21 January 2013

Development Management Committee

Wednesday, 30 January 2013 at 6.30pm

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

PLEASE NOTE CHANGE OF VENUE

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A G E N D A

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

**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

**Wednesday 30th January 2013**

**Start 18:30**

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<tr>
<th>Item</th>
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<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
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<td>1</td>
<td>2</td>
<td>2011/19244</td>
<td>ARPLEY LANDFILL SITE, FORREST WAY, WARRINGTON, WA4 6YZ</td>
<td>Refuse</td>
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Proposed extension of operational life of Arpley landfill facility to 2025 including re-profiling, revised sequence of landfill phasing and restoration works, extension of operational life of existing leachate treatment facility and landfill gas utilisation plant and other ancillary developments including offices, weighbridges, wheel washes, fencing etc. associated with the operations of the landfill.
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<tr>
<td>Location:</td>
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<tr>
<td>Ward:</td>
<td>PENKETH AND CUERDLEY, Bewsey and Whitecross</td>
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<tr>
<td>Development:</td>
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<tr>
<td>Applicant:</td>
<td>Mr 3C Waste Limited</td>
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<td>Recommendation:</td>
<td>Refuse</td>
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<td>Reasons:</td>
<td>Inappropriate Development in the GB (No very special circumstances, including long-term need)</td>
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<td>Potential Impacts on European Protected Species (Failure to provide sufficient information)</td>
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<td>Impact on Residential Amenity (through adverse impacts on air quality and dust)</td>
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<td>Proposed Development:</td>
<td>Planning Application for the extension of the operational life of the Arpley Landfill Site to 2025, including re-profiling, revised sequence of landfill phasing and restoration works and extension of the operation of the</td>
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1. **Site Description and Surroundings**

1.1 The existing 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 300m 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 400m to the south west of 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 will be undertaken until 2013.

1.7 Under the existing permission, the site is divided into five phases as shown in the applicants submitted Figure 1.2;
• Birchwood – to the south east (restored)
• Lapwing – to the west (mostly restored)
• Walton – to the north west (partially restored)
• Boundary – currently being filled; and
• 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 As is the case with most landfill sites, there are a number of planning permissions associated with the Arpley site. 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. 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
- 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)
- 11th January 1999 (1/34522) Variation (by letter) to phasing of cells 3a, b and c of Walton phase
- 27th March 2001 (1/34522) Variation (by letter) to Condition 8 to revise haul road and amend phasing sequence
- 11th March 2003 (1/34522) Amended phasing sequence for Walton phase to allow Cell 4 to be completed before Cell 3
- 5th 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.

2.2 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.

2.3 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. The areas for deposit of waste yet to be completed in accordance with the 1986 permission would amount to a total capacity of 6,500,000 cubic metres. The
applicant has stated that it would be necessary to deposit this amount of waste to enable the scheme to be completed and restored in accordance with the provisions of the 1986 permission.

3. Proposals

3.1 The main details of the application are:

- An extension to the operational life of the landfill by 12 years (until 2025) and relating to the creation of void space with capacity for 6.5 million cubic metres of residual waste. (No net increase over the existing permission).
- Reprofiling to increase the height of existing and permitted areas of the landfill by approximately 13 metres, to enable the footprint of the land filled area to be reduced in comparison to the consented scheme. The boundary of the consented landfill areas would be moved to the west further away from residential properties. The properties lie on the former British Steel Monk Hall works (Saxon Park) where planning permission for 339 houses was granted in July 2004. The latest permission for 75 dwellings on Saxon Park was granted as recently as July 2010. The estate lies approximately 300m north of the boundary of Arpley Landfill, on the other side of the River Mersey. There is only one access to Saxon Park, which is off Forrest Way.
- A revised sequence of landfill phasing – the order in which phases of the site are completed. A revised restoration scheme which would adjust permitted restoration proposals in line with other changes proposed by which would allow for the reclamation of the former dredging deposit grounds.
- Retention and operation of the existing leachate treatment facility, landfill gas utilisation facility and waste transfer pad.
- Continued use of associated infrastructure, including access roads from Old Liverpool Road and Barnard Street, wheel washes, site compound, site offices, weighbridges, fencing and surface water management. Continued provision and management of Moore Nature Reserve to 2030.
- Introduction of a cap on vehicle movements over the lifetime of the landfill. The cap would begin at a maximum of 250 vehicles per day in 2014 and reduce by 5% per annum until 2020/21 when vehicle numbers would level off to 184 per day. Current maximum was recorded as 280 vehicles per day in 2008.
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 Operations are complete in Birchwood, Lapwing and Walton. Birchwood and Lapwing have been restored and landscaped. Walton is to be restored once differential settlement has taken place and landscaping schemes already approved put into effect. The Boundary phase is active at the current time.

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 It is proposed to complete landfill of the site between 2013 and 2025, in line with the capacity previously permitted in 1986. No increase in capacity is proposed. The applicants have engaged in consultation exercises in 2011 and 2012 and have concluded that a review of the areas of deposit and the profile of cells is appropriate.

5.2 The application therefore seeks permission to move landfill operations away from the residential areas of Saxon Park but significantly extend the operational lifespan by 12 years and height of the operational landfill site. The areas previously included in the Arpley Phase, at the eastern extreme of the site are to be restored without the need for landfill following the excavation of dredgings.

5.3 Existing cells within the Walton and Boundary phases will be reprofiled and increased in height. Cells within the remainder of the Boundary and within the Arpley phases will be redesigned.

6. Access

6.1 The site is accessed from the north east via Forrest Way, 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. As members will be aware, and as noted in the Environment Statement (ES), although reference is made to Liverpool Road, part of this road is named Old Liverpool Road. For the purposes of the ES references to Liverpool Road include both Old Liverpool Road and Liverpool Road.

6.2 The applicant proposes to cap the number of vehicles to begin at a level of 250 vehicles per day in 2014 (the first full year of operation), reducing by 5% per annum until 2020 / 2021, at which point it would level off at 184 vehicles per day. Recent traffic counts have indicated that the actual number of vehicles accessing the site is notably less than this cap proposes.

6.3 The applicant has provided an Alternative Access Study as an Appendix to the Transport Assessment and seeks to review the feasibility of a potential alternative vehicular access to serve the site. Seven potential new access route options are considered namely:
1. Modification of the existing northern access;
2. Access via Arpley Meadows;
3. Fiddlers Ferry Power Station;
4. Extension of Birchwood Lane via Wigg Island and Moore Nature Reserve;
5. Extension of Blackheath Lane and south west route via Moss Side;
6. Extension of Blackheath Lane and southern route via Moore Lane Bridge; and
7. South eastern access via the A5060 / A56.

6.4 The applicant concludes that in the short term it is considered that the Liverpool Road access corridor continues to represent the only real practical and viable option to service the Arpley landfill. The applicant explains that alternative access would require significant investment and an extensive land acquisition strategy.

7. Operating Hours

7.1 There are no proposed changes to operational hours. The site would be open to receive normal waste inputs between 0800 and 1730 hours Monday to Friday, and 0800 to 1300 hours on Saturdays. There are provisions for work on some bank holidays. Site engineering works are permitted to take place between 0700 and 1900 hours – Monday to Saturday.

