

TWC/2022/0170

Granville Landfill, Grange Lane, Redhill, Telford, Shropshire

Variation of Conditions 6 and 13 of planning permission W2006/0232 (Extension to existing landfill site by deepening and raising contour profile by about 2m and restoration of the site with variation to conditions 7.13 and 20 of planning consent Ref: MW/94/0424/WR) to allow the disposal of permitted wastes within the landfill area to continue until 31st December 2030 and to reduce the permitted daily limit of waste to 1350 tonnes

APPLICANT

Potters (Midlands) Ltd

RECEIVED

01/03/2022

PARISH

Donnington and Muxton

WARD

Muxton

THIS APPLICATION WAS DEFERRED AT PLANNING COMMITTEE ON 01 JUNE 2022 TO ALLOW OFFICERS TO GATHER MORE INFORMATION RELATING TO QUESTIONS ASKED BY MEMBERS

Online planning file:

<https://secure.telford.gov.uk/planning/pa-documents-documents-public.aspx?ApplicationNumber=TWC/2022/0170>

1.0 APPLICATION DETAILS

1.1 This application seeks a Variation of Condition 6 of the existing Planning Consent, ref.: W2006/0232. This Condition currently reads:

'Disposal of permitted wastes within the landfill area shall cease by 31 December 2025 to the satisfaction of the Local Planning Authority.'

'Reason: To safeguard the amenities of the area and to ensure that the site is satisfactorily restored to an appropriate after use.'

1.2 The proposed amendment to Condition 6 would allow an extension to the period of the landfill operation by a further 5-years, until 2030. The amended Condition would read as follows:

'Disposal of permitted wastes within the landfill area shall cease by 31 December 2030 to the satisfaction of the Local Planning Authority.'

1.3 The Applicant has also agreed a Variation to Condition 13(b) which currently limits the amount of waste and soil material permitted in a single day to 1,500 tonnes. The proposed amendment to part b of Condition 13 would be amended to reduce this limit to 1,350 tonnes and would read as follows:

'Notwithstanding the general requirements in relation to the yearly input level, the importation of waste and soils to the site shall not exceed 1,350 tonnes in any single day.'

- 1.4 For clarification, the description of the application includes the original wording, within brackets, of the original 2008 planning consent but to be clear, this application does not propose any creation of new landfill nor any change to the levels of the landfill. The only matters for consideration are the Variation of Condition(s) as noted above.
- 1.5 This application was heard at the Planning Committee Meeting dated 01 June 2022 and Deferred to allow Officers to consider the concerns and issues raised by Members, broadly summarised as follows:
- Why was the site closed for two-years and not accepting waste?
 - Why Should Telford take waste from other Authorities?
 - What are the benefits of the Landfill to Telford?
 - Why can't the Landfill cease in 2025 as approved?
 - How does the site impact upon greenhouse gases?
- 1.6 Following concerns raised on the original application relating to the impact upon highways and nearby residential development, this report also seeks to clarify the planning history of large scale residential developments in the area immediately surrounding the Granville Landfill site. Members are reminded that environmental matters relating to the landfill are strictly controlled by the Environment Agency and should not be used in consideration of this application.
- 1.7 In order to assist both Officer's and Members of Planning Committee, the LPA instructed an independent review of the application on behalf of the Council, to include commentary on the Local and National position of landfill and to clarify the use of Granville as part of the movement of waste between authorities - this assessment was carried out by WPS Compliance Consulting Ltd (WPS) and is available via the link at the start of this Report. The Report uses data from a variety of sources including the Environment Agency for Waste returns, the Department for Transport for road statistics, statistics from the Government portal for landfill capacity, data from the site and importantly guidance from the National Planning Policy Framework, Waste Strategies and Local Plans were all analysed and taken into consideration.
- 1.8 Furthermore, the Applicant (Potters Group) have provided an updated Planning Statement that provides further details on the operations, as well as outlining some of the benefits of the landfill, notably the use of Landfill Tax.
- 1.9 This Report will cover the following topics:
- Telford and Wrekin's Current Waste Policy
 - National Waste Policy
 - Site Ownership and Closure
 - Granville Current Situation (Tonnage)
 - Granville Landfill Restoration
 - Benefits from Landfill Tax

- Greenhouse Gases

2.0 NEIGHBOUR & STATUTORY CONSULTATIONS

- 2.1 No re-consultation has taken place and no additional representations have been received since the outcome of the previous committee.

