

Development Control Committee

Meeting to be held on 14 November 2018

Electoral Division affected: Fylde West
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Fylde Borough: Application number LCC/2018/0019

Variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028.

Westby Landfill Site, south side of Anna's Road, Westby.

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Executive Summary

Application - Variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028 at Westby Landfill Site, south side of Anna's Road, Westby.

Recommendation – Summary

That planning permission for the variation of condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2028 be **granted** subject to planning conditions controlling time limits, working programme, phasing of interim and final restoration, tipping levels, site operations, soils and overburden, hours of operation, highway matters, control of noise and dust, water pollution prevention measures, drainage, landscaping, lighting, restoration and aftercare.

Applicant's Proposal

Condition 1 of planning permission 05/09/0152 requires landfilling, recycling and waste transfer operations to cease not later than 01 June 2018 with the site there after being restored within a further period of one year.

The application seeks to extend the end dates for the permitted landfill, recycling and waste transfer recycling activities for a further ten years until 01 June 2028.

Description and Location of Site

Westby Landfill Site is located off Anna's Road, on the west side of Peel Road, approximately 3.5km to the north of Lytham. The site is divided into two areas (the northern and southern areas) by Anna's Road and occupies a total area of approximately 16.2 hectares. Both of the areas were used for the extraction of clay

for the former brick works located in the northern area. The northern area has been landfilled with a range of non-hazardous active industrial, commercial and demolition wastes and has been restored. The southern area has planning permission for landfilling of the former quarry along with a waste transfer station and materials recycling area. The current application relates to that part of the site lying to the south of Anna's Road and which has an area of approximately 10 hectares.

The application site is screened on all four boundaries by mature trees and hedgerows, and is bound by Anna's Road and Peel Road on its north and east sides with land beyond and to the west being agricultural land. The recycling and waste transfer operations occupy the half of the site nearest Anna's Road, while the landfill and a soil storage and drying area is in the southern half. Ponds are located in the centre and south-west corner of the site, and in the north-west corner of the site which form the Westby Clay Pits Biological Heritage Site. The agricultural land to the south and west is designated as the Lytham Moss Biological Heritage Site for its value for over wintering birds.

The application site is situated 150 metres south west of Peel Hall Business Units to the north-east, 230 metres from Lawnes Farm to the east, and 300 metres from the closest residential properties which are located off Peel Road. A glass recycling plant occupies the site of the former brick works located to the north of Annas Road.

Part of the south-west corner of the southern area is located within Flood Zone 2.

Background

The site is an established landfill site and waste recycling use at a former clay pit with a complex planning history:-

Planning permission for the restoration of the clay pit by landfilling, was first granted in May 1981 (ref. 5/80/0787).

Planning permission to extend the southern landfill area to its current extent, was granted in August 1993 (ref. 5/93/0115).

Planning permission for a waste transfer and recycling station, was first granted in April 1994 (ref. 5/93/821).

Planning permission for the use of land for the storage, recovery and processing of waste materials, was first granted in June 1999 (ref. 5/99/27).

The landfilling, recycling and waste transfer operations, have subsequently been granted various planning permissions to extend their lifespan, until the most recent being in June 2009 when all of the operations were consolidated into a single permission permitting the operations to continue until 1 June 2018 (ref. 05/09/0152).

A planning application was submitted in 2012 for the variation of Condition 1 of planning permission 05/09/0152 to allow the period for landfill/recycling/waste transfer operations to continue until 01 June 2040. Although officers recommended

that a time extension until 2020 would be acceptable, the application was refused by the Committee for the following reasons:

1. The application would be premature in that the existing planning permission has almost 6 years left to run and the Lancashire Minerals and Waste Local Plan (Site Allocations and Development Management Policies) is at an advanced stage in the preparation process. The proposed extension of time until 2040 for the continuation of landfill and waste transfer operations would predetermine the development plan policies relating to the need for, and location of landfill capacity in Lancashire and would therefore be contrary to the plan led system of planning as provided for under section 38 of the Planning and Compulsory Purchase Act 2004.

2. There is no land use reason for the site to be restored to existing approved levels and the proposed extension of time would prolong the operation of the existing landfill and waste recycling activities and their attendant traffic and amenity impacts until 2040. This would result in ongoing impacts on the countryside for which no justification exists and would not achieve the restoration of land at the earliest opportunity. The proposal would therefore be contrary to Policy 2 of the Lancashire Minerals and Waste Local Plan, Policy SP2 of the Fylde Borough Local Plan and paragraphs 143 and 144 of the National Planning Policy Framework.

This decision was not subject to an appeal.

Planning Policy

National Planning Policy Framework

Paragraphs 8 – 12, 47 – 56, 83 – 84, 108 - 109, 148-163, 170- 175 and 203-206 are relevant with regard to achieving sustainable development and the presumption in favour of sustainable development; determining applications and planning conditions, building a strong, competitive economy promoting sustainable transport;; achieving well-designed places; meeting the challenge of climate change, flooding and coastal change – planning for climate change, and planning and flood risk; Conserving and enhancing the natural environment, and ground conditions and pollution; and facilitating the sustainable use of minerals.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for Managing our Waste
Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM1 Management of Waste and Extraction of Minerals
Policy DM2 Development Management
Policy WM1 Capacity of Waste Management Facilities
Policy WM4 Inert Waste Recycling
Policy LF1 Sites for Non-Hazardous Landfill
Policy LF2 Sites for Inert Landfill

Fylde Local Plan to 2032

Policy NP1 Presumