfilling at Arpley is considered to be inappropriate development as this type of development, landfilling, is not included in the exceptions set out in paragraphs 89 and 90 of the NPPF.


13.1 NPPF makes clear that, in advance of the publication of the National Waste Management Plan, the Government’s overall approach to planning and waste management is set out in Planning Policy Statement 10, “Planning for Sustainable Waste Management” (PPS10).

13.2 PPS10 sets the overarching objectives for positive planning in the delivery of sustainable waste management. This includes “providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time” (Paragraph 2). PPS10 acknowledges that landfill is at the bottom of the waste hierarchy and that a key objective of national waste policy is to help deliver sustainable waste management through driving waste up the waste hierarchy by addressing waste as a resource and looking to disposal as the last option. Nevertheless PPS10, and the supporting
Companion Guide to PPS10, recognises that disposal by landfill is an option which must be adequately catered for.

13.3 PPS10 also refers to need to take cumulative impact of waste management facilities on the well-being of the local community into consideration when assessing applications.


14.2 A Review of Waste Policy in England was published in 2011. The Review reaffirms England’s commitment to meeting the EU Landfill Directive Targets (which requires Member States to reduce Biodegradable Municipal Waste to 50% of 1995 quantities by 2012/13 and 35% of 1995 quantities by 2019/20) and to sending only residual wastes to landfill. Landfill is confirmed as a waste management option for some materials (paragraph 242) for which provision must be made.

15. Consultation on Waste Management Plan for England (July 2013)

15.1 The existing Waste Strategy will be superseded by the National Waste Management Plan for England in order to meet the requirements in Article 28 of the revised EU Waste Framework Directive. A draft of the National Waste Management Plan for England was published for consultation in July 2013.

15.2 This document provides an overview of waste management policy in England and collates information on arisings for each of the main waste streams (household, commercial and industrial, and construction and demolition wastes).

16. Consultation on Updated national waste planning policy: Planning for sustainable waste management (July 2013)
16.1 This consultation draft waste policy is intended to replace existing national waste planning policy Planning Policy Statement 10: Planning for sustainable waste management. Consultation on this document took place between July and September 2013. The updated policy will sit alongside the proposed new Waste Management Plan for England.

16.2 This document maintains the core principles of the 'plan led' approach, with a continued focus of moving waste up the waste hierarchy by moving away from traditional landfill towards more sustainable options for waste management. There is an emphasis on the need to increase the use of waste as a resource, placing greater emphasis on the prevention and recycling of waste, while protecting human health and the environment, as well as reflecting the principles of proximity and self-sufficiency.

16.3 The consultation draft policy removes the former reference in policy that waste planning authorities should give significant weight towards locational needs and wider environmental and economic benefits when considering waste planning applications in the Green Belt. This means that, under national planning policy, these planning considerations should not be given more significant weight compared to others when planning applications are decided for waste facilities in the Green Belt.

17. Local Policies - Warrington Borough Council Unitary Development Plan: Saved Policies

The relevant saved policies are:

17.1 **MWA4 Requirements for all Waste Management Applications** – sets the range of information applications are required to submit in support of a planning application for waste management uses.

17.2 **MWA5 All Minerals and Waste Management Developments** - sets the range of considerations the Council will take into account when assessing planning applications for waste management uses

17.3 **MWA13 Aftercare** – requires waste management proposals to be subject to a programme of aftercare management, at a high standard, for a period of five years following completion of site restoration and applicants are required to submit an outline scheme as part of the application.
17.4 **GRN1 The Green Belt** – sets the extent of the Green Belt boundary and the types of development that would be considered appropriate within the Green Belt.

17.5 **GRN2 Environmental Protection and Enhancement** – sets a range of considerations that the Council will making in determining planning application. In particular provision should be made to maintain the attractiveness and diversity of the landscape, protect and promote trees and woodland, maintain and, where possible, enhance biodiversity and protect residential and visual amenity.

17.6 **GRN17 Sites of Importance for Nature Conservation** – Lists nature conservation sites and states that development likely to have an adverse effect on these sites will not be permitted unless it can be clearly demonstrated that there are reasons for the development which outweigh the need to safeguard the substantive nature conservation value of the site or feature.

17.7 **GRN18 Key Biodiversity Habitats and Priority Species** – development which may adversely affect the integrity or continuity of UK Key habitats or other habitats of local importance will only be permitted if it can be shown that the reasons for the development clearly outweigh the need to retain the habitats or species affected, and that mitigating measures can be provided which would reinstate the habitats or provide equally viable alternative refuge sites for the species affected. Appropriate management of these habitats and sites supporting any such priority species will be encouraged generally and particularly by the imposition of conditions on planning permissions, by the use of planning obligations and by entering management agreements with landowners and developers where appropriate.

17.8 **GRN 20 Wildlife Corridors** - Development within or adjacent to major wildlife corridors will not be permitted if it is likely to destroy or harm their integrity, and will be allowed if it preserves or enhances their role and value through good design and appropriate natural landscaping.

17.8 **REP4 Protection of the Flood Plain** – sets out how development in areas at risk of flooding will be dealt with.

17.9 **REP6 Surface Water Quality** - The Council, in consultation with the Environment Agency, will not approve development which would adversely affect the water quality of water bodies, including canals,
rivers, ponds and lakes, as a result either of the nature of their surface or waste water discharge, or the disturbance of contaminated land.

17.10 **REP7 Ground Water Quality** - The Council, in consultation with the Environment Agency, will not approve development which would lead to an adverse impact on groundwater resources in terms of their quantity, quality and the ecological features they support.

17.11 **REP9 Air Quality** - The Council will not permit development which would result in harm to the health or amenity of people living or working nearby, or which would prejudice the effective use of nearby land through air pollution.

17.12 **REP 10 Noise** - The Council will not approve development which would cause a significant increase in ambient noise levels where a detrimental impact on residential amenity, wildlife, or the quiet enjoyment of open spaces or the countryside would result.

17.13 **REP11 Odours** - The Council will not permit any development likely to adversely affect amenity if the odour would be detectable beyond the curtilage of the site where it could significantly affect other people or the use of other land.

17.14 **LUT12 Transport Impact Assessments** – Planning applications likely to have significant transport implications must be accompanied by a Transport Assessment.

17.15 **LUT 24 Development Affecting Airport Operation Safety** - The Proposals Map shows the extent of the officially safeguarded areas for Liverpool John Lennon Airport and Manchester International Airport within the borough. Within these areas, the Council, in consultation with the Civil Aviation Authority, will not permit development which would have an adverse impact upon the safe and efficient operation of the Airports.

17.16 **DCS 1 Development Control Strategy** - Development proposals should be designed to a high standard and should, inter alia,: preserve the amenities of near neighbours; preserve or enhance the character and appearance of the area; conserve the natural, and the historic built environments; make efficient use of land and other natural resources and where appropriate incorporate attractive landscaping and spaces.
18. **Warrington Borough Council Emerging Local Plan Core Strategy and Modifications**

18.1 The LPCS was submitted to the Secretary of State for Independent Examination on 19th September 2012. Hearing Sessions took place in June 2013. Consultation on major modifications to the Core Strategy took place in August 2013. The Inspector has expressed his intention to hold a further Hearing Session following additional consultation on the Main Modifications. This additional consultation relates to a revised Main Modification (MM) 09 and 09a on housing supply (Submitted LPCS Policy CS2) and therefore does not affect the policies set out here. The LPCS is emerging policy and can be seen as an indication of the land use aspirations of Warrington Council and, as such, it is a material consideration.