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. Re-profiling Works

8.1 The proposed re-profiling works would increase the height of the pre-settlement landform from the consented maximum of 41 metres above AOD to a proposed maximum of 54.2 metres AOD, a maximum increase of approximately 13 metres, with the average increase in height being less than 8 metres. These measurements relate to the height once landfill is complete, capped and restored. The height will reduce as settlement occurs. It is estimated this will decrease the maximum height to approximately 42 metres AOD, over time. It should also be noted that quoted heights are AOD – above ordnance datum. AOD at the eastern edge of the site is approximately 4 metres.
9. Restoration

9.1 Restoration would reflect existing restored areas consisting of native woodland and more open, agricultural areas. The area to the east of the land filled area, opposite Saxon Park and the road bridge over the River Mersey would provide wetland grassland and wet woodland habitats. Where practical, footpath routes would be created within the site to provide public access for recreation. Ongoing management plans would be secured through a planning obligation.

9.2 The site would be subject to ongoing management of gas, leachate and ground and surface water monitoring. 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 of Terms

10.1 The applicant has provided a Heads of Terms on legal agreements to mitigate the impact of development which would be entered into providing planning permission was granted. The Heads of Terms provided are:

1. Travel Plan – vehicle routing agreements and potential capping of vehicle movements to an agreed ceiling figure.
2. Highway Payments – Payment to the Highway Authority for highway maintenance works.
4. Long term management of the landfill site (extended after care and recreation access) – Long term management of the restored landfill site, and opening up through provision of footpaths for recreational use.
5. Local Liaison Provision (Community Liaison Group) – A scheme detailing the proposed establishment, membership and frequency of local liaison meetings to be held to ensure the continued dissemination of information and to enable constructive and continued understanding of issues raised. The scheme would be implemented in full throughout the life of the development.
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
- Planning Policy Statement 10: Planning for Sustainable Waste Management Facilities

Regional

- North West Regional Waste Strategy

Local

- Emerging Local Plan Core Strategy (LPSC)
- Warrington MWMS

11.3 Warrington’s UDP was adopted 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 and it 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).
11.4 Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government’s clear policy intention to revoke the regional strategies, subject to the outcome of the environmental assessments that are currently being undertaken. In the meantime, Baroness Hanham (Parliamentary Under Secretary of State at CLG) has said that the proposed revocation of the RSS may be regarded as a material consideration by decision makers when determining planning applications and appeals.

12. National Policy

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 (to be published in 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.


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. Regional Planning Policy

15.1 NW Regional Spatial Strategy (2008) - The Regional Spatial Strategy (RSS) for the North West of England sets the framework for the development of the North West region over a 15-20 year time period. The relevant policies within RSS are:

15.2 Policy EM11 Waste Management Principles – requires waste to be managed at the highest practicable level in the Government’s waste hierarchy.

15.3 Policy EM12 Locational Principles – requires final residue following waste treatment to be disposed of in one of the nearest appropriate installations. Waste management facilities should be sited to avoid
unnecessary transport of waste. This should be balanced against sustainable transport opportunities and the environmental impact of a proposed development.

15.4 Policy EM13 Provision of Nationally, Regionally and Sub-Regionally Significant Waste Management Facilities – In considering proposals for waste management facilities (including additional landfill capacity) the ability of existing established sites to meet the needs of the region / sub-region should be fully explored. Wherever possible, such sites should be used in preference to other sites where waste management activities have not previously been located provided proposals for the development of waste management facilities satisfy general planning and licensing conditions, including the likely cumulative impact on the environment, landscape, cultural heritage, groundwater, the amenity and health of the neighbourhood and residents, the traffic impact; available transport links; the prevention and control of pollution and any specific technical issues.

15.5 North West Regional Waste Strategy (as updated in 2010) - A revised Regional Waste Strategy was published in 2010. A key objective of the updated RWS is to ensure that waste management infrastructure, facilities and systems are developed in accordance with the principles of sustainable development, the low carbon agenda and integrated waste management at the highest practicable level in the Government’s waste hierarchy, by [...] maintaining sufficient landfill capacity for the disposal of final residues following treatment and recovery including the recovery of energy from landfill gas where practicable.

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

The relevant saved policies are:

16.1 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.

16.2 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.
16.3 **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.

16.4 **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 bio-diversity and protect residential and visual amenity.

16.5 **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.

16.6 **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.

16.7 **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.

16.8 **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.
16.9 **REP4 Protection of the Flood Plain** – sets out how development in areas at risk of flooding will be dealt with.

16.10 **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.

16.11 **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.

16.12 **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.

16.13 **REP10 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.

16.14 **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.

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

16.16 **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.

16.17 **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.

17. **Warrington Borough Council Emerging Local Plan Core Strategy**

17.1 The LPCS was submitted to the Secretary of State for Independent Examination on 19th September 2012. The LPCS is emerging policy and can be seen as an indication of the land use aspirations of Warrington Borough Council, as such it is a material consideration.

17.2 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 from 2013, and detailed waste policies will be developed within such a document. In advance of this, the relevant emerging waste policies in relation to the Arpley proposals are:

17.3 **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 have been received on draft Policy MP8 as part of the publication of the Core Strategy.

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

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

17.6 **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.

17.7 **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.
17.8 **Policy QE5 Biodiversity and Geodiversity** – The Council will work with partners to protect and where possible enhance sites of recognised nature and geological value.

17.9 **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.

17.10 **Policy MP1 General Transport Principles** – Sets out general transport principles, including supporting development that mitigates or improves the performance of Warrington’s Transport Network.

17.11 **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 [...].

18 **Warrington Municipal Waste Management Strategy**

18.1 The draft Municipal Waste Management Strategy (MWMS) for Warrington Borough Council was published for consultation in June 2008. The final MWMS remains unpublished and therefore only limited weight can be attributed to the contents of the draft version. The draft 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”.

18.2 The draft 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’.
18.3 In respect of the Arpley proposal, it is clear from these draft 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 responded to support Great Sankey Parish Council in its **objection** to the proposal.

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

19.3 **Cuerdley Parish Council** – no response

19.4 **Culcheth and Glazebury Parish Council** – has responded to support Great Sankey Parish Council in its **objection** to the proposal and endorse the conditions to minimise impact on residents.

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

- Traffic impact
- Accidents – Vehicles serving the site regularly travel in excess of the speed limit. On at least two occasions two fully laden vehicles have overturned on Whittle Ave. Additionally there have been a number of incidents involving cars at the junction of Penketh Rd, Whittle Ave and Forrest Way reported. The amount of heavy traffic accessing the site has caused damage to the road surface on Liverpool Road.
- Noise from vehicles – The traffic is concentrated on Liverpool Road and residents suffer daily from noise and vibrations caused by vehicles delivering to the landfill. The road surface is in poor condition which magnifies the effects.
• Vibration from vehicles - It is understood that there are proposals by Government to increase the permitted size and weight of Large Goods Vehicles and this will only exacerbate the situation, particularly in respect of vibrations.

• Waste deposits from vehicles - Littering of roads approaching the site due to inadequate sheeting of vehicles and inadequate wheel wash facilities.