3.0 TELFORD AND WREKIN CURRENT WASTE POLICY

- 3.1 Telford and Wrekin Council (TWC) sets out its waste strategy and planning for the borough in the Technical Paper - Waste (2016) Report. The report takes into consideration the key planning policies within the Local Plan, namely Policies ER7, ER8 and ER9 (Waste Management Policies, Planning for Household and Commercial Waste).
- 3.2 The Waste Evidence Base Report (2015) highlights the waste gap up to 2030 and identifies the key aspects required within the planning policies in relation to waste for the Local Plan. The summary of recommendations is such that the Planning Authority (Telford & Wrekin Council) should safeguard all existing waste management facilities, including organic treatment facilities, transfer and sorting facilities and landfill sites within the Borough. With Candles Landfill now out of use, the only landfills remaining in the borough are the Granville and New Acre sites.
- 3.3 The WPS Independent Statement, applauds TWC's recycling record, stating that it is one of the best performing Local Authorities in the UK. It however notes that in order to achieve this, Telford itself has to send its waste to neighbouring authorities, subject to the current 25-year contract with Veolia, namely to Shropshire and Wolverhampton (Battlefields and Four Ashes) where it is processed in waste to energy plants.
- 3.4 Both Local and National Waste Policies, including relevant policies in the Local Plan, provide detailed planning of waste management to 2031 and have identified the potential gaps in Waste facilities. These documents put a higher emphasis on recycling and new transfer stations and material recovery facilities, however recognise that landfill is not ignored. As emphasised within the WPS Report, there is still a gap for potential non-hazardous material that will require landfill capacity and that Granville remains suitable to fulfil this need.
- 3.4 It is estimated that in the next 9-years, there will be an additional 116,500 tonnes per annum that will require processing (either by increased recycling or landfilling). While there is clear evidence that TWC has a high recycling waste (48.2% in 2020/21 compared to national average of 43.8%) (DEFRA, 2022), there remains a gap for waste that cannot at the moment be treated either through recycling or sent to Four Ashes or Battlefield.

4.0 NATIONAL WASTE POLICY

4.1 The National Planning Policy for Waste identifies factors to consider for Local Planning Authorities when considering waste and resources and working towards a more efficient and sustainable approach to resource use and management (Ministry of Housing Communities and Local Government, 2022). The use of a proportionate evidence base in planning for Local Plans states that planning authorities should:

‘Work jointly and collaboratively with other planning authorities to collect and share data and information on waste arisings, and take account of:

- (i) waste arisings across neighbouring waste planning authority areas;
- (ii) any waste management requirement identified nationally, including the government’s latest advice on forecasts of waste arisings and the proportion of waste that can be recycled.’

4.2 The Independent WPS Report indicates that TWC are ‘pioneering’ in terms of recycling rates when compared to other Local Authorities, however it works on the basis of collaborative working with those other authorities to manage waste in the most suitable way possible. In doing so, waste management works both ways, and this forms a partnership with neighbouring authorities. The WPS Report finds that despite the evidenced need for landfill, both TWC and neighbouring authorities would struggle to find appropriate new sites if required. It concludes that any remaining capacity, such as Granville, should be used effectively and efficiently with consideration given to the Duty to Co-operate with the neighbouring authorities.

4.3 The Resources and Waste Strategy (DEFRA, 2021) recognises there is an ongoing role for landfill in managing waste, particularly for inert waste that cannot be prevented, recovered or recycled, but that its use should be minimised as much as possible. The Report found that the amount of waste sent to landfill has fallen from 26 million tonnes in 2010 to 15 million tonnes in 2019. This is driven mostly by increased levels of incineration (with or without energy recovery), which rose from 6 million tonnes in 2010 to 15 million tonnes in 2019.

4.4 The WPS Report indicates that while there are vast improvements in recycling and an increased amount of waste being incinerated, there is still a need for landfilling at the moment and ‘zero waste to landfill’ is not an achievable goal in the immediate future as demonstrated by the waste data.

5.0 SITE OWNERSHIP AND CLOSURE OF GRANVILLE

5.1 Prior to 2017, the site was owned by Shropshire Waste Management and was operated by the waste management group SITA. Following the opening of a waste to energy incinerator in Shrewsbury, operated by Veolia, the majority of Telford’s domestic waste was transferred outside of the borough to this facility. It was at this point that SITA no longer found it viable to operate from Granville and subsequently the site was sold to Potters.

5.2 The Applicant confirms that from the sites closure in 2017, Potters undertook due-diligence prior to submitting an offer to purchase. A long legal process then took place as well as the requirement for Potters to obtain the necessary license from the Environment Agency, resulting in a period of almost 2-years before the site could re-open.

6.0 GRANVILLE: CURRENT SITUATION (Tonnage)

6.1 As indicated within this report and also the original Committee Report, since Potters started operating at the Granville site, the total amount of waste received has been below the 200,000 tonnes permitted to be received in a calendar year. This is indicated in the table below (WPS):

Year	Total waste received (tonnes)	Additional waste capacity (tonnes)
2017	83,276	116,724
2018	111,814	88,186
2019	75,424	124,576
2020	106,043	93,957
2021	164,157	35,843

6.2 This table shows that additional capacity based upon the current allowance of 200,000 tonnes has varied between 35,843 tonnes and 124,576 tonnes between 2017 and 2021.