18.2 The Submitted LPCS includes a specific vision, objectives and policy (MP8 Waste) on waste issues within the Borough. The LPCS supports the production of a separate Joint Minerals and Waste Plan and detailed waste policies will be developed within such a document. In advance of this, the relevant emerging waste policies (taking into account proposed modifications) in relation to the Arpley proposals are:

18.3 **Policy MP8 Waste** - sets out support for sustainable waste management in accordance with the waste hierarchy. It seeks to achieve a continual reduction in the amount of residual waste imported into the borough and encourages waste minimisation. It should be noted that supporting representations were received on draft Policy MP8 as part of the publication of the Core Strategy and no main modifications were proposed on this policy.

18.4 **Policy CS1 Overall Spatial Strategy Delivering Sustainable Development** – Development proposals that are sustainable will be welcomed and approved without delay.

18.5 **Policy CS4 Overall Spatial Strategy Green Belt** – Development proposals within the Green Belt will be approved where they accord with relevant national policy.

18.6 **Policy QE3 Green Infrastructure** – sets out the strategic approach to the care and management of the borough’s Green Infrastructure, including the potential significant country park in the Arpley area when landfill operations have finished and restoration is complete.
18.7 **Policy QE4 Flood Risk** – The Council will only support development proposals where the risk of flooding has been fully assessed and justified by an agreed Flood Risk Assessment.

18.8 **Policy QE5 Biodiversity and Geodiversity** – The Council will work with partners to protect and where possible enhance sites of recognised nature and geological value.

18.9 **Policy QE6 Environment and Amenity Protection** – The Council, in consultation with other Agencies, will only support development which would not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties, or does not have an unacceptable impact on the surrounding area. The policy lists areas that will be taken into consideration.

18.10 **Policy MP1 General Transport Principles** – Sets out general transport principles, including supporting proposals that mitigate or improve the performance of Warrington’s Transport Network in order to secure sustainable development.

18.11 **Policy MP7 Transport Assessments and Travel Plans** – The Council will require all development to demonstrate that it will not significantly harm highway safety [...], and identify where there are any significant effects on Warrington’s Transport Network and/or the environment and ensure appropriate mitigation measures [...].


19.1 The Council’s current Municipal Waste Management Strategy (MWMS) was developed during 2007/8 with the final document being approved by council in January 2009. The strategy includes several aims based on waste recycling, waste minimisation and carbon reduction and identifies that the council’s preferred option for final waste disposal is that of waste-to-energy.

19.2 The MWMS strategy needs to be updated, a task which is likely to commence later in 2014. Whilst the main aspects of the strategy [i.e. targets for waste minimisation, recycling and carbon reduction, etc.]
are likely to remain relatively unchanged, revised thinking is likely to lead to different conclusions being reached with regards to the preferred option for final waste disposal.

19.3 The MWMS sets out a vision for the Council and states that it is a “method by which the authority can deliver sustainable waste management services to the community. The Council have a vision of sustainable resource use that promotes re-use and recycling / composting activities and ensures that residual waste can be treated to maximise recovery and minimise the impacts of final disposal. The Council aims to improve the quality of services provided to the community and establish best value waste management practices that encourage reuse, recycling and composting. The Council also seeks to minimise waste growth and divert significant quantities of biodegradable waste from landfill”.

19.4 The MWMS sets out eight key principles, of which three are particularly relevant to this proposal: ‘Self-sufficiency and the Proximity Principle’, ‘Reduced Reliance on Landfill’ and ‘Less Waste Imported to the Area’.

19.5 In respect of the Arpley proposal, it is clear from these principles that Warrington:

- aims to handle its Local Authority Collected Waste (LACW) within the boundary of the Authority wherever possible;
- recognises that there will always be a need for landfill for residual wastes and that to encourage a reduction in the amount of waste disposed of within Warrington, the Authority must lead by example; and
- seeks to encourage neighbouring authorities to become self-sufficient in the recycling, recovery and disposal of their own waste with the aim of reducing waste imported into the Borough.

19. Parish Council Comments

19.1 Appleton Parish Council – has objected to the application and considers the current agreement to use the Landfill Facility until 2013 should be adhered to without any further extension due to damage to residential amenity and the area, which is greenbelt, be landscaped as originally planned.

19.2 Burtonwood and Westbrook Parish Council – no response
19.3 **Cuerdley Parish Council** – no response

19.4 **Culcheth and Glazebury Parish Council** – Noted but has not formally objected.

19.5 **Great Sankey Parish Council** – has responded to **object** to the proposal on the following grounds:

- Traffic/road Safety - grave concerns regard the number, size and speed on residential streets. The amount of heavy traffic accessing the site has caused damage to the road surface on Liverpool Road.
- Noise and vibration from vehicles.
- Waste deposits from vehicles
- Flies, particularly during the summer months
- Odours from both the site and the waste vehicles

19.6 **Lymm Parish Council** – has responded to **object** to the proposal on the following grounds:

- The application is for an inappropriate use of greenbelt land
- Increased traffic causes excessive noise for neighbours
- Increased traffic causes excessive pollution for neighbours
- The Parish Council feels that the original plan to stop tipping with effect from October 1013 should be adhered to and the site should be cleaned up

19.7 **Moore Parish Council** – no response

19.8 **Penketh Parish Council** – has responded to **object** to the proposal on the following grounds:

- Traffic
- Congestion
- Health issues – litter, dust, dirt in the atmosphere, odours
- Waste being brought into Warrington from other areas

19.9 **Rixton with Glazebrook Parish Council** - has ‘objected as previously’ which was to support Great Sankey Parish Council in its **objection** to the proposal.

19.10 **Stockton Heath Parish Council** – has responded to **object** to the
proposals on the following grounds:

- Traffic impact
- Environmental Impact
- Health Issues

19.11 Walton Parish Council – has objected to the application on the basis of loss of amenity to the surrounding communities and that the life of the tip was determined in the 1908’s as 25 years. That reprofiling is now required is not a valid reason to continue operations at Arpley.

20. Ward Member Comments

20.1 Ward members – There have been representations from 2 Ward Councillors, one of whom requested that their previous comments from application 2011/19244 be taken into account on this current application. The comments can be summarised as follows:

- Noise and vibrations caused by vehicles travelling to and from the site, causing disturbance to local residents
- Danger to local residents from trucks
- Waste deposits on the road
- Odours and fly problems that exist for residents that live in the vicinity of the landfill site
- Alternative sites for rubbish

21. Consultation

21.1 A list of all consultees both statutory and non-statutory is listed below with a précis of their responses:-

21.2 Environment Agency - has no objection in principle to the proposed development but notes that the proposal will constitute a variation to the existing Environmental Permit which is regulated by the Environment Agency

A hydrogeological risk assessment (HRA) will need to be conducted in support of the permit variation application which will need to address the risks of pollution groundwater arising from the waste deposit during operational, passive, post closure and aftercare phases. The HRA will then be assessed during the permit validation variation.

21.3 United Utilities Asset Protection – No response received
21.4 **Health and Safety Executive** – No response received

21.5 **CPRE Cheshire** – No response received

21.6 **Merseyside Environmental Advisory Service** – No Response

21.7 **Cheshire West and Chester Council** - Respond that in the light of uncertainties over long term landfill capacity, the inability of built waste treatment facilities to be provided in a timely manner, we would support the extension of the timescale over which Arpley Landfill facility can operate for the following reasons:

- Failure to do so would not be recognising the regional and sub-regional significance of the facility
- Failure to do so would not allow the full utilisation of consented capacity that has already been identified as regionally significant
- Failure to do so would not give sufficient weight to the demand for landfill as the option of last resort
- In the absence of the former Regional Technical Advisory Board to provide a regional overview, Warrington should take a more strategic view of the facilities it provides and its own ability to deal with waste in a sustainable way.