• Environmental Impact
  • Dust – a particular issue that permeates many of the homes in the vicinity of the site, particularly along Old Liverpool Road.
  • Carbon Footprint – The site is bordered by both rail and canal. The use of alternative modes of transport would considerably reduce the environmental impact of the site.

• Health Issues
  • Dust - dust particles are an issue for people walking along the roads in the vicinity of the site and to residents in their homes. Fine dust particles are known to trigger asthmatic attacks. A full analysis of the dust is required to determine if any ill health effects.
  • Odours - both the wagons accessing the site and the site itself are a source of odour in hot weather and this can result in nausea to affected persons.

• Gases – concerns about long term exposure to low level gaseous emissions of mercaptans and hydrogen sulphide, both from Arpley and the now closed Gatewarth tip. Whilst, there is no accurate data regarding the potential chronic exposure of residents living close to the tip, this is not a matter that can be disregarded as research carried out in the US indicates that the potential ill effects from long term chronic exposure may be significant in the very young, the elderly and the infirm.

• Stress - the actual and perceived concerns of the health issues coupled with the noise and vibration has lead to some residents reporting symptoms which may indicate they are suffering from stress.

• Vermin – flies

• Operational Failures
  • Failing to cover loads correctly
  • Failure to effectively carry out wheel washing
  • Failure to maintain essential plant (wheel washing facility)

• Failure to ensure that vehicle movements only take place within permitted hours.
• Future plans beyond 2025
  • The end date of the planning permission has been known for a long time and there has been plenty of time for an alternative site to be developed to accept waste. Now that the effects of the site and its operations are known, it is appropriate for the original intended closure date to be maintained.
  • There is no guarantee that the site will close in 2025. There have been assurances in the past. Residents who bought houses on Saxon Park were told that the site would close in 2013.

19.6 **Lymm Parish Council** – has responded to **object** to the proposal on the following grounds:
  • Traffic impact – damage to road surface, speed of vehicles entering site
  • Health issues – dust and odours from vehicles entering site

19.7 **Moore Parish Council** – no response
19.8 **Penketh Parish Council** – has responded to **object** to the proposal on the following grounds:
  • Traffic
  • Health issues – litter, dust, air emissions, odour
  • Waste being brought into Warrington from other areas

19.9 **Rixton with Glazebrook Parish Council** - has responded to support Great Sankey Parish Council in its **objection** to the proposal.

19.10 **Stockton Heath Parish Council** – has responded to **object** to the proposal on the following grounds:
  • Traffic impact
  • Environmental Impact
  • Health Issues

19.11 **Walton Parish Council** – has responded to support Great Sankey Parish Council in its **objection** to the proposal.
20. **Ward Member Comments**

20.1 Ward members – There have been representations from seven Ward Councillors which can be summarised as follows:

- Noise and vibrations caused by vehicles travelling to and from the site, causing disturbance to local residents and structural damage to their properties and the carriageway.
- Dirt deposits on the road
- Operational failures, including; failure to cover loads properly; failure to carry out effective wheel washing of vehicles; failure to ensure vehicle movements are restricted to the permitted hours.
- Detrimental effect on the health and well-being of local residents.
- Exposure to gaseous emissions.
- There has not been any serious consideration given to the use of the canal or rail as a means of transportation
- Odours, both from the site and delivery vehicles
- Swarms of flies and seagulls
- The high number of vehicle movements
- The negative effect on property values
- The length of time that landfill operations have been going on in the area.
- The extent of the impact of traffic movements, which is not just limited to the immediate vicinity of the landfill site but extends to the surrounding wards (ie. Great Sankey North).
- The inaccuracy of the accident statistics (There have been at least two instances of fully laden waste vehicles overturning on Whittle Avenue which have not been recorded in the applicant’s submission).
- Littering of roads approaching the site due to inadequate sheeting of vehicles.
- Concern regarding the need for the landfill site.
- Concerns regarding the length of time that would be required to complete tipping operations.
- Pollution of underground aquifer.

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 change in operation of the installation and will require an application to vary the Environmental Permit which is regulated by the Environment Agency. It is suggested that Section 9 of the Ecological Report should also recognise water vole records within the general location of Arpley (to the west at Moss Side and to the south at Moore). The plans should identify potential for BAP habitat enhancements that may benefit and enhance these populations.

21.3 **Natural England** – No response received

21.4 **United Utilities Asset Protection** – No response received

21.5 **Health and Safety Executive** – No objection.

21.6 **CPRE Cheshire** – No response received

21.7 **Merseyside Environmental Advisory Service** – has responded on behalf of the five Merseyside authorities and Halton and explains the position taken by the Joint Merseyside Waste Development Plan Document (the Waste DPD) with regard to landfill resources elsewhere in the North West. The Waste DPD was submitted to the Secretary of State in February 2012 and once adopted the Plan will be incorporated into each authority’s Local Development Framework.

21.8 **MEAS support** the extension of the timescale over which Arpley Landfill facility can operate for the following reasons:

- Arpley is a regionally significant resource.
- The application reflects the situation across the region, where deposits fall repeatedly below the rates assumed when planning permission for landfill sites was originally granted. These permissions are now expiring before sites are completed and their void capacity fully exploited.
- A slower than anticipated rate of filling does not mean that there will be no need for landfill, for example, new recycling and treatment facilities will generate residues that can only be managed by landfill disposal.
- The evidence base for the Regional Spatial Strategy for the North West (RSS) concluded that there is sufficient permitted landfill void to meet the North West’s needs up to 2025 but only
if Local Planning Authorities are flexible and agree to extend operations at landfill sites where there is still unexploited void when permission expires. Revocation of the RSS will not alter this position. Closure of sites in the Mersey Belt is likely to increase the importance that sites such as Arpley remain in operation to fulfil their strategic role envisaged by RSS evidence.

- Waste does not respect administrative boundaries and there is a need for co-operation between Waste Planning Authorities. This situation has been taken into account in the Waste DPD alongside the severe land constraints within the Merseyside sub-region.

21.9 Cheshire West and Chester Council - 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 in planning permission.
- Failure to do so would not give sufficient weight to the demand for landfill as the option of last resort

21.10 Cheshire West and Chester Council make the following detailed comments:

- Although modelling shows that there is sufficient landfill capacity in the North West for at least 10 years, this relies on the utilisation of all consented void space, construction and operation of alternative treatment facilities and prior mineral extraction.
- Investment in new built facilities is dependant on financial viability, taking into account the process requirements for feedstock, catchments and transport infrastructure together with the availability of sites.
- Arpley landfill is a regionally significant facility and an extension of time is required to utilise the permitted capacity.
- Although built facilities have been granted planning permission and there appears to be a surplus of treatment facilities, little physical capacity has been provided so far.

21.11 Development Control Halton Borough Council – No Response received
21.12 Building Control Halton Borough Council – No Response received

21.13 Public Protection Services Warrington BC – An Environmental Assessment has been submitted in support of the application to assess air quality, odour and noise both from direct operation of the landfill and the indirect traffic impacts. This has been reviewed by the Public Protection Service and by consultants; Atkins for air quality and noise impacts, by Miller Goodall for particulates and by AEA for odour. From these reviews, the Service recommends refusal based on the cumulative impact on the environment, the capacity of the community to be able to sustain these impacts and the betterment that would be afforded should permission be refused.