6.3 When considering the site was also closed for two years due to the sale of the site and the process of re-starting operations with a new owner, the WPS Report concludes that an additional 5-years of operations would allow the site to be filled, contoured and restored as originally approved.

7.0 GRANVILLE: LANDFILL RESTORATION

7.1 The Landfill Restoration is currently taking place in accordance with the original consent and follows the Environment Agency requirements. The WPS Report confirms that reducing the volumes/quantities considerably would involve a completely new Variation Application with the need for a new restoration plan including new contour and engineering works, all incurring significant costs to the operator. As such, allowing the site to be completed in accordance with the existing plan would be the most practical, viable and safe solution.

7.2 Part of the site has already been restored and, according to the restoration guidance, all efforts must be made to restore the site to its natural surroundings. The WPS Report provides both aerial data showing the current restoration and on-going landfill within the site, along with 3D topographical modelling of the area. Officers consider, as do WPS, that the approved restoration of the site, both topographically and in terms of final landscaping, is of significant importance in ensuring the landfill site blends in with the surrounding landscape. This is of specific importance noting the proximity of the site to Granville Country Park.

7.3 There are potentially other issues with not completing the site in accordance with the previously approved scheme and the requirements of the EA. In addition to visual issues of the site not blending in, there may be geotechnical and hydrological problems. The submitted planning statement confirms the following:

‘The landfill site is divided into a number of cells and sub-cells, each developed separately and sized depending on waste input rates. Once a landfill cell has reached the approved pre-settlement levels, it is ‘capped’ with a flexible impermeable membrane in accordance with the provisions of the Environmental Permit. The engineered cap is tied into the landfill liner around the site edge, encapsulating the waste. As such, there are two key engineered barriers to prevent the migration of contaminants from the landfill site. The consented landfill operation and completion by filling with waste will be undertaken in this way.’

7.4 For clarification, whilst the site is termed as a landfill, there is an element of land raise due to the need to cap the landfill. This is done with capping materials and a layer of clay and forms part of the process to ensure a satisfactory restoration scheme. Any design of the capping layer needs to be approved by the Environment Agency and have a Construction Quality Assurance Plan. The cap needs to provide the following:

- reduce water getting into the site as it would form leachate;
- reduce gas getting out of the site as that would be an odour nuisance;
- reduce air getting into the site as oxygen could help a fire progress;
- the cap has to allow movement; as the waste degrades and settles the cap needs to deform and still continue to deliver the above reductions, it cannot fail in any sort of brittle way that would allow cracks to form;
- the cap has to be stable on the slopes upon which it is placed, i.e., the cap cannot slide down over the waste;
- the cap needs to support a growing medium, this helps the aesthetics of a green vegetated site but also the roots of the vegetation help to bind the soil together and prevent soil getting carried away in rainfall events.

8.0 BENEFITS FROM LANDFILL TAX

8.1 At the previous Planning Committee, Members raised concerns that as the landfill did not cater for waste from Telford, there does not appear to be any benefits to Telford that would warrant an extension of time. The continued need for a landfill at Granville is already discussed within this report, as is discussion on the benefits arising in providing a completed landfill restoration scheme. The Applicant has also provided details of benefits arising from the Landfill Tax payments.

8.2 Landfill Tax applies to all waste disposed of by way of landfill, at a licensed landfill site, unless the waste is specifically exempt. The landfill operator is responsible for the landfill tax. The Landfill Communities Fund (LCF) is an innovative tax credit scheme enabling operators of landfill sites in England

and Northern Ireland to contribute money to organisations enrolled with ENTRUST as Environmental Bodies. The Landfill Operator (such as Potters) contribute to the scheme by claiming a tax credit against the landfill tax liability for a contribution to an enrolled Environmental Body. Potters are open to application for monies from any Environmental Body that has an ENTRUST approved project and they will assess such applications in collaboration with Shropshire Wildlife Trust (SWT). The following Telford ENTRUST projects have recently received monies from the Potter Group Environmental Fund:

Granville Country Park improvements (TWC)

Value: £50,000

Funding Approved (est. end January 2022)

Perfect Ponds Restoration x3 (TWC)

(Beeches Field LNR, Former canal Dothill LNR and site at Millwood Mere)

Value: £25,565

Funding Approved: 01 December 2021

Severn Gorge Countryside Trust: Light Gives Light

Value: £66,000

Funding Approved: 15 December 2021

Telford Town Park Pools (TWC)

Value: £166,891

Proposed: Steering Group Approved 19 January 2022

Entrust Approved

Newport (Salop) Rugby Union Football Club also previously received support via ENTRUST for the creation of two new junior rugby pitches with the project completed in 2020.