21.8 **Natural England** – Refer to standing advice on protected species and this is dealt with by the Public Protection Service starting at paragraph 21.12

21.9 **Development Control Halton Borough Council** – Had no comments to submit and trust that the application will be determined in accordance with Warrington’s current development and national policy and guidance

21.10 **Building Control Halton Borough Council** – No Response received

21.12 **Public Protection Services Warrington BC** – Has assessed the proposal taking into account not only the operation of the site itself but also the relative impact of vehicles accessing the site, the routes taken and the impact on residents living in the locality. The cumulative effects of the environmental factors/impacts associated with the development have been taken into consideration when determining the overall significance of the application.
21.13 The site is a source of **odour** generation and it is clear that there are existing levels of annoyance in the area in relation to odours. No conclusive evidence has been provided that the community will be affected by odours should the use continue. Under permit controls, as regulated by the Environment Agency, the landfill site utilises best practice to mitigate odour beyond the site boundary. However, there are still residual levels of complaints within the community about landfill odours. Proposed actions to mitigate odour emissions remain the same as those currently identified under the permit; therefore the current odour impact on the amenity of the community is unlikely to improve should permission be granted for the continuation of the use until 2018.

21.14 In relation to **air quality** the proposed access routes pass close to residential dwellings in areas either above or close to national objectives, set on health grounds. Sankey Green Island has been designated an Air Quality Management Area due to exceedances in the annual objective for Nitrogen dioxide. Removal of the landfill associated traffic would be a significant action in improving air quality and reduce the number of sensitive receptors that would be exposed to levels above the national objectives within this AQMA. Removal of the landfill associated traffic will see measurable improvements in the air quality on all routes in the area.

21.15 The site access is through a residential area and residents have reported high levels of dis-amenity associated with a range of environmental issues, and a number have objected to the proposed continuation of the land-filling operations in the area.

21.16 The air quality assessment has identified an impact linked to annual nitrogen dioxide levels associated with the HGV movements from the proposal. Removal of the HGVs accessing the site would represent a significant action in terms of improving existing levels of air pollution within the existing AQMA and help to mitigate against potential additional exceedances of air quality objectives within the wider area. The HGV movements have an impact on the Sankey Green AQMA and have the potential to create additional exceedances at both Lane Ends and Barnard Street Junctions.

21.17 The Council is in broad agreement with the conclusion that the site operations will not unduly impact on local residents. Road traffic noise and disturbance will also not significantly change although it is noted that the poor road surface of local roads is a significant contributory
factor to the noise as perceived by local residents.

21.18 Transportation Planning Warrington BC – have reviewed the Transport Assessment accompanying the application and make a number of comments which can be summarised as follows:

- The proposed access routes serving the site also serve as residential access routes and are considered to be inappropriate to accommodate the proposed HGV flows (up to 410 HGV movements per day).

- The application seeks to continue waste arrivals from 0800 and makes no attempt to avoid peak traffic hours or hours of peak pedestrian movement.

- The existing road based access arrangements are incompatible with the existing residential nature of the area, and the high HGV flows proposed can be expected to have a negative impact on the attractiveness of walking and cycling modes in the local area.

- The proposals fail to accord with national and local policy guidance, which advise that landfill facilities should have direct access to the strategic road network and should seek to ensure that possibilities for water and rail access are maximised.

- The proposed tonnage cap does not seek to encourage lower levels of HGV traffic to the site, but is set at a level which allows significant increases in HGV numbers to occur. This would allow the applicant to source waste deliveries from a wider region than existing, thus extending the transport impact of the proposals.

- No waste delivery best practice strategy or guidelines are proposed by the applicant to address long standing issues in respect of HGV access to the site.

- The proposed development will result in further deterioration of the residual life of the carriageway of Liverpool Road / Old Liverpool Road. No mitigating strategy has been agreed with the applicant in respect of this issue.

21.19 Parks and Woodlands Warrington BC – No Response
21.20 MP for Warrington North - No Response

21.21 MP for Warrington South - No Response

21.22 Manchester Airport – Have not responded but had no objection to the previous longer application for an extension of time as site lies outside the safeguarded area for Manchester Airport. However the proposed development has been examined from an aerodrome safeguarding aspect.

21.23 Liverpool John Lennon Airport – No response.

23. Representations

23.1 Warrington Borough Council received the application on 10th October 2013 and validated it on 10th October 2013. The consultation process began on 14th October 2013. Site notices were erected around the site on 17th October 2013 and an advert placed with the local newspaper on 17th October 2013.

23.2 There have been approximately 53 representations received, all of which object to the proposals. There was also a petition “Say NO to Arpley Landfill License Extension” with 61 signatures.

23.5 All of the comments constituted objections to the proposals and the broad categories of objection are as follows:

1. Traffic- volumes, noise, speed, vibration and queuing
2. Highways – debris, road condition and safety
3. Amenity – Health impacts, odour, air quality, dust and flies
4. House values

23.6 All representations can be viewed on the Council’s web site.

24. Appraisal

24.1 Members will recall that a previous application (Ref: 2011/19244) was submitted to, among other things, extend the operational life of the landfill site to 2025. Members refused this application in line with the officer recommendation on 30th January 2013 on the grounds outlined under paragraph 2.1.

24.1 The officer report at that time noted that development of this nature
raises a range of planning considerations from general principles to the particular localised impact of the development. This section reviews the main issues considered to be of relevance taking into account the merits of the proposals and to give members sufficient information to determine what weight to attach to considerations in order to reach a balanced conclusion.

24.4 The operations are regulated under the terms of the Environmental Permit for the site which remains the responsibility of the Environmental Agency. It must be assumed by members that the site will be regulated properly by external bodies.

24.5 There has been extensive consultation with interested bodies, the local community and private individuals on the application and there has been adequate opportunity for all sides to make representations on the application.

24.6 The key considerations are likely to be those specific to the land use planning impacts of the proposal. In this particular case, the main planning considerations are considered to be:

a. Green belt
b. Waste policy
c. Need for landfill
d. Highway and traffic issues including alternative access
e. Amenity Impact:
   • Noise
   • Odour
   • Air quality
f. Proposals for restoration
g. Ecology and Nature Conservation

Other Issues

• Actual and perceived impact on health and wellbeing
• Acceptability of perpetuating impact on residential communities beyond 2013
• Pest Control
• Impact of not granting planning permission

a) Green Belt

Planning policy and guidance/other material considerations
24.7 The detailed boundaries of the Green belt were not adopted until the UDP became operative on 23rd January 2006. However, there is a history of plans going back to 1985 that were not adopted, for a variety of reasons, which show a detailed boundary that includes the Arpley site within the Green Belt.

24.8 **Emerging LPCS Policy CS4 and UDP Policy GRN 1** states that development proposals within the Green Belt will be approved where they accord with relevant national policy.

24.9 The National Planning Policy Framework (NPFF). The whole of the landfill site is located within the green belt and as such a waste disposal operation is considered to represent inappropriate development within the green belt. Such development is, by definition, harmful to the green belt and should not be approved except in very special circumstances unless the potential harm to green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations (paragraphs 87 and 89, NPPF)

24.10 The recently issued consultation document (July 2013) **Updated national waste planning policy; Planning for sustainable waste management** is intended to replace the existing Planning Policy Statement 10, *Planning for sustainable waste management* (revised March 2011). The updated policy is still out for consultation at the time of this report but reflects central government’s ambitions to move waste up the hierarchy.

**Relevant Contents of the application**

24.11 Chapter 8 (Landscape and Visual) of the ES notes that the proposed development would place within the confines of the existing landfill site and would occupy a smaller footprint than the consented landfill. The conclusion is that the level of openness of the Green Belt would not be materially affected as a result of the proposed development.

24.12 Chapter 5 of the applicant’s Planning Statement considers that by definition the proposal is considered inappropriate development but “...there does exist undeniable and demonstrable considerations in support of this proposal.” These very special circumstances are given as:

1. The unequivocal need for landfill capacity;
2. There are currently no viable alternative landfill sites to Arpley landfill to adequately manage the residual waste of the sub-region post 2013;
3. The proposal will offer an essential closure plan for the site, enabling an acceptable landform to be achieved.
4. The site is in close proximity/well related to waste arisings and transport infrastructure (M6, M62 and M56).