21.14 The site is a significant source of odour generation affecting the area and is a key issue of concern for the local community. The site complies with PPC requirements and no additional mitigation has been proposed to reduce odour impact, therefore extension of operation to 2025 will continue to have an impact upon the local community. Cessation of landfilling operations would result in the removal of the active tipping face and remove a significant source of odours that currently impacts upon the local population.

21.15 Concern over the impact on air quality from continuation of the landfill, relate to the landfill site traffic and not directly from the landfill operation. The current and 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. With continued operation, at least 3 new locations will need to be considered as new AQMAs. If the landfill site ceased operation, the areas at Lane Ends, Sankey Way West Roundabout and Barnard Street will not need to be considered to be designated as AQMAs.

21.16 Particulate air pollution from traffic emissions including road wear has been screened out with little detail. Finer particulates known as PM2.5 can have significant health effects and have not been assessed, as requested, as part of the application. A review of the applicant’s air
quality assessment for PM\textsubscript{10} was carried out by Miller Goodall consultants who concluded there were flaws and apparent inaccuracies. Due to the lack of information, the review advised that is was difficult to conclude anything meaningful since it is unclear what levels of particulates residents adjacent to the site and access routes are currently experiencing and the changes in these levels that may occur between 2013 and 2025. It is apparent, however, that the extension of the site would lead to increased levels of PM at sensitive receptors. The study indicates that cessation of operations at the landfill site will have beneficial impacts on the area in terms of local air quality.

21.17 An assessment of the likely noise generated by site operating and vehicles accessing the site has been carried out by Atkins. 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 – Note that a Transport Assessment has been submitted in support of the application and that this has been reviewed by WBC Highways and the Council’s framework consultants Atkins. As part of that review Atkins has produced two documents for Arpley landfill namely; the Highways and Environmental Impact Review and a Pavement Report. The department recommends refusal on the following grounds; the proposed access routes serving the site are unacceptable, the existing road based access arrangements are incompatible with existing residential nature of the area; the proposal cap does not seek to encourage lower levels of HGV movements to the site and in fact would increase the numbers; the proposed development will result in further deterioration of the residual life of Liverpool Road/ Old Liverpool Road. Significant concerns are raised regarding alternative access arrangements and it is contended that it has not been adequately demonstrated that access from the primary route network cannot be achieved.

21.19 Parks and Woodlands Warrington BC – No Response

21.20 MP for Warrington North - No Response
21.21 **MP for Warrington South** - Responds that if the Council and neighbouring authorities are successful in reducing the amount of waste that they send to landfill WRG will be unable to fill the “void” and hence it is likely that they will need to further extend the operating licence beyond 2025. The Member also comments on:

- Impact of large numbers of HGV vehicles on Old Liverpool Road is significant and vibrations have caused structural damage to several properties.
- Alternative access routes fail to take into account the new Runcorn Bridge.
- Considers applicant’s argument for not utilising existing permission as circular as local authorities are unlikely to tender contracts which involve moving waste via rail if no such facilities exist.
- WRG have proposed a number of measures to minimise the traffic impacts but their track record of enforcing existing measures is not good.

21.22 **Manchester Airport** – Responded to say they have no objection to the proposal for the following reasons: The site lies outside the safeguarded area for Manchester Airport however the proposed development has been examined from an aerodrome safeguarding aspect. Manchester Airport has no safeguarding objections to the proposal, subject to the vermin and bird control measures described in the Planning Application and the supporting Statement being fully implemented. These measures should include:

- Limits being placed on the extent of open working areas
- The covering of waste with inert material at the end of each working day
- The regular compaction of waste to remove voids
- The undertaking of regular inspections for pests and vermin, including birds
- The monitoring and control of pests and vermin including birds

Reason: To reduce the attractiveness of the site to feeding birds in the interests of air safety.

21.23 **Liverpool John Lennon Airport** – No response recived.
22. **Public consultation by the applicant**

22.1 The applicants completed a consultation exercise prior to the submission of the application. **The consultation provided for two alternative options.** The first would have continued the implementation of the 1986 approval – extended over the period to 2025. The second option drew back the area of landfill away from areas closest to more recently developed housing but increased the height of landfill to maintain the same level of capacity as provided within the 1986 approval. The second option was preferred by those expressing an opinion, although it is understood that there was a clear expression of preference that the operation should cease when the permission expires.

23. **Representations**

23.1 Warrington Borough Council received the Arpley Landfill application on 6th December 2011 and validated on 6th December 2011. The consultation process began on 4th January 2012. Site notices were erected around the site on 4th January 2012 and an advert placed with the local newspaper on 12th January 2012.

23.2 There have been approximately 388 letters of representation received all of which object to the proposals. There was also a petition with 6176 signatures.

23.3 The Council has received some comment that direct notification did not reach all those who consider themselves to be directly affected by the proposals. However, consultation has gone well beyond any usually applied protocol, recognising the unique character of this application. It has always been made clear that receipt of direct notification has not enabled or restricted the ability of comment.

23.4 Attempt has been made through ward Councillors to ensure that residents groups in Sankey Bridges and Great Sankey have been able to comment on the application in the most effective manner possible.

23.5 All of the comments constituted objections to the proposals. Those received up to 8 May 2012 have been analysed by Environmental Protection as an overview of objections. The review assessed individually written letters but excluded objections made as part of petition letters, the review has been summarised in the table below;
<table>
<thead>
<tr>
<th>Broad Categories of complaint</th>
<th>Specific nature of complaint</th>
<th>number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic</td>
<td>volumes</td>
<td>53</td>
</tr>
<tr>
<td></td>
<td>noise</td>
<td>123</td>
</tr>
<tr>
<td></td>
<td>speed</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>vibrations</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>queuing</td>
<td>10</td>
</tr>
<tr>
<td>Highway</td>
<td>debris</td>
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<tr>
<td></td>
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<td>196</td>
</tr>
<tr>
<td></td>
<td>safety</td>
<td>13</td>
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<tr>
<td>Amenity</td>
<td>health impacts</td>
<td>425</td>
</tr>
<tr>
<td></td>
<td>odour</td>
<td>492</td>
</tr>
<tr>
<td></td>
<td>air quality</td>
<td>468</td>
</tr>
<tr>
<td></td>
<td>dust/dirt</td>
<td>423</td>
</tr>
<tr>
<td></td>
<td>flies</td>
<td>429</td>
</tr>
<tr>
<td>Other</td>
<td>extension of time</td>
<td>83</td>
</tr>
<tr>
<td></td>
<td>unsightly</td>
<td>53</td>
</tr>
<tr>
<td></td>
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</tr>
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<td>1</td>
</tr>
<tr>
<td></td>
<td>seagulls</td>
<td>3</td>
</tr>
</tbody>
</table>

24. **Appraisal**

24.1 A major application 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 relevant to deliberations on 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.

24.2 Members will appreciate that there is considerable technical content and a high volume of responses generated on landfill applications. Many quite understandable concerns are expressed over detailed effects such as visual impact, odours, noise health and safety and traffic impact.

24.3 There are also a number of general points raised which it is respectfully suggested need to be placed in appropriate context in the weighing up of the application.
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. To some this will be inadequate given the issues involved but is considered that within the confines of the system within which the Authority is obliged to operate, there has been adequate opportunity for all sides to make representations on the application and there is sufficient information on which to make an objective judgment and decision.

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

- Issues relating to the exposure of previously tipped areas during proposed re-profiling.
- 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 **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. The applicant seeks to rely upon Planning Policy Guidance Note 2 (PPG2), which related to green belts and accepted that engineering and other operations, which were considered to include waste disposal operations, were not inappropriate development in the green belt provided the development preserved openness and did not conflict with the purposes of including land in the green belt.

24.8 Members need to be aware that The National Planning Policy Framework (NPFF) has superseded PPG2 since the submission of the application. The wording of policy on Green Belt is subtly different and no longer makes reference to other operations such as waste disposal as potentially being not inappropriate. 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.

**Relevant Contents of the application**

24.9 Chapter 8 (Landscape and Visual) of the ES states that in terms of impacts on the Green Belt the assessment has shown that the proposed extension of operational life would not affect the visual amenity of the study area or the character of the landscape lying within the Green Belt. The assessment has also shown that the level of openness of the Green Belt would not be materially affected as a result of the proposed development.

24.10 Chapter 4 of the applicant’s Planning Statement provides a policy context and appraisal of the application. This Chapter considers the proposed development would not conflict with the purposes of including land within the Green Belt, would not impact upon its openness and as all buildings and infrastructure are essential to the operation of the facility the proposal is demonstrably not inappropriate. However, the applicant states that if the Authority takes a different view then very special circumstances can be demonstrated which outweigh an potential harm to the Green Belt and these can be summarised as follows:-
1. Need for landfill capacity in the sub-region;
2. There are currently no alternative sites to Arpley landfill to manage the residual waste of the sub-region post 2013;
3. The extension of operational life of an existing landfill site is preferable to developing a completely new landfill;
4. The extension of operational life of the existing landfill is temporary development for a period of 12 years;
5. The Site is in close proximity/well related to infrastructure (M6, M62 and M62 and M56); and
6. The build development (site office, weighbridge landfill gas engines etc.) already exists and does not have a detrimental effect on the openness of the Green Belt as it is small in scale.

Analysis

24.11 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.

24.12 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 6 very special circumstances that they consider is sufficient to outweigh the potential harm to the Green Belt.

1. Need for the capacity in the sub-region - A study by 4Resources/Urban Vision shows that if Arpley were to close in October 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 380,000 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. Sorting
Residues requiring alternative disposal options would include 130,000 tonnes per annum. 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.

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 identifies 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. The travel distances involved are considered practicable although it is accepted that any use of these sites would require negotiations with the site operators. Therefore this cannot be given as a very special circumstance.

3. **Time extension of existing landfill vs. New landfill** – In principle, it is accepted that a time extension to an existing landfill is preferable to a new landfill. However, in this case, it does not necessarily follow that the closure of this site would result in the opening of a completely new landfill facility and cannot be given as a very special circumstance.

4. **Temporary Development for 12 years** – The application should be viewed in context with the original permission, which was granted a limited life of 25 years. The addition of a further 12 years, or 37 years in total, does not lead one to conclude that this is a very special circumstance justifying development in the Green Belt.

5. **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.

6. **Existing built development** – This is not considered to be small in scale as the Landfill Gas Utilisation Plant area covers over 300m² (the applicant has submitted an artist’s impression for the elevation of the compound but this is not to scale and therefore the height of the stack cannot be measured). It is considered that the temporary existing built development on site cannot be regarded as very special circumstances to allow the development.
24.13 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

24.14 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 Council’s 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.

24.15 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;
• the best and most versatile agricultural land;
• 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 not lead to unacceptable sterilisation of mineral deposits within the site.
• 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 after uses.

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

Relevant Contents of the application

24.17 Chapter 4 of the applicant’s Planning Statement analyses the application in the context of all current, relevant planning policies and guidance. As explained earlier in this report 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.

24.18 However, the Planning Statement provides an exhaustive assessment of all relevant policy and guidance 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.
24.19 An assessment of the application needs to be made against the criteria of saved policy MWA5 and PPS10.

**Analysis**

24.20 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.

24.21 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.

24.22 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 12 year extension.

24.23 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.*

24.24 The Highways and traffic section (d) analyses the sustainable transport modes, aftercare is discussed in Section (g) Restoration and Landscape Impact, and the impact on Sites of Local Importance for Nature Conservation are assessed in Section (f) Ecology and Nature Conservation.

c) **Need for landfill**
Planning policy and guidance/other material considerations

24.25 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 need 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

24.26 Section 2 of the Supporting Statement considers the issue of need. It identifies the study sub-region as comprising Warrington, Merseyside, Halton, Wigan, Trafford, Salford and Bolton. This sub-region includes four active non-hazardous landfills: Haydock Landfill (Lyme and Wood Pits Colliery); Risley Landfill; Whitehead Landfill; and Arpley Landfill.

24.27 The applicant explains that from 2013/14, should the extension of life for Arpley Landfill not be granted planning permission, there would be approximately 349,093 cubic metres of residual Municipal Solid Waste (reducing to 305,771 cubic metres over a ten year period) which would need to be transported out of the sub-regional area to be disposed of to landfill.

24.28 In addition, from 2013, there will be in the region of a projected 250,000 cubic metres of Commercial and Industrial waste which will need to be disposed of to landfill.

24.29 The applicant concludes that from 2014/15, should the extension of life for Arpley Landfill not be granted planning permission, there would be approximately 595,955 cubic metres of waste (this figure includes both MSW and C&I waste, reducing to 482,100 cubic metres over a ten year period) which would need to be transported out of the sub-regional area to be disposed of to landfill. It would take a period of approximately eleven to twelve years to fill the identified potential void space at Arpley based upon the amounts of residual Municipal Solid Waste and Commercial and Industrial waste in the sub-region which cannot be reused, recycled or recovered and therefore disposed of to landfill.
24.30 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

24.31 A report was carried out in November 2012 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 includes 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.

24.32 The Report examines 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.

24.33 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 380,000 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.

24.34 It is likely that there will be an ongoing requirement for the landfill disposal of Sorting Residues in the order of 130,000 tonnes per annum. In the medium term, it remains possible that treatment options for sorting waste residues will become available.

24.35 The Report explains that Warrington BC will not have a requirement for landfill post 2013.

24.36 It is clear from the Report that there is no long term need for landfill at Arpley. If Arpley were to close in October 2013 in line with the current planning permission, the requirement for landfill capacity is likely to be in the order of 380,000 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 when the commissioning of waste contracts takes effect, assuming there are no significant delays to the procurement process. Sorting Residues requiring disposal will be in the region of 130,000 tonnes per annum. 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.

24.37 The Needs Assessment accompanying the submission uses data sourced from two reports, one published in 2008 and the other in 2010. This data is older than that used by 4Resources in preparing their appraisal on behalf of Warrington BC, which uses the 2011 Environment Agency Waste Data Interrogator and Waste Data Flow 2010/2011. This could explain the difference in the projected capacity gap between the two appraisals.

24.38 The study area considered by the applicant is smaller than that looked at by Warrington BC in the 4Resources/Urban Vision Report. However, cost is not a valid planning reason for not considering transporting waste beyond the study area.

24.39 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 including alternative access

Planning policy and guidance/other material considerations

24.40 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

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

24.42 The operator has previously trialled a one way traffic routing system on the local highway network, which comprises left- in entry to, and left-out exit from, Barnard Street (Option A). However, two routing options have been considered and Option B stated that landfill traffic turns right onto Barnard Street and right out from Barnard Street.

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

Do Nothing – operation of the local highway network in both 2014 and 2025 assuming no further landfill operations beyond 2013.

Do something - operation of the local highway network in both 2014 and 2025 assuming operation of the landfill site up to 2025.

Sensitivity Test - 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.

24.44 It is proposed that the vehicle cap should begin at a level of 250 vehicles per day in 2014 (the first full year of operation), reducing by 5% per annum until 2020/21 at which point it would level off at 184 vehicles per day.

24.45 The ES concludes that the continued operation of existing waste management facility at Arpley landfill for an additional 12 year period would not result in a material impact on operations conditions over the local highway network. The Transport Assessment states that the landfill facility would continue to operate as at present with no alteration to highways and transport related planning conditions.

Analysis

24.46 The Council’s Highways Development Control Section has reviewed the Transport Assessment submitted as part of the application. Consultants Atkins, have also reviewed the TA and have produced two
reports namely *Arpley Landfill Site: Pavement Report* and *Arpley Landfill Site: Highways and Environmental Impact Review*

24.47 In relation to the Pavement Report this was undertaken in order to assess the impact of the proposal to extend the operation of the Landfill site to 2025 on the local highway network and to understand the potential impact WBC requested that Atkins undertake the following:-

1. A summary analysis report of the Council’s recent trial hole plate bearing tests.
2. Advice as to whether the current carriageway construction standards are suitable to accommodate the traffic arising from the existing and proposed development.

24.48 The report presents its findings from the pavement cores, trial holes, plate bearing tests and the subsequent data analysis. Findings from the pavement investigation are presented, followed by treatment options and recommendations for further testing. Based on the survey information, the majority of existing pavement appears to be in reasonable condition, excluding the far western end of Liverpool Road. This stretch of road has a large number of cracks and previous repair patched and concludes that the future committed development and the continued operation of the landfill will accelerate the deterioration of the pavement.

24.49 The Public Realm Manager (PRM) had provided comments on the Pavement Report and accepts that Atkins made an assessment as best as they could at the time but disagrees that there appears to no major underlying issues with the road. The type and nature of the defects would indicate that other surfacing materials beneath the surface course are showing signs of oxidisation which is a normal process given the age and exposure to frequent heavy loads. The PRM does not agree with the recommendations of Atkins as it is considered that 40mm replacement of the surface course and 100mm replacement of surface course and bind course respectively to be insufficient for this site based on the existing carriageway condition, age and deterioration of all existing surfacing materials.

24.50 Atkins was also commissioned by WBC to review the submitted Transport Assessment prepared by Axis along with the Air Quality and Noise and vibration sections of the Environmental Impact Assessment.
This section focuses on Atkins comments in respect of their review of the Transport Assessment.

24.51 The report considers that the applicant has undertaken a limited assessment of potential alternative sites and that their assessment is flawed for a number of reasons not least the selection of an arbitrary sub-region study area that prevents consideration of potentially suitable alternative sites and ignores requirements of communities taking more responsibility for their own waste. Further, consideration of the existing and alternative sites does not adequately explore opportunities for the sustainable movement of waste by modes other than road transport.

24.52 The Atkins report states that the assessment of alternative route options to serve the site as presented within the Transport Assessment is demonstrably weak. Consideration of site access arrangements places too great an emphasis on the existing distribution of waste contracts and additional mileage associated with accessing the site via an alternative access. Cost is not a valid planning reason for dismissing such alternatives. The Atkins Report also notes the applicant’s methodology does not seek to compare existing and potential access arrangements on an equal footing and that a more comprehensive approach is required to consider the full range of environment indicators.

24.53 For existing commercial reasons the applicant has no intention of implementing the rail head facility in the near future. The absence of a developer-led strategy to promote the sustainable movement of waste that is capable of being secured through the planning process is manifestly counter to planning policy and particularly so when considering the poor road access arrangements and local resident amenity concerns. It is considered that the introduction of a rail head facility should be a priority for the applicant, even in the immediate absence of any existing rail-served contracts. Without investment in this infrastructure the operator has neither the ability nor the inclination to secure future rail based contracts. There are similar reservations over the applicant’s commitment to seriously consider water borne access to the site.

24.54 The Transport Assessment assumes that half of all vehicle movements, in respect of the development, on the local highway network in the morning peak hour occur before 08:00. This practice appears contrary to the spirit of the existing planning condition which prohibits deliveries on site before this time. A booking in system,
Traffic Regulation Order in the vicinity of the site and forward planning would address this issue. The timing of waste arrivals to the site makes no attempt to avoid peak traffic hours or peak pedestrian movement i.e. school pick up/drop off times, Saturdays etc.

24.55 The Atkins report notes that the assessment of vehicle movements included in the TA are based on lower levels of waste input than those quoted in Appendix D of the TA. The lower estimated annual waste inputs have been used as the basis for assessment of highway, noise and quality impacts and this discrepancy raises significant doubt over the reliability of the assessment findings.

24.56 The Atkins report comments that the proposed vehicle cap is clearly more than the vehicle movements associated with projected inputs (198 vehicles in 2014 and 158 vehicles in 2024) and is also significantly higher than current vehicle movements. However, the vehicle cap is not accompanied by any indication of a reduced operational lifetime for the development given the fact that the void areas would be filled up more quickly. As the application offers no projections which would link HGV flows to the remaining capacity at the landfill this gives an indication that the proposed vehicle cap is not volume related.

- The Council’s Highways team endorses the comments made by Atkins in their report and recommend refusal of the application as 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 500 HGV movements per day).

- 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. The proposals fail to demonstrate that access to / from the primary route network cannot be achieved.
• The proposals fail to accord with national and local policy guidance which advises that landfill facilities should seek to ensure that possibilities for water and rail access are maximised. The proposals fail to demonstrate that access to / from water and rail networks cannot be achieved.

• The proposed vehicle 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.

• 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.

24.57 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 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

24.58 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

24.59 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). It should be noted that the applicant refers to
Minerals Policy Statement 2 (Controlling and Mitigating the
2: Noise) however, this was one of a number of documents replaced by
the National Planning Policy Framework. The application suggests that
the noise limits from the operations on the site were in accordance with
MPS 2 which was the appropriate guidance to use at the time of the
application.