- 8.3 Landfill Tax generates approximately £130,000 per annum paid for by the operator, Potters. The amount is calculated based on a percentage of the gross landfill tax receipt which is calculated based on the amount of landfill per annum. Allowing a five-year extension of time would amount to a further £650,000 of funding for local environmental concerns.

9.0 PLANNING HISTORY: MAJOR RESIDENTIAL DEVELOPMENT

9.1 *Priorslee Urban Extension*

The Urban Extension site is located on land to the south of Granville and to the south of the A5, The site was originally identified as a housing allocation as part of the Shaping Places Consultation (Proposed Housing and Employment Sites May 2014) and was subsequently included as site allocation H1 in the current adopted Local Plan which was published in January 2016.

- 9.2 The Outline Consent was granted for this development in October 2016 and was subject to a condition to submit the first Reserved Matters within 3-years

of the approval. Had the first reserved matters been submitted soon after, it is reasonable to consider that approval could have been granted at some point in 2017 at which point there would have remained 8-years left on the current life of the landfill. Instead, the first reserved matters was not approved until 2021 at which point 4-years remain. Allowing the extension to the time limit would mean that there would be a period of 9-years from the Reserved Matters approval.

9.3 *land at Redhill*

The site known as land at Redhill is the residential development located nearest to the landfill site to the north of the A5 and west of Grange Lane. Outline planning consent on this unallocated site was originally granted in November 2017 with a requirement to submit first reserved matters within 3 years. It is reasonable to consider that a reserved matters application could also have been submitted and approved in 2017 but instead was submitted in 2020 and approved in 2021. As with the Urban Extension, it would not be reasonable to consider that Reserved Matters could have been approved with 8-years still to run on the landfill expiry date.

9.4 *land at Priorslee East*

Phases I and F of the Priorslee East development are located to the south of the A5 and have been constructed by Lovell's. These parcels were originally granted Outline Consent in July 2009 but was granted an extension of time to implement the consent in 2012.

9.5 The Reserved Matters application was received in April 2017 and approved in the August of that same year. However, it is reasonable to consider that an application could have been submitted and approved in 2009/2010 at which point 15-years would have remained on the landfill.

9.6 The above timescales demonstrate that residential development in the vicinity of the site could have come forward at a date sooner, at which time the Landfill remained a consented operation with several years left to run on the original permission. The fact that they have come later only means that allowing an extension of time results in a similar period of time in which properties within these sites are occupied.

10.0 GREENHOUSE GASES

10.1 The WPS Report clarifies the impact of landfills upon greenhouse gases and Volatile Organic Compounds (VOCs) which is a result of organic waste being broken down. It recognises that the amount is largely dependent upon the volumes of organic waste being received.

10.2 Granville landfill does accept some organic waste, however, WPS have analysed the data from waste returns and confirm that over the previous 5-year period, there was not a high proportion of organic waste received. On this basis, it is considered that this results in a lower concentration of methane

and other VOCs produced from the landfill waste and will not have a considerable impact on the borough greenhouse gasses emissions target.

- 10.3 There is considerable methane monitoring on site. Methane is extracted and used in two 1MW engines which is sent back to the grid. Carbon dating of methane emanating from the perimeter wells indicates that some of the methane originates from the coal measures rather than from the landfill.

11.0 CONCLUSION

- 11.1 This Committee Report, along with the submitted Independent Statement provided on behalf of the Council by WPS, the clarifications on the closure of the site and the use of landfill tax answers questions and concerns previously raised by Members of this Planning Committee.
- 11.2 It is concluded that there are reasonable grounds as to why the site was closed, due to the closure by a previous operator and the time taken for the sale to progress and the requirement to receive an Environmental Licence for Potters to be able to operate from the site. When taking into account the time lost, and the reduced input into the site, it is clear that there is need to ensure the satisfactory completion of the site.
- 11.3 It is also concluded that there are valid reasons as to why a landfill is still required and is extremely important as a local and regional asset. The independent WPS report clarifies that TWC is 'ahead of the game' when it comes to recycling, but in doing so transfers its own waste outside the Borough. It also demonstrates that as far as the regional and national picture goes, whilst recycling is improving, there is still a significant need for landfill that cannot be ignored. To not allow the landfill to be filled in accordance with the original consent would not be a reasonable step in the waste partnership between local authorities and would be contrary to waste evidence reports that advise that Telford should seek to retain its existing Waste Infrastructure, inclusive of landfills. Landfill remains a controlled waste environment suitable for waste that cannot otherwise be re-used or recycled.
- 11.4 Landfill Tax generates approximately £130,000 per year paid by the operator into ENTRUST and has been on a number of schemes within the Borough. Allowing a five-year extension of time would amount to a further £650,000 of funding for local environmental concerns which could be tapped into by the Local Authority and other registered bodies.
- 11.5 It is considered that the impact upon nearby residential development would not be adverse. Outline Consents were approved on nearby large scale development at a time when several years still remained on the life of the landfill and could have been implemented much sooner than they have. As they have come forward much later, the extension of time requested would not significantly change this position. Furthermore, it is not considered that the landfill operation has a significant adverse impact upon the local environment. This is controlled and monitored by the Environment Agency.