Analysis

24.13 This application seeks planning permission for a different form of development to that previously approved. Whilst permission has been granted and implemented for development in the green belt that permission can no longer be implemented in full. Whilst there is clearly a degree of precedent, it is the correct approach to consider this development afresh, against policies which apply now, which are capable of distinction from those applicable in 1986. The status of the green belt itself was different as it was not formally adopted within a statutory development plan until the adoption of the Warrington Unitary Development Plan in 2006.

24.14 The detailed justification for the development proposed in the context of need for landfill and the requirement to meet that need in this specific location, are key to the determination of the proposals against green belt policy. In this context the applicant has provided a summary of 4 very special circumstances that they consider are sufficient to outweigh the potential harm to the Green Belt and are set out below:-

1. The unequivocal need for landfill capacity – An updated study by 4Resources/Urban Vision carried out on behalf of the Council in December 2013, shows that if Arpley were to close in 2013 in line with the current planning permission, the requirement for landfill capacity by Merseyside and Halton is likely to be in the order of 390,000 tonnes per annum from the end of 2013 until either 2015 or 2016, depending on procurement and commissioning of new waste treatment facilities. It is therefore reasonable to say that this is a short term issue from 2013-2015/16 which the commissioning of waste contracts takes effect, assuming there are no significant delays to the procurement process. However, although it is accepted by the Council that there is not one site that can readily take all the forecasted waste, in theory, dispersal of the identified landfill requirement from 2013 to 2015/16 to more than one, or all sites with remaining landfill capacity, is possible. Therefore this
cannot be given as a very special circumstance as it will not outweigh the harm to the Green Belt.

2. **Alternative sites** – The applicant says that there are currently no alternative sites to Arpley landfill to manage the residual waste of the sub-region post 2013. However, the report by 4Resources/Urban Vision produced by 4Resources in December 2013 identifies 9 main non-hazardous landfill sites which may have remaining capacity to accept waste streams previously disposed of at Arpley at the end of 2013. These sites are:

- Maw Green  Cheshire East
- Gowy  Cheshire West and Chester
- Kinderton  Cheshire West and Chester
- Lyme Woods Pit  Merseyside
- Highmoor Quarry  Greater Manchester
- Whitehead  Greater Manchester
- Pilsworth South  Greater Manchester
- Jameson Road  Lancashire
- Whinney Hill  Lancashire

The travel distances involved are considered practicable for non-hazardous waste arisings in Merseyside and Haltom although it is accepted that any use of these sites would require negotiations with the site operators. Therefore the lack of alternative sites cannot be given as a very special circumstance to outweigh the harm to the Green Belt.

3. **The proposal will offer an essential closure plan for the site, enabling an acceptable landform to be achieved.** – It is accepted by the Council that there is a requirement to provide a safe restored landform. In an email response from the Environment Agency regarding restoration levels they replied that:

   “on cessation of waste disposal operations, once the final waste levels agreed as part of the permit application process are reached we would require the completed areas of the landfill to be sealed and have permanent leachate and landfill gas collection systems installed as required by the Environmental Permitting (England & Wales) Regulations 2010 (EPR 2010).”

The email further states:

“Currently cell Boundary 3 is not fully filled and it is likely that the existing eastern flank of the cell would not be stable in the long...”
term. Leaving it in its current state could lead to pollution of the environment due to the lack of a suitable permanent gas collection and capping systems. Slippage of the eastern flank of the cell could also be a potential concern. If not restored to a stable landform this could result in fugitive landfill gas and leachate emissions as well as potential escape of waste beyond the footprint of the engineered cell and damage to the integrity of the cell. Such events would lead to both odour problems and pollution of ground and surface waters. It is also unlikely that any cap applied to the existing eastern flank could be successfully covered and restored due to the severity of the existing slope”.

However, although it is accepted that there is a demonstrable need to bring in material to restore the site and provide a safe profile, this does not extend to a requirement for over 1.6 million $m^3$. The applicant has linked their own contractual obligations to the need to restore the site to a safe profile without considering an alternative profile that may require less waste to be imported in a shorter time period. In email correspondence with the Environment Agency they have confirmed that they would not consider landfilling of non-hazardous waste as restoration and that inert wastes are currently only permitted for restoration.

Whilst the Council accept the need to restore the landfill, the applicant has not demonstrated that the amount of non-hazardous waste material imported over a 5 year period is justified and, in this instance, cannot be viewed as very special circumstances to all this development in the Green Belt.

4. Proximity to primary road networks – The access routes to the landfill itself are through residential areas and it is not considered that the wider primary network can be viewed as very special circumstances to allow development in the Green Belt.

24.15 The above analysis clearly demonstrates that the applicant has not provided very special circumstances and fails against the criteria set out within Policy GRN1 of the adopted UDP and Policy CS4 of the Local Plan Core Strategy

b) Waste policy

Planning policy and guidance/other material considerations
24.16 The NPPF has retained PPS10, which sets out the Government’s approach to planning and waste management. Essentially PPS10 looks to drive waste up the waste hierarchy with disposal viewed as the last option although landfill is an option that must be adequately catered for. PPS10 sets out a requirement for Councils to consider the cumulative impact of previous waste management facilities on the local community and the capacity of existing and potential transport infrastructure to support the sustainable transport of waste.

![Waste Hierarchy Diagram](source: PPS10)

24.17 Policy MWA5 (Saved Policy of the WBC Unitary Development Plan) sets out the range of considerations the Council will take into account when assessing planning applications for waste management uses. These considerations include the following:

- the green belt;
- existing or proposed dwellings or other sensitive uses, in terms of visual amenity, noise, vibration, dust, windblown materials, odour, litter, vermin, air, land, water or light pollution, and other nuisances;
- the quality of the water environment, water resources (surface and groundwater) or the capacity of flood storage areas;
- public rights of way and the amenity of their users;
- Sites of Importance for Nature Conservation;
- airport operational safety; and
- highway safety and transport capacity.
- The development will utilise sustainable transport modes in place of road transport wherever possible.
• The development will be sited at a sufficient distance from dwellings or other sensitive uses, and designed, fenced and screened so as to avoid unacceptable nuisance from site operations.
• The restoration plan (where applicable) and aftercare proposals must be to an acceptable standard to achieve high quality restoration for appropriate afteruses.

24.18 Emerging LPCS Policy MP8 states that the Council will promote sustainable waste management in accordance with the waste hierarchy.

Relevant Contents of the application

24.19 Chapter 4 of the applicant’s Planning Statement analyses the application in the context of all current, relevant planning policies and guidance. The NPPF became policy in March 2012 and whilst waste planning generally survived the streamlining process and retained PPS10, other policy guidance that was extant at the time of submission was superseded by the NPPF.

24.20 The Planning Statement provides an assessment of all relevant policy and guidance in relation to this application and the applicant concludes that their assessment demonstrates that the scheme meets the test of Section 38(6) of the Planning and Compulsory Purchase Act as it fully complies with the provisions of the statutory development plan.

24.21 An assessment of the application needs to be made against the criteria of saved policy MWA5 and PPS10. The Updated national waste planning policy: Planning for sustainable waste management was published as a consultation document in July 2013. At the time of this report the results of the consultation were still being analysed but is regarded as a material consideration for this application.

Analysis

24.22 The Arpley proposal is seeking to further contribute towards the management of residual non-hazardous waste. Whilst landfilling operations are the least desirable option within the waste hierarchy, PPS10 is clear that provision for such operations remains necessary.