Analysis

24.60 An assessment of the likely noise generated by the site operations and
the vehicles accessing the site has been carried out on behalf of the
Council by Atkins Consultants. The Council is broadly in agreement
with the conclusion of that report (Arpley Landfill Site: Highways and
Environmental Impact Review July 2012) that site operations will not
unduly impact on local residents.

24.61 The issues of site access have been dealt with under the Highways
and traffic issues (section d). The assessments conducted to date,
with respect to noise, conclude that the removal of vehicle movements
associated with the landfill will result in a small improvement in noise
levels in the order of 3 dB(A): however this difference is unlikely to be
discernable by most people.

24.62 A key issue in terms of the noise climate is the maintenance of the
highway and the potential for any sudden noise from vehicles affected
by any poor or uneven road surface. The Atkins report concludes that
noise from the passage of HGV's along the access road is more of an
issue, however, and that reduction or removal of associated
development traffic will not have significant impact on the overall noise
levels experienced by people residing along those roads. Of key
concern is the condition of the roads used to access the site from the
main arterial roads between Sankey Green roundabout/Lane Ends and
the Barnard Street junction – most road noise generated being attributable to poor road condition and uneven surfaces.

(ii) Odour from landfill operations

Planning policy and guidance/other material considerations

24.63 Prior to April 2012 the appropriate guidance to consider was Planning Policy Statement (PPS) 23: Planning and Pollution Control, and in particular Annex 1: Pollution Control, Air and Water Quality.

Relevant Contents of the application

24.64 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. Future baseline conditions are predicted 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.

24.65 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.

24.66 A Landfill Gas Generation and Risk Assessment (LFGRA) was originally undertaken of the site by Golder in 2003 (report ref: 03523329.503) on behalf of WRG and in support of the PPC Permit application. This was subsequently comprehensively revised and replaced by a LFGRA undertaken by Golder in February 2010.

24.67 The Golder report states that the GasSim V2.0 computer software, Environment Agency Approved, has been used to model the odour emissions from the site. The odour impact of reprofiling the closest of the six reprofile areas to the residential receptor to the northeast of the site has been assessed.

24.68 The assessment was undertaken for discrete receptors and the predicted short-term odour emissions from the site are considered acceptable.
Analysis

24.69 The Environment and Public Protection Service acknowledges that the site is a significant 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 taken as part of the landfill site permit, regulated by the Environment Agency, to mitigate against odour problems, the landfill odours still have an adverse impact in the area.

24.70 Warrington Borough Council commissioned AEA to review the odour assessment methodology used by the applicant. The AEA report concludes that the applicant’s assessment does not provide the Council with sufficient or appropriate evidence to demonstrate that the proposed development can proceed without causing harm to the amenity of local residents.

24.71 The AEA report comments that the applicant’s mitigation measures are largely based on material management and minimising the area of the main activity. The mitigation measures described by the applicant are not new and are currently employed on site, therefore no evidence has been provided that odour levels would improve.

24.72 Correspondence between the Council to the applicant’s consultants expressed their reservations on a number of issues with the odour assessment. The applicant maintains their position and relevance of the assessment. On advice from AEA, the consideration by the Council is that the odour assessment provided with the application is not considered to be technically robust enough to allow the potential odour impact to be affectively quantified.

24.73 AEA noted a number of shortcomings in the odour modelling study and that the model used does not reflect the fact that there is an established odour problem that does not appear to have been picked up by the conventional application of the model and the short term odour releases likely to be associated with landfill operation.

24.74 No further consideration has been given to the physiological effects that the landfill site affords to local residents. Advice from the Health Protection Agency guidance confirms that some residents can suffer from uncomfortable sensations such as nausea due to odours and stress from the existence of the operation close to their homes.
(iii)  Impact on air quality

Planning policy and guidance/other material considerations

24.75 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.

24.76 The NPPF 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

24.77 Details of the air quality assessment are provided in Chapter 13 of the Environmental Statement. With regard to dust the statement concludes that, due to the distance of the nearest sensitive properties, dust arising from the site based operations is very unlikely to affect any local residents and the risk of adverse impact is therefore negligible. The access road to the site has been observed to be free of excessive dust and debris on the site visits and excessive dust was not observed along the existing haulage routes. Management measures are in place such as wheel washes and road sweeping during dry and windy conditions, to keep public highways free from mud and debris and therefore dust impacts from haulage are unlikely to be significant.

24.78 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.
24.79 Air emissions from the landfill site were assessed using dispersion modelling to assess the potential impacts of significant emissions from the landfill and gas utilisation plant. The model was used to assess the impacts of nitrogen dioxide, sulphur dioxide and PM10 from the combustion plant and benzene, hydrogen sulphide and odour from the landfill surface. The highest predicted concentrations, taking into account background concentrations, are all below the relevant assessment level. It concludes that surface emissions post-2013 would be minimal as the site would be capped.

24.80 Transport emissions from HGV movements to and from the landfill site were modelled for nitrogen dioxide emissions which showed an impact upon the air quality in the area. Particulate emissions, known as PM10, were screened out as negligible so were not subject to further assessment. Finer particulates, PM2.5, were not assessed.

Analysis

24.81 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.

24.82 The air quality assessment was reviewed on behalf of the Council by Atkins. The Council does not consider there to be any air quality impact issues from the landfill site itself, except for odour. Air quality concerns relate to emissions associated with the traffic movements relating to the landfill operation in the area. The air quality assessment for nitrogen dioxide was accepted, but there is disagreement over the application of significance criteria applied by the applicant which underplays the impact on local air quality.

24.83 Levels of nitrogen dioxide currently exceed the prescribed objectives at the Sankey Green Island roundabout accessing Thewlis Street, which becomes Old Liverpool Road. This area is formally designated an Air Quality Management Area (AQMA). Levels along Old Liverpool Road itself are also just below but very close to the prescribed standard for nitrogen dioxide based on current assessments.

24.84 The evidence submitted by the applicant demonstrates that the heavy goods vehicles accessing and leaving the landfill are a source of nitrogen dioxide pollution in the area and that they have a material impact on air pollution levels in the area. These levels are shown to
increase and peak in 2014 and cause future exceedances in new areas. It was assessed by the applicant that the removal of the road traffic component associated with the landfill operation would materially improve the pollutant levels within the existing Air Quality Management Area. 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. Predicted exceedances at the Lane Ends junction could result in additional AQMAs being declared, should development continue. Research carried out as part of the Council’s air quality action planning has shown that major actions are required to achieve 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.

24.85 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. There are prescribed PM10 objectives, but other than a basic screening assessment, with a lack of supporting information, there has been no further detailed investigation, as had been requested at pre-application stage. The potential for adverse health effects from traffic associated with the application has not been quantified. The Council has commissioned further research into this issue, in the absence of any information from the applicant.

24.86 A review of the applicant’s air quality assessment for PM_{10} was carried out by Miller Goodall consultants who concluded there were flaws and apparent inaccuracies. Due to the lack of information, the review advised that it is difficult to conclude anything meaningful since it is unclear what levels of particulates residents adjacent to the site and access routes are currently experiencing and the changes in these levels that may occur between 2013 and 2025. It is apparent, however, that the extension of the site would lead to increased levels of PM at sensitive receptors. The study indicates that cessation of operations at the landfill site will have beneficial impacts on the area in terms of local air quality.