11.6 Finally, it is considered that the approved restoration scheme should be completed in order to ensure a satisfactory landscape that merges successfully with the existing remediation scheme and surrounding landscape. It also ensures the site operator can successfully tie in the site capping and membrane layers with the rest of the site, ensuring the safe completion of the site, in strict accordance with Environment Agency requirements and which will ultimately will be of public benefit.

12.0 RECOMMENDATION

12.1 Based on the Conclusion, above, it is recommended that **Delegated Authority** be granted to the Service Delivery Manager to **GRANT THE VARIATION OF CONDITIONS 6 and 13(b) OF APPLICATION W2006/0232** with the following wording and subject to all other original Condition(s) remaining unchanged:

Condition 6

'Disposal of permitted wastes within the landfill area shall cease by 31 December 2030 to the satisfaction of the Local Planning Authority.'

Condition 13(b)

'Notwithstanding the general requirements in relation to the yearly input level, the importation of waste and soils to the site shall not exceed 1,350 tonnes in any single day.'

*****ORIGINAL COMMITTEE REPORT*****

THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF DONNINGTON AND MUXTON PARISH COUNCIL AND CLLR. VERONICA FLETCHER

Online planning file:

<https://secure.telford.gov.uk/planning/pa-documents-documents-public.aspx?ApplicationNumber=TWC/2022/0170>

1.0 SUMMARY RECOMMENDATION

1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT THE VARIATION OF CONDITION 6 and 13(b) OF APPLICATION W2006/0232** to allow the disposal of permitted wastes within the landfill area until 31 December 2030 and to reduce the permitted daily limit of wastes and soils to 1,350 tonnes.

2.0 APPLICATION SITE

- 2.1 Granville Landfill is located at Redhill on the eastern side of the borough and within the Donnington and Muxton Parish boundary. The site is located to the north of the A5 and is accessed off Grange Lane (private road) which connects to the A5 to the south.
- 2.2 The landfill site sits within both the rural area and built up area of Telford as defined by the Policies Map. The northern, partly restored area of the site is allocated as Green Network.
- 2.3 To the north of the site is Granville Country Park and Nature Reserve, along with the Telford Equestrian Centre and Shropshire Golf Course. To the east is Granville Road and Woodhouse Lane, beyond which is mainly farming land along with livery stables. To the south are existing residential units off Grange Lane (Watling Street Grange) and Telford Crematorium which is accessed off Woodhouse Lane. To the east/south east of the site there is a boarding kennels and cattery, Telford Naturist Club and a housing development of 450 dwellings currently under construction (Vistry Homes).
- 2.4 The landfill was originally granted consent in June 1998. This was on the northern part of the site which has since been restored. This was granted an extension to the south in 1995 and granted a further extension to deepen the site in 2008. This later consent superseded the previous permissions and is now the operative planning permission for the landfill to which this application relates.
- 2.4 The site has been operated by Potters Group since 2018 and takes a variety of domestic and commercial waste including bio-degradable waste (non-hazardous waste). The landfill operation is regulated under an Environmental Permit by the Environment Agency.

3.0 APPLICATION DETAILS

- 3.1 This application seeks a Variation of Condition 6 of the existing Planning Consent, ref.: W2006/0232. This Condition currently reads:
'Disposal of permitted wastes within the landfill area shall cease by 31 December 2025 to the satisfaction of the Local Planning Authority.'

Reason: To safeguard the amenities of the area and to ensure that the site is satisfactorily restored to an appropriate after use.'

- 3.2 The proposed amendment to Condition 6 would allow an extension to the period of the landfill operation by a further 5-years, until 2030. The amended Condition would read as follows:

'Disposal of permitted wastes within the landfill area shall cease by 31 December 2030 to the satisfaction of the Local Planning Authority.'

- 3.3 Following discussions with Officers, the Applicant has also agreed a variation to Condition 13(b) which currently limits the amount of waste and soil material

permitted in a single day to 1,500 tonnes. The proposed amendment to part b of Condition 13 would be amended to reduce this limit to 1,350 tonnes and would read as follows:

'Notwithstanding the general requirements in relation to the yearly input level, the importation of waste and soils to the site shall not exceed 1,350 tonnes in any single day.'