24.23 Policy MWA5 requires that proposed developments utilise sustainable transport modes wherever possible, will be sited away from dwellings
so as to avoid unacceptable impacts from site operations or includes sufficient mitigation measures against such impacts and that the proposals include plans for high quality restoration and aftercare. In addition, Policy MWA5 states that proposals will not have an unacceptable impact on Sites of Importance for Nature Conservation.

24.24 There has been a material change in circumstances since the original grant of planning permission in 1986, namely the grant of planning permission in 2004 for 339 dwellings at Saxon Park. These houses have now been developed and are inhabited and lie approximately 300m north of the boundary of Arpley Landfill. Expectations by residents at Saxon Park were that the landfill site would cease operations in 2013. This was not unrealistic as a temporary planning permission had been granted for 25 years. The new development at Saxon Park is a material change in circumstances from when the original permission was granted and as such, significant weight needs to be attached to the impact on residents of a 5 year extension.

24.25 When assessed against the criteria outlined in Policy MWA5 the application fails to meet the test of 1(iii) existing or proposed dwellings or other sensitive uses, in terms of visual amenity, noise, vibration, dust, windblown materials, odour, litter, vermin, air, land, water or light pollution, and other nuisances.

c) **Need for landfill**

Planning policy and guidance/other material considerations

24.26 There is no saved UDP policy that deals with the issue of need for landfill. Emerging Core Strategy Policy MP8 sets out an intention to deal with the waste management needs of the borough through a Waste Local Plan. Therefore, the relevant material consideration in respect of need is PPS 10, which says that planning authorities should **ensure proposals are consistent with the policies in PPS10 and avoid placing requirements on applicants that are inconsistent** (PPS10 para. 21).

Relevant Contents of the application

24.27 Section 2 of the applicant’s Planning Statement considers the issue of need.

24.28 The scheme is principally designed to meet the short term municipal
waste management requirements of the Merseyside and Halton Waste Disposal Authorities and that any remaining void once the municipal requirements have been met will be filled with local residual commercial and industrial wastes. The Planning Statement also states that the further importation of waste will enable an acceptable landform to be achieved and for closure measures to be put in place.

24.29 The scheme provides for total inputs, between 2014 and 2018 inclusive, of:

- Merseyside Municipal Solid Waste 910,000 tonnes
- Halton Municipal Solid Waste 23,000 tonnes
- Commercial and Industrial 320,000 tonnes
- Daily cover at 17% 213,753 tonnes

Total 1,466,573 tonnes

24.30 The above figure for Halton is for 2014 only and the applicant states that there is a possibility that municipal waste will continue to be accepted from Halton for subsequent years until 2018. It should be noted that the Transport Assessment (TA) provides different quantities of waste. The TA does not break down the waste streams but provides an anticipated total for each year. The totals over the period for 2014 - 2018 are 1,386,751 tonnes which is nearly 79,822 tonnes fewer than in the Planning Statement. However this discrepancy, as explained by the applicant in email correspondence, is because the daily cover includes on site sourced material in Table the Planning Statement whereas this element is removed in the TA.

24.31 The applicant states that a number of residual waste management facilities will be commissioned within/or in close proximity to the study area. However, they go on to state that in the majority of cases, there remains uncertainty over their precise development and delivery.

Analysis

24.32 Under the Appeal application 2011/19244 a report was carried out in by 4Resources/Urban Vision, who were tasked by Warrington BC to appraise current landfill capacity and direction of demand for landfill in the North West Region. It included an assessment of what the effect would be on landfill capacity in the region if Arpley Landfill were to close in accordance with its current planning consent. The report uses data from the 2011 Environment Agency Waste Data Interrogator, Waste Data Flow 2010 and 2011, and direct consultation with local
planning officers.

24.33 The Report was updated in November 2013 using data from the Environment Agency 2012 Waste Data Interrogator and also included Waste Data Flow for 2012. The report appraised available and projected landfill capacity at operational sites within the North West and estimates the remaining capacity at the end of 2013 (when the current Arpley permission ends). The analysis indicates that there are four main non-hazardous landfill sites which may have remaining capacity to accept waste streams previously disposed of at Arpley at the end of 2013.

24.34 The majority of waste going into Arpley is from Merseyside and Halton. The closure of Arpley in 2013 could leave a shortfall in landfill capacity for Local Authority Collected Waste in the order of 390,000 tonnes per annum for waste from Merseyside and Halton. It is likely that the total requirement would be around 1 million tonnes in the period from the closure of Arpley to the commissioning of new treatment facilities, assuming commissioning does not commence until 2015/16.

24.35 It is likely that there will be an ongoing requirement for the landfill disposal of Sorting Residues in the order of 145,000 tonnes per annum. In the medium term, it remains possible that treatment options for sorting waste residues will become available.

24.36 It is clear from the Report that there is no long term need for landfill at Arpley. However, it is reasonable to say that this is a short term issue from 2013-2015/16 when the commissioning of waste contracts takes effect, assuming there are no significant delays to the procurement process. In theory, dispersal of the identified landfill requirement from 2013 to 2015/16 to more than one, or all sites with remaining landfill capacity, is possible. Whilst the applicant has indicated that contracts are in place, such contracts were entered into knowing that the planning consent position was uncertain.

24.37 In conclusion, whilst it is accepted that there is a short term need for landfill, this must be balanced against the adverse impacts of the landfill as a whole.

d) Highway and traffic issues

Planning policy and guidance/other material considerations
24.39 UDP Policy LUT12 requires all planning applications likely to have significant transport implications to be accompanied by a Transport Assessment to address all the transport aspects of the proposed development. The emerging LPCS Policy considered relevant to this application is Policy MP7 (Transport Assessments and Travel Plans). This states that the Council will require all development to demonstrate that it will not significantly harm highway safety and identify where there are any significant effects on Warrington’s Transport Network and/or the environment, and ensure appropriate mitigate measures including necessary transport infrastructure are in place before the development is used.

Relevant Contents of the application

24.40 Chapter 7 of the ES along with the submitted Transport Assessment provides an overview of the traffic impact of the proposed extension.

24.41 The applicants have carried out an assessment modelling to reflect 3 scenarios:

‘Do Nothing’ Scenario – operation of the local highway network in both 2014 and 2017 assuming no future operation of the landfill site.

‘Do something’ Scenario - operation of the local highway network in both 2014 and 2017 assuming operation of the landfill site up to 2018 with 2017 representing the last anticipated year of full waste inputs.

‘Sensitivity Test’ Scenario - operation of the local highway network in both 2014 and 2025 including for maximum predicted traffic levels associated with the sites retention and, in recognition of the concerns of local residents, proposes to introduce a cap on daily waste vehicle numbers.

24.42 It is proposed that a tonnage cap should begin at a level of 500,000tpa in 2014 (the first year of operation) reducing by 5% per annum until 2017 at which point it would level off at 428,688tpa. In terms of vehicular demand, based upon recorded 2012 weighbridge data, these tonnages could equate to average and peak daily traffic levels of 157 and 205 vehicles respectively during first full (2014) year of opening dropping to an average and peak traffic levels of 135 and 175 vehicles per day respectively in 2017.

24.43 The ES concludes that the continued operation of existing waste
management facility at Arpley landfill for an additional 5 year period would not result in a material impact on operations conditions over the local highway network.

**Analysis**

24.44 The Council’s Highways Development Control Section has reviewed the Transport Assessment submitted as part of the application.

24.45 The proposed access routes serving the site are considered to be inappropriate to accommodate such HGV flows. Liverpool Road also accommodates significant levels of pedestrian traffic and offers various pedestrian crossing facilities. Barnard Street and Forrest Way are unclassified roads and also serve as residential access routes with significant levels of pedestrian traffic also. For these reasons, the proposed access arrangements, volume and type of traffic generated by the proposals are considered incompatible with the existing nature of the local area.