24.87 Due weight should be given to cumulative impact on the environment and the community from air quality, odour and noise. Due to the capacity of the community to be able to sustain these impacts and the betterment that would be afforded should permission be refused, the Service recommends that the application be refused.
f) Ecology and Nature Conservation

Planning policy and guidance/other material considerations

24.88 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 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

24.89 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. An initial assessment was made following a site meeting with WRG’s ecologist in April 2010. A survey of the Arpley Phase and walkover survey of the proposed re-profiling areas was completed at the same time, and key issues identified.

24.90 The ecological assessment has determined that the proposed development would not result in any protected species issues. Monitoring of badger activity, and avoidance of site clearance operations during the bird breeding season are recommended, although both are necessary as part of the currently permitted development. The risk of great crested newt accessing the development area has been assessed as negligible.

24.91 The proposed restoration scheme provides opportunities for mitigation of ecological impacts, and the creation of an area of wetland to the east of the site represents a significant ecological enhancement and valuable nature conservation asset.
Analysis

24.92 The Council’s Natural Environment Officer (NEO) has requested a revised restoration plan to address a number of concerns regarding layout and target species. At the time of this report a revised restoration plan had not been received.

24.93 However, the two outstanding species issues are firstly clarified with regard to mitigation on Badger habitat in the area and, secondly as Great Crested Newts are confirmed on the Moore Nature Reserve and the points and the terrestrial habitat concerned with these regards have to be identified. Although the applicant has stated that they would survey all the water bodies as and when they need to and following any appropriate action (i.e. licensing) this is not something that can be conditioned on any grant of planning permission as an assessment of the adverse impact of the development cannot be made.

24.94 For EIA development a developer cannot adjourn assessment of environmental effects until some point after grant of permission. Circular 06/05 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System states at paragraph 116 that “When dealing with cases where a European protected species may be affected, a planning authority...has a statutory duty under regulation 3(4) to have regard to the requirements of the Habitats Direction in the exercise of its functions. So the Directive’s provisions are clearly relevant in reach planning decisions, and these be made in a manner which taken them fully into account. The Directive’s requirements include a strict system of protection for European protected species, prohibiting deliberate killing, catching or disturbing species, the taking eggs etc and damage to or destruction of their breeding sites or resting places....Planning authorities should give due weight to the presence of a European protect species on a development site to reflects requirements in reaching planning decision and this my potentially justify a refusal of planning permission.”

24.95 For EIA development a developer cannot adjourn assessment of environmental effects until some point after grant of permission and, therefore, if the information is not provided, and subsequently assessed, then the Council has to no alternative but to refuse the application.
g) Restoration/landscape impact

Planning policy and guidance/other material considerations

24.96 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 afteruses. 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

24.97 Chapter 3 of the Environmental Statement considers three alternative design scenarios with **Option 3** being chosen as the preferred option by the applicant:

Option 1: Extend the life of the landfill as per the phasing described in the extant planning permission.

Option 2: Extend the life of the landfill as per the extant planning permission but vary the approach to the phasing.

**Option 3: 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. (The chosen Option)**

24.98 All three options would provide approximately the same capacity of landfill void and would be operational for the same length of time. **Option 3** will raise the presettlement contours to a maximum height of around 13 metres above current permitted levels.

24.99 Site cross sections have been provided (figures 5.5a and 5.5b of the ES). However, although these figures are not to scale they do provide an idea of the limited impact on the proposed increase in height of the existing landfill from distant views.

24.100 The ES states that “The proposed development would be taller in height than the consented landfill (and predicted 2013 restored landform) and operations would be present over a longer duration of time than those currently consented”. It is clear that there would be an impact on the landscape but that this would be limited.
24.101 The applicant provides details on the landfill design. The first stages would involve the re-profiling of existing areas of landfill within the Walton and Boundary Phases of the site. The remaining stages would involve the creation of new cells within the Boundary and Arpley Phase of the site. In order to re-profile the site in previous landfill areas the capping would need to be removed although this will be carried out in a staged manner to avoid large areas being exposed at any one time.

24.102 The new cells in the Boundary and Arpley Phases would be excavated to approximately 8 metres below current ground levels with the excavated material, most consisting of dredging deposits stockpiled and used for restoration and engineering of cells.

24.103 The Environment Agency requires that proposals for landfills are designed in such a way as to protect the environment. The applicant will need to make an application for an Environmental Permit Application and a Re-profiling Management Plan would form part of the Environmental Permit for the site. The Environmental Permit would regulate the permit for the site.

24.104 Landfill Design and construction will be subject to additional regulation through the Environmental Permitting regime which would control this aspect of the development.

Analysis

24.105 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.

24.106 The applicant states in the ES that “the proposed restoration scheme would be subject to a planning condition that would include the provision of an aftercare plan. The aftercare plan would address the ongoing management of habitats at the site to ensure that they provide ongoing ecological benefit to the local area.” No time scale has been provided for the duration of aftercare. However, due to the size and complexity of the restored area it is considered that a 10 year aftercare period or longer would be considered suitable for the
Arpley site if planning permission was granted. Consideration may also be given to extending the management of the Moore Nature Reserve to ensure consistency with any extended aftercare scheme.

24.107 Moving any future landfill operations away from sensitive locations are to be welcomed and this is enshrined within Option 3. However a 4th option has not been considered in the ES which would be to develop Option 3. Using the same footprint but reducing the levels and thereby the quantity of material imported to the site would reduce the visual impact and shorten the duration of the landfilling operations.

h) Other Issues

24.108 The acclimation has raised a number of issues that does no fit conveniently under the topic headings adopted in the report. These include:

**Impact on Property Values**

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

24.110 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.

**Exposure of previously tipped areas during proposed re-profiling.**

24.111 Concern has been expressed regarding the uncovering of that part of the site that was used to dispose of cattle with BSE.

24.112 The Environment Agency have responded to this concern and stated that the proposal to over-tip parts of the site will not disturb the Birchwood area where the suspect BSE carcasses were disposed of under supervision and guidance of Ministry of Agriculture, Fisheries and Food officials at the time.
Expectations that Site would be closed in 2013

24.113 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.

24.114 This permission would perpetuate acceptance of those less than acceptable levels of amenity for a further 12 years. Whilst possibly not a conventional reason for refusal, it is considered that this continued loss of amenity, even though experienced currently provides a basis for a reason for refusal.

Pest Control

24.115 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.

24.116 The application states that ‘In response to local concerns relating to alleged fly infestations in the Sankey area a regular fly monitoring programme is currently operated at the site this would continue for the proposed extension period.’

24.117 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 12 years. This is considered to be a long term application for which there is no identified need that would outweigh the significant environmental impacts on the area or provide very special circumstances for development in the Green Belt.

25.4 This application is to apply to vary a condition that limits the time for the completion of landfill operations. If an application of this type were to be approved the effect would be to grant a new conditional planning permission. As such this application must be assessed with fresh eyes and consider any material changes in circumstances that have arisen since the original grant of planning permission.

25.5 Therefore, 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 accumulative impact are considered grounds for refusal.

25.6 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 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 Polices 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.