- 3.4 The Applicant has submitted with the application justification for the request to vary the Condition. The first of these is that between April 2017 and March 2019, the landfill was closed resulting in no waste being deposited during that period. Secondly, the applicant has confirmed that in recent years the level of waste being deposited is approximately 120,000 tonnes per annum, compared to the permitted 200,000 tonnes.
- 3.5 The effect of the closure and the reduced input of waste is that by the time the landfill is set to close, the landfill will not be full, resulting in a wasted resource. Furthermore, the consequence of this would be that it would not be possible to achieve the restoration contours as already approved by the local authority.
- 3.6 For clarification, Members are being asked to consider the variation of Conditions 6 and 13(b) only. It is not proposed to alter any other Condition including any increase in the amount or type of waste being permitted on this site, or any Condition(s) relating to hours of operation. In addition, Condition(s) relating to the full restoration of the site and aftercare are also unchanged. It is also not proposed to alter the contours of the landfill as previously approved.
- 3.7 The Applicant has provided clarification of where waste comes from to the landfill following concerns raised during the consultation process. Potters Group currently operate a Waste Transfer Station which is based in Welshpool where waste is collected and processed. This separates wastes into its different types so it can be sent to the suitable locations, either to be recycled, used as waste for energy or in some cases to landfill. The transfer station is recognised by national companies such as Veolia and offers recycling facilities across Shropshire and Powys. As such, some waste does come from the Telford and Wrekin area. The Applicant also indicates that a small number of commercial contractors bring waste into Granville direct from the local area.

4.0 PLANNING HISTORY

- 4.1 CC88/40 - June 1998 - Original Consent for Landfill by Shropshire County Council as Waste Planning Authority
- 4.2 Mw/94/0424/W - March 1995 - Extension of Landfill to the south
- 4.3 W2006/0232 - March 2008 - Extension to existing landfill site by deepening and raising contour profile by about 2 metres and restoration of the site with Variation to Conditions 7.13 and 20 of Planning Consent ref: Mw/94/0424/W

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:

National Planning Policy Framework (NPPF)
National Planning Policy for Waste

5.2 Local Development Plan:

Telford & Wrekin Local Plan:

SP3: Rural Area
SP4: Presumption in Favour of Sustainable Development
C3: Impact of Development on Highways
ER7: Waste Management Facilities

5.3 Neighbourhood Plan

Donnington and Muxton Development Plan
GCP1: Granville Country Park and Local Nature Reserve

6.0 SUMMARY OF CONSULTATION RESPONSES

Local Member and Town/Parish Council Responses:

6.1 Donnington & Muxton Parish Council: Object and Committee Call-In:

- concern that the contour of the land is continually being increased to that agreed when permission of the site was first granted;
- an extension to the disposal of waste is unfair on the new development being built in the area due to noxious smells.

6.2 St Georges & Priorslee Parish Council: Object:

- concern that the proposal to make the landfill higher and to allow dispersal of wastes until 2030 will extend the life of the landfill that was due to close in 2025;
- concern that the site is no longer necessary for the disposal of Telford and Wrekin waste.

6.3 Tibberton & Cherrington Parish Council: Object

- an extension to the disposal of waste is unfair on the new development being built in the area due to noxious smells.

6.4 Cllr. Veronica Fletcher (St. Georges and Priorslee): Object and Committee Call-in:

- traffic has increased in area due to housebuilding;
- construction works on-going on A5 with two new access points to developments permitted with construction of approx. 2,000 houses;
- waste produces smell, fumes and pollution which attracts vermin and will affect nearby residents in new housing developments.

6.5 Cllr. Nick Heath (Ketley): Object:

- understand that the waste entering this site is not produced by homes or businesses within Telford & Wrekin Council but from Welshpool in Wales and therefore has no benefit to residents;
- site is unsustainable as it is surrounded by residential properties;
- considers that the original closure date should be met and the space reclaimed for the residents of Telford.

Standard Consultation Responses:

6.6 Highways: Comment:

- noted that the site could legitimately operate to the full extent of its consent until 2025 so any vehicular trips would be on the highway network in any case and was a consideration when the residential consents were granted;
- Grange Lane has been deemed suitable for this type and volume of traffic;
- providing all Condition(s) are carried over then there would be no highways objection to the proposal;
- Attention is drawn to existing conditional requirements for remedial works to maintain Grange Lane and that this should be reviewed.

6.7 Ecology: No Comment

6.8 Healthy Spaces: Comment:

- Concern that revised plans may impact upon the approved landscape restoration. However, the Officer has been advised that no changes are proposed and has confirmed they have no comments.

6.9 Environment Agency: Comment:

- EA raise no issue from a permitting position as the landfill activity is already permitted and the proposed variation does not make changes to that permit;
- Note that consideration should be given to nearby residential schemes.

7.0 SUMMARY OF PUBLIC RESPONSE

7.1 The public consultation process has resulted in 17 objections, making the following observations:

- smell and dust from the site are unacceptable;
- site is susceptible to fires and had one in 2020;
- noise and fumes from HGV's;
- no need for the landfill site;
- site adversely affects Granville Country Park;
- waste is blown by wind as not covered properly;
- proposals would be contrary to local and national guidance which seeks to reduce the reliance on landfills;
- noise from bird scare gun is annoying;
- bird scare gun affects horse, dogs and cats.