24.46 “Planning for Waste Management Facilities - A Research Study” (produced by the Office of the Deputy Prime Minister in August 2004) states that "access routes require capacity to meet input rates. Usually good A / B class roads or a primary route network free from restrictions on HGV's."

24.47 Additionally, in terms of the general siting criteria for landfill facilities, the document also highlights that: "Sites close to housing, commercial or recreational areas should be avoided where possible unless risk assessment suggests that any impacts would be acceptable."

24.48 It is considered that due to the significant volumes of HGV traffic generated by the proposals (up to 205 HGV arrivals per day, equating to 410 daily HGV movements on local access routes), the landfill facility should have direct access to the strategic road network.

24.49 The TA proposes that “an annual tonnage cap could be conditioned against any forthcoming planning approval for the extension of life of Arpley Landfill”. However, it is noted that the proposed annual tonnage cap would be set at a level which is 35% higher than the anticipated annual waste inputs.

24.50 WBC Highways query why a proposed waste tonnage cap, rather than a vehicle number cap is now being proposed by the applicant
especially when a vehicle cap was proposed as part of application 2011/19244. A tonnage cap (rather than a vehicle cap) provides no incentive to ensure that average HGV payloads are increased and total HGV numbers are reduced. Indeed, as proposed, the tonnage cap would allow significant increases in HGV numbers to occur and the applicant to source waste deliveries from a wider region than existing. This would extend the area of transport impact associated with the proposals.

24.51 It is also considered that large vehicles on unsuitable roads reduce the attractiveness of routes for walking and cycling. This can be expected to result in a decrease in walking and cycling activity i.e. less people walking children to school and more pedestrians driving. The application offers no attempt to mitigate the impact of HGV traffic on pedestrian amenity, either by way of local traffic management initiatives or by proposing to vary the hours of operation of the facility.

24.52 Para 9.11 of the TA notes that “The visual condition record identifies a number of minor carriageway defects along the study roads of Liverpool Road, Barnard Street and Forrest Way. In the main, these defects are only minor and are unlikely to attract remedial works by the Local Highway Authority. It is considered that this report has demonstrated that the majority of the carriageway defects are associated with existing areas of weakness within the carriageway pavement construction, such as utility trench reinstatements. It is therefore concluded that whilst the surface course may need replacing, this is predominantly directly related to the weaknesses created by utility trench reinstatements and not deficient construction depth. Consequently any such works should be undertaken as part of the normal maintenance scheduling by the Local Highway Authority.”

24.53 The above is not accepted by WBC Highways. In December 2012, as part of consideration of previous application 2011 / 19244 WBC’s Public Realm (Highways) team produced a report commenting on the carriageway condition of the Liverpool Road corridor.

24.54 The report confirmed that the frequency and type of cracking and rutting evident in the carriageway of Liverpool Road has worsened since the analysis of carriageway condition undertaken by the applicant, and that the type and frequency of these defects may indicate evidence of structural failures within the carriageway. The Public Realm (Highways) Manager therefore recommended that a more detailed programme of repair, including elements of structural repair of the carriageway should
be ensured if the application were to be approved.

24.55 Given that the access routes leading to the site are inappropriate to accommodate HGV traffic, and that the Councils Public Realm (Highways) team has indicated that HGV traffic arising from the development may well be impacting negatively on the residual life of the carriageway, it is therefore disappointing that the application offers no contribution to mitigate the carriageway defects present on local access routes in the vicinity of the site. Such mitigation, even for the 5 year period of operations proposed as part of this application, would bring about significant benefits in terms of reduced noise and vibration impacts for residents affected by HGV traffic accessing the site.

24.56 In summary the HGV movements generated from the proposed development would have a detrimental effect on the amenity of residents and pedestrians using the footway and as such the application fails to meet the criteria in Policies GRN2, DCS1, REP9 and MWA5 of the adopted Warrington Unitary Development plan and Policies CS1, QE6 and MP8 of the emerging Warrington Local Plan Core Strategy.

e) Amenity Impacts

The National Planning Policy Framework at paragraph 109 states that,

“The planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to....... unacceptable levels of soil, air, water or noise pollution.”

(i) Noise and Vibration

Planning policy and guidance/other material considerations

24.57 The NPPF refers to the Noise Policy Statement for England (NPSE), published in March 2012, which sets out long term vision of Government noise policy which is to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development. The NPSE aims to avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life; and where possible, contribute to the improvement of health and quality of life.
Relevant Contents of the application

24.58 Chapter 12 of the ES provides an assessment of the application in respect of noise. Chapter 12 also includes the impact of vibration from activities connected with the landfilling operations and this is dealt with under sub section v). The Chapter concludes that for operational noise, the introduction of appropriate mitigation measures relative to maintaining existing noise control features and management control would ensure that the resultant noise levels are within appropriate guidance and standards.

Analysis

24.59 The Council is broadly in agreement with the conclusion that site operations will not unduly impact on local residents.

24.60 The issue of site access is a wider issue for consideration within the overall determination of the application. The assessments conducted to date, with respect to noise, conduces that the removal of vehicle movements, associated with the landfill, will result in a small improvement in noise levels in the order of 2.8 db(A) which would result in a barely perceptible change. A key issue in terms of the noise climate is the maintenance of the highway and the potential for any increased noise or vibration from vehicles affected by any poor or uneven road surface.

(ii) Odour from landfill operations

Planning policy and guidance/other material considerations

24.61 The National Planning Policy Framework provides some general guidance on taking air pollution into account in planning policies and decisions.

Relevant Contents of the application

24.62 Chapter 13 of the Environmental Statement considers the odour impacts of the proposed extension of the operational life of the landfill on local air quality. The scope and methodology are described along with the existing site conditions. Predicted baseline conditions post 2013 is provided and the potential impacts of the site operations on local sensitive receptors with regards to air quality assessed. Proposed mitigation measures are outlined with a summary of the
residual impact following the implementation of the mitigation measures.

24.63 For the purposes of this section the principal aspects requiring consideration during the assessment were odours emitted from waste handling areas, from the transport of waste to the site and from leachate treatment and gas engines.

24.64 The impacts of odours arising from the site operations on sensitive receptors have been assessed using ADMS v5. Site specific sampling and analysis and a desk top study has been undertaken to determine the potential odour emissions rates associated with the site odour sources and for input into the model. The model has been run for each year between 2013 and 2018 taking into account the differing operational areas as provided on the phasing plans.

24.65 The modelling indicates that odours from the proposed tipping will have negligible impact on the residential properties and other sensitive receptors in the vicinity of the site.

Analysis

24.66 The Environment and Public Protection Service (EPPS) acknowledges that the site is a source of odour generation that currently affects the existing amenity of residents. Whilst accepting that there are other discrete sources of odour in the area, namely a nearby sewage works, and that there are measures to mitigate against odour problems, the landfill odours still have an adverse impact in the area.

24.67 The EPPS state that no conclusive evidence has been provided that the community will not be affected by odours should the use continue. It is unclear from the application how different waste streams over the proposed 5 year operation may change. Any change to incoming waste streams may have a different odour impact than that currently experienced.

24.68 The cessation of landfilling operations would result in the removal of the active tipping face as a significant source of malodours. Residents have also mentioned that they experience odours from vehicles using the site on occasion.

24.69 Following review, it is considered that there are some issues with the odour assessment provided by the applicant that could lead to an
under-estimation of the amenity impact from odour from landfill operations.

(iii) Impact on air quality

Planning policy and guidance/other material considerations

24.70 UDP Policy MWA5 sets out the criteria against which applications for waste facilities will be assessed. This includes dust and wind borne materials and air pollution. Emerging LPCS Policy QE6 ‘Environment and Amenity Protection’ sets out that the Council will only support development which would not lead to an adverse impact on the environment or amenity of future occupiers or those currently occupying adjoining or nearby properties, taking into consideration air quality, amongst other issues. Air quality is mentioned frequently through the NPPF and is a material consideration for new development and its impact on any AQMAs.