8.0 PLANNING CONSIDERATIONS

8.1 Having regard to the Development Plan Policy and other Material Considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Impact upon Existing and Future Residents
- Impact upon Highways

8.2 Principle of Development

The Applicant is seeking to vary Condition(s) 6 and 13(b) only and as such, only considerations relating to those Condition(s) can be considered as part of this application. Condition 6 was attached to the original consent in order to control the length of the landfill operation in order to safeguard the amenities of the area and to ensure the appropriate land reclamation took place at the end of the landfill process. Condition 13 (b) was attached to control the level of impact upon local amenities.

8.2.1 Both national and local planning waste policy seek a reduction in the use of landfill disposal with guidance set towards prevention by driving waste management up the hierarchy. However, National Planning Policy for Waste (October 2014) is clear that waste authorities should consider the extent to which the capacity of existing operational facilities satisfies any identified need. It is also important that the Waste Authority should only concern itself with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authority (Environment Agency).

8.2.2 Policy ER7 of the Local Plan relates to waste management facilities, and is guided towards the provision of new facilities. Part (v) of policy ER7 states that new landfill (or land raise) sites or extensions to existing sites will only be considered where there is an established need. As such, the provision of new landfill sites is not discounted within the Local Plan which is an important consideration and recognises that landfills remain an important part of the

waste hierarchy. As indicated within this report, it is not intended to extend the Granville site in anyway, and its original capacity will not be altered as a result of the grant of this application.

- 8.2.3 The Donnington and Muxton Development Plan has no specific policies relating to the landfill site or its use. Policy GCP1 (Granville Country Park and Local Nature Reserve) seeks to ensure that development does not adversely affect the nearby Country Park, however, as the scheme remains unchanged from the original consent in terms of use and amount, there would be no impact that would be contrary to this policy. It is noted that footpaths are proposed within the overall restoration scheme with links to Grange Lane and existing parts of the Country Park and Nature Reserve. As such, completion of the overall restoration scheme as approved is an important consideration.
- 8.2.4 In considering this application, Officers have been mindful of recent planning Case Law relating to Bletchley Landfill Site, Milton Keynes (ref.: APP/Y0435/W/21/3271410, December 2021) . This Appeal, subsequently Allowed, sought, in part, the extension of the landfill including its restoration by 15-years and brought into consideration the need to complete the landfill as approved and the impact upon allocated residential development sites nearby. This appeal site also sits adjacent a local nature reserve. The Inspectors decision recognises that matters of odour and air quality are controlled via the Environment Agency Permit and that planning decisions should assume that these separate pollution control regimes should operate effectively. Furthermore, the Appeal considered options of filling the site with soil, however it was found that this would take significantly longer than the timescales proposed and may have posed other issues in respect of drainage, traffic movements and the safe management of the site. In conclusion the inspector agreed that the continuation of the use was necessary in order to achieve the approved restoration scheme.
- 8.2.5 In respect of this application, it relates to an existing landfill operation and there are no planning policies that suggest that requests for extensions of time for landfill operations to be completed in accordance with approved plans, should not be supported. As Waste Authority, it is recognised that there is continued need for a variety of waste facilities across the waste hierarchy, including landfill. As such, allowing the satisfactory completion of the site does not undermine the waste objectives of the Local Plan. As guided by para. 11 of the NPPF, where proposals accord with an up-to-date Development Plan they should be approved without delay.
- 8.2.6 The remainder of the report sets out the main considerations against the Development Plan and discusses the planning balance.

8.3 Impact upon Existing and Future Residents and Businesses

As previously indicated within this report, matters relating to odour, air quality and other environmental matters relating landfill processes are controlled by separate legislation and are a matter for the permitting body. In this case it is the Environment Agency who have issued an environmental permit for the site

and its use. If environmental matters are raised with the EA, it is for them to investigate and determine whether mitigation measures are required.