24.71 The NPPF at paragraph 124 states: “Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”

Relevant Contents of the application

24.72 Details of the air quality assessment are provided in Chapter 13 of the Environmental Statement. With regard to dust the statement concludes that, overall, airborne dust from the proposed landfill is unlikely to cause a significant adverse impact in the vicinity of the site.

24.73 Mitigation measures to be adopted include wheel washes and road sweeping during dry and windy conditions, minimising tipping heights at all times to reduce the potential entrainment of material into the atmosphere, dusty materials deposited on the landfill will be covered over at the earliest opportunities and dust suppressions by regular spraying.

24.74 There are no residential receptors within 250m of either the existing boundary of the site, or the area of the proposed tipping and re-profiling. The risk of adverse impact from bioaerosols on local residents
is therefore negligible. Overall the impact associated with bioaerosols is considered to be of negligible significance.

24.75 The air quality assessment chapter concludes that there are no significant residual adverse effects at nearby sensitive receptors due to odours, dust, bioaerosols and landfill gas emissions from site operations. With respect to vehicle emissions the assessment predicts slight adverse residual impacts at residential properties located along the proposed haulage route in 2013 with an overall resulting minor significance. However, the impacts from emissions would decrease over time and are classified as negligible in the 2017 assessment year.

Analysis

24.76 The UK has set a number of air quality objectives based on the likely health effects of the pollutant. Adverse health effects and, conversely, health improvements can be exhibited below as well above the prescribed standards.

24.77 Levels of nitrogen dioxide currently exceed the prescribed objectives at the Sankey Green Island roundabout accessing Thewlis Street, which becomes Old Liverpool Road. Levels along Old Liverpool Road itself are also just below but very close to the prescribed standard for nitrogen dioxide based on current assessments.

24.78 The evidence submitted by the applicant demonstrates that the heavy goods vehicles accessing and leaving the landfill are a source of nitrogen dioxide pollution and that they have a material impact on air pollution levels in the area.

24.79 It is estimated that the removal of the road traffic component associated with the landfill operation would materially reduce the pollutant levels within the existing Air Quality Management Area thereby effecting an improvement to local air quality. It would also help to reduce the potential for future exceedances at residential properties at the Barnard Street/Old Liverpool Road Junction as well as at the Lane Ends Junction.

24.80 Predicted exceedances at the Lane Ends junction could result in an Air Quality Management Area being declared at each of the two site access points on Old Liverpool Road. Work carried out as part of the Council’s air quality action planning has shown that major actions are required to achieve even small incremental improvements in air quality.
Therefore the significance of the removal of the HGV movements on local air quality; should not be discounted, as relatively modest reductions in pollution levels are beneficial in terms of exposure reduction and they would difficult to realise through other actions.

24.80 There is no prescribed safe level for health of fine particulates (PM2.5) and the applicant has not provided any monitoring to ascertain the level of PM2.5 in the area or their impact upon this. There are prescribed PM10 objectives, but other than a basic screening assessment, with a lack of supporting information; there has been no detailed investigation. The potential for adverse health effects from traffic associated with the application has not been quantified. It is understood that the applicant is undertaking PM10 monitoring but the data was not available at the time of the report.

24.82 There are issues with the assessment provided that could lead to an under-estimation of the impact from HG movements and landfill operations on air quality.

f) Ecology and Nature Conservation

Planning policy and guidance/other material considerations

24.83 The relevant UDP Policies are GRN17 (Sites of Local Importance for Nature Conservation), GRN20 (Wildlife Corridors) and MWA5 (All Minerals and Waste Management Developments). Arpley Landfill is adjacent to Moore Nature Reserve. Development likely to have an adverse impact on Sites of Local Importance for Nature Conservation, including Moore Nature Reserve (Moore and Bridge Canal and Moore Grasslands), will not be permitted unless there is an overriding need for the development. The Mersey Valley is identified as a Wildlife Corridor in the UDP and also in the Emerging Core Strategy (Policy QE5). The Emerging Core Strategy Policy QE5 considers biodiversity and sets out the type of information that an applicant should provide should a proposal potentially affect a protected site.

Relevant Contents of the application

24.84 Chapter 9 of the Environmental Statement considers the impacts of the proposed extension of the operational life of Arpley landfill on flora and fauna. The scope and methodology of the study are first described, followed by a description of habitats and fauna, including the occurrence of legally protected species. The scope of surveys
undertaken and ecological evidence underpinning the application include surveys and ecological assessments undertaken to inform the planning application that was submitted in 2011.

24.85 The Restoration Landscaping Scheme incorporates a number of habitat creation measures to provide ecological enhancement relative to the current baseline. The Arpley phase will be restored to conservation grassland, completion of the Boundary Phase will allow grassland and plantation woodland habitats to be created and provision of barn owl boxes is an ecological enhancement measure which may improve the conservation status of barn owls since the population density can be limited by available nest sites.

24.86 A number of negligible impacts have been described but these are set against the positive impacts on other species, relative to the October 2013 baseline, which are considered to contribute to the maintenance of ecological networks.

Analysis

24.87 The Council's Natural Environment Officer (NEO) has assessed the submitted documents. The NEO notes that a desk based assessment was carried out with regards to great crested newts (European Protected Species) to support this application and a full great crested newt survey (as directed by Natural England's guidelines) is provided. These comments are based on the submitted Great crested newt risk assessment and non-license avoidance measures report by Argus ecology dated 25th September 2013 and the FCC Environment Great Crested Newt Survey Report dated 06/08/2013.

24.88 Having reviewed the submitted reports the NEO is satisfied that sufficient information has been provided with regards to the proposed development and great crested newts.

24.89 The NEO is satisfied that the argus ecology risk assessment and non-license avoidance measures are an appropriate course of action given the known confirmed distribution of great crested newts. They are not present within the landfill site but they are within Moore Nature Reserve. The landfill site does provide some suitable habitat for great crested newts and there is a small chance of great crested newts crossing into the landfill area. This risk has been detailed in the argus ecology report and has been assessed with regards to Natural England's guidelines. The NEO agrees that extensive amphibian
barrier fencing is not necessary in this case and would be an excessive course of action given the level of risk identified

24.90 With regard to bats, a European Protected Species, the NEO considers that it would be appropriate to include the provision of bat boxes with any permission minded to be granted. Details of numbers to be erected should be submitted and approved by WBC prior to any developments on site. A positive contribution would be for the early inclusion of boxes within Moore Nature Reserve and the unaffected restored areas of the landfill site within this scheme as well as the wider landfill site in later years as the tree stock becomes of a suitable size.

24.91 Badger setts within the Arpley Phase were found to be active during the 2007 and 2010 surveys and from a discussion with Paul Cassidy, WRG Ecologist, in March 2012 these were confirmed active then also. The ecology report refers to some holes being inactive but this is typical of badger setts at varying times of the year owing to their behaviour.

24.92 The submitted badger survey does not suggest that setts will have to be closed and indicates works can occur under reasonable avoidance measures. The report should be attached to any permission minded to be granted and the recommendations of the report must be followed. Should the setts become active and a revised approach to mitigation be required an updated report should be submitted to WBC.

24.93 It is noted the application has not demonstrated any commitment to the continuation of management of Moore Nature Reserve. A concern also surrounds the lack of exit strategy for the reserve once the tip has ceased. This should be provided with a long term strategy for the reserve including aims for official/designated nature reserve status. This would be a welcomed contribution towards biodiversity through the application.

24.94 The NEO recommends a number of conditions to be attached to any grant of planning permission and these include; a badger monitoring scheme; a full habitat creation/restoration scheme and the submission of a habitat management plan.