- 8.3.1 The application does not seek to alter the amount of waste permitted in a calendar year or vary the size of the site and as such, the impact of the landfill on nearby land users would be no different whether it would be 3-years or 7 as proposed. The main change is that any existing impacts would be over a longer period than was originally envisaged. Notwithstanding this, the applicant has recognised that their current rate of tipping is lower than the levels permitted in the consent and for that reason have agreed to reduce the daily limit by 150 tonnes. This reduced figure reduces the chances of a larger number of vehicles attending the site on any single day, however this still remains dependent on the weight of material within each vehicle.
- 8.3.2 Officers note that since the landfill operation begun there have been approvals for significant residential development within close proximity to the landfill, most notably the land at the corner of Redhill Way (currently being constructed by Vistry Homes) and the Priorslee Urban Extension (currently being constructed by Miller Homes). However, both these developments were granted Outline Consent in 2016 and 2017 respectively, with 8/9 years remaining on the time limit for the landfill operation. As such, impact from the landfill to these developments and vice versa will have been a consideration at that time of those consents, unknowing of when commencement of those approvals would begin or how many occupations will have taken place. As such, it would be unreasonable to refuse the variation on grounds of any potential impact upon future residents.
- 8.3.3 It is noted that the on the nearby Vistry Homes Site, the residential phasing plan indicates that the final two phases to be implemented are those closest to the landfill to the north of the site.
- 8.3.4 Concerns relating to the noise and fumes from passing HGV lorries are noted, however, as an existing use that does not intend to alter any other Condition(s) relating to the use of the site or that increase the daily/annual tonnage limits, any impact would remain unchanged from that already approved.

8.4 Impact upon Highways

The Local Highways Authority have raised no objections to this application on grounds that the use of the site is already permitted and that the amount of waste permitted would remain unchanged. As such, the proposed variation would not result in any additional impact upon the highway network.

- 8.4.1 It is noted that nearby residential development will create more movements upon the adopted highway network in the coming years. However, such movements will have been modelled with an understanding there still remained significant time on the landfill consent. It is not considered that an extension to the time limit for the landfill will result in any detrimental impact upon highway capacity that has not already been considered or taken account

of within these decisions. As such there are no highways grounds to warrant refusal of the application.

8.5 Other Matters

Officers note other issues raised in terms of the use of bird control strategies at the landfill site. The issue of bird control at landfill sites is important for safety, operational complications and health concerns. This is an environmental matter and as such is controlled through the Environment Agency permit.

- 8.5.1 Officers also note concerns relating to fires at the landfill. Again, this is a matter of the Environmental Permit and ensuring correct procedures are put in place to prevent repeat events. It is not a matter for the Waste Authority and as such, is not a consideration of this application.

9.0 **CONCLUSION**

- 9.1 Officers recognise that the landfill remains an important strategic resource and as indicated in Policy ER7 (v), new landfill, or extended landfill sites can be considered where there is an established need. Existing sites therefore remain a necessary part of the waste hierarchy, where certain types of waste cannot be moved further up this chain. As such, to not allow an extension of time to allow the landfill to be filled in accordance with the original permitted limits would fail to utilise this existing land use.
- 9.2 It is recognised that failure to allow the extension of time that enables the completion of the landfill as approved, would result in final contours not being achieved as were approved under the original consent. Such levels that could be achieved within the remaining 3-years is largely dependent on the amount of waste being brought into the site. The current occupier currently brings in less waste than is permitted and has based their request on processing 120,000 tonnes in any calendar year. The existing permission allows this to be increased to 200,000 tonnes in which case the final contours could be reached sooner. However, even at this increased limit, the final contours as approved would not be met without the extension of time and may not link to the existing restored northern part of the site. As tested in the Bletchley Landfill Appeal case, existing landfill sites should be allowed to be completed as approved unless other material considerations dictate otherwise.
- 9.3 Consideration of the extended time limit upon nearby existing and future residents is important, however, the environmental impacts of the landfill were matters considered through the original consent and are controlled via the Environment Agency Permit. Although additional residential development has been approved within the vicinity of the application site, these were permitted in full knowledge of the proximity of the landfill which at the time had over 8-years remaining. As guided by national planning guidance, planning decisions should assume that separate pollution control regimes should operate effectively and should therefore not be a consideration of this decision.

- 9.4 Finally, although concerns raised in respect of the impact upon highways is noted, the varied consent would not lead to any additional traffic on the local highway network than was originally consented. It is concluded that a reduction in the permitted daily weight entering the site on any single day will reduce any risk of vehicle movements being intensified. There are no objections raised by the Local Highways Authority and as such, there are no highways capacity or safety grounds to warrant refusal of this application.
- 9.5 The approval of this variation would create a new full planning consent. This consent would ensure the satisfactory completion of an existing waste recourse and the already approved restoration and would be compliant with both local and national planning policy guidance including National Planning Policy for Waste.

10.0 DETAILED RECOMMENDATION

- 10.1 Based on the Conclusion, above, it is recommended that **Delegated Authority** be granted to the Service Delivery Manager to **GRANT THE VARIATION OF CONDITIONS 6 and 13(b) OF APPLICATION W2006/0232** with the following wording and subject to all other original Condition(s) remaining unchanged:

Condition 6

'Disposal of permitted wastes within the landfill area shall cease by 31 December 2030 to the satisfaction of the Local Planning Authority.'

Condition 13(b)

'Notwithstanding the general requirements in relation to the yearly input level, the importation of waste and soils to the site shall not exceed 1,350 tonnes in any single day.'