**g) Restoration/landscape impact**

Planning policy and guidance/other material considerations

24.95 UDP Policy MWA5 sets a requirement for the restoration plan and
aftercare proposals to be an acceptable standard to achieve high quality restoration for appropriate after uses. UDP Policy MWA13 required waste management proposals to be subject to a programme of aftercare management, at a high standard, for a period of 5 years following completion of site restoration and applicants are required to submit an outline scheme as part of the application

Relevant Contents of the application

24.96 Chapter 3 of the Environmental Statement considers the alternative design options put forward under planning application 2011/19244 with the preferred option being to extend the life of the landfill by re-profiling within the Walton and Boundary Phases and reducing the plan extent of landfill in the Arpley phase.

24.97 The applicant’s contend that leaving the site in an unrestored state is not considered to be an acceptable alternative option. There is a need to achieve an appropriate, sustainable long term landform, which is both acceptable aesthetically and geotechnically (i.e. one is stable) so allowing appropriate leachate, gas management and surface waste management and to allow long term access and aftercare.

24.98 The restoration scheme at Figure 5.10 comprises a combination of native woodland planting on the steeper lower slopes and a mosaic of habitats on the crown of the landform with conservation grassland, hedgerows, hedgerow trees and isolated copses, to allow views from the elevated areas once restored.

24.99 The area of the site to the east of the main landfill (Arpley Phase) will be restored upon completion of the waste disposal operations to provide grassland and woodland habitats. The site’s attenuation lagoon is located in this area of the site and post closure of the landfill facility it will be retained and re-engineered to provide a more natural form that will be beneficial to wildlife.

24.100 A number of informal recreational footpath routes will be developed across the site to provide public access for recreation. The footpaths on the site would link the restored landfill to Moore Nature Reserve to the south. The site office and car park would be retained following cessation of the waste disposal operations and will form part of the restoration scheme.

Analysis
24.101 The proposed restoration scheme is indicative only and this is provided in figure 5.10 of the ES. It is considered that the broad thrust of the restoration is acceptable but further details would need to be provided not only in respect of landscape but in ecological terms as has already been noted in the Ecology and nature Conservation section.

24.102 The restoration plan is indicative only and the applicant has not provided an aftercare scheme, or indicated a willingness to extend aftercare beyond the statutory five years. The Council’s Natural Environment Officer has expressed concerns that on a previous visit, to formulate a response to the 2011 application, how well the trees and woodland areas a establishing on the restored areas of landfill and some of the grassland areas seem rank and not species rich thus limiting their habitat value. This is relevant in addressing how the site has been managed and restored and whether the proposed restoration will be successful in the future.

h) Other Issues

24.103 The application has raised a number of issues through representations that do not fit conveniently under the topic headings adopted in the report. These include:

Impact on Property Values

24.104 There are objections over the potential impact on property values if the application was granted planning permission.

24.105 As a general principle, fears over loss of property should themselves be accorded little or no weight in the determination of planning applications as the basic premise is that the system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and exiting use of land and buildings in the public interest. The land use planning considerations should, therefore centre on the acceptability of a development on the level of amenity enjoyed by residents rather than matters like financial gain or loss.

Expectations that Site would be closed in 2013

24.106 A number of residents have expressed concern that a development which was considered to have a finite life should be extended well
beyond the time scale initially envisaged. It may have been considered necessary to impose the consequences and impact of a large landfill/land raising operation close to residential properties, with the sole access passing through the residential areas when planning permission was granted in 1986. The permission was time limited and the local population accepted that considerably lower levels of amenity than might otherwise be expected would apply for the duration of waste disposal operations on the basis that such operations would finish in 2013.

24.107 This permission would perpetuate acceptance of those less than acceptable levels of amenity for a further 5 years.

Pest Control

24.108 A number of representations make comment about the number of flies in the summer originating from the landfill site causing a significant adverse impact on the enjoyment of their gardens.

24.109 However, although this is an amenity issue of concern to the Council it is not possible to ascertain the flies origin as there is also a sewage treatment works in the landfill site.

25 Conclusions

25.1 The determination of major applications of this nature obliges a careful balancing exercise within the context set by legislation which requires the Council to make decisions in accordance with the development plan unless material considerations indicate otherwise.

25.2 The report sets out in some detail a range of land use planning issues which are relevant to the weighing of the merits of the application. Evaluation of the issues suggests there are conflicts with elements of the development plan policy and that the final decision rests on whether or not any harm identified is sufficiently compelling when set against other material considerations to justify refusal of permission.

25.3 In assessing the weight to be given to factors which presume against the grant of permission, due account has to be given to the possibility of addressing conflicts with policy or potential harm, by way of suitable planning conditions or legal agreements. Whilst, it is accepted by the Council that there are some factors that suggest that there is a short term need for landfill which could be met by Arpley, the applicant has...
applied for an extension of time for 5 years. This is considered to be a long term application for which there is no identified need, other than contractual, that would outweigh the significant environmental impacts on the area or provide very special circumstances for development in the Green Belt.

25.4 Members are being asked whether or not they would grant planning permission for a landfill at Arpley today and to consider those material changes in circumstances; the expectation of those living in Saxon Park that the landfill had a finite permission and would close in October 2013 is not unreasonable. Members are in the fortunate position of knowing the adverse impacts of landfill in this particular location which, when taken individually may not merit a reason for refusal but in terms of significant cumulative impact are considered grounds for refusal.

25.5 The applicant has justified the application on two grounds. Firstly, the short term need for landfill and secondly, to provide an acceptable and safe landform.

25.6 It is accepted that there is a very short term need and that no single site could provide all of the additional capacity that has been identified if Arpley was to cease importing waste. However, dispersal of the identified landfill requirement to more than one or all of the sites in the area is possible but this option has not been fully investigated by the applicant.

25.7 In regard to the second reason for justification, namely the provision of a safe landform, Members should be aware that the site does need to be restored safely and that the final restoration levels will require the importation of material. There may well be substantial quantities required to provide an acceptable landform but, again this avenue has not been explored.

25.8 It is recommended that planning permission is REFUSED for the following reasons:

1. The application is considered to be inappropriate development in the Green Belt for which no overriding long term need has been demonstrated or other very special circumstances to overcome the harm to the Green Belt. The proposals are therefore contrary to the provisions of Policy GRN1 of the adopted Warrington Unitary Development Plan and Policies CS1 and CS4 of the emerging Warrington Local Plan Core Strategy.
2. The HGV movements generated by the proposed development would have a detrimental effect on the amenity of residents and pedestrians through adverse impacts on air quality and dust and as such is contrary to the provisions of Policies GRN2 (criterion 9), DCS1 (criterion 1), REP9 and MWA5 (criterion 3) of the adopted Warrington Unitary Development Plan and Policies CS1 (criterion 11), QE6 (criterion 4 and 7) and MP8 of the emerging Warrington Local Plan Core Strategy.

3. The proposed development will lead to an adverse impact on the amenity of occupiers of nearby residential properties through adverse impacts on odour and as such is contrary to the provisions of Policies GRN2 (criterion 9), DCS1 (criterion 1), REP11 and MWA5 (criterion 3) of the adopted Warrington Unitary Development Plan and Policies CS1 (criterion 11), QE6 (criterion 7) and MP8 of the emerging Warrington Local Plan Core Strategy

**Recommendation**

Refuse

**Reasons**

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(criterion 11), QE6(criterion 7) and MP8 of the emerging Warrington Local Plan Core Strategy.

**Informatives**

1. In view of this refusal notice the applicant is advised to engage with the Council to ensure that a new/amended restoration scheme is submitted expeditiously.
Appendix 1

Photo 1 – View of Arpley Landfill from Forest Way Bridge

Photo 2 – View of Landfill from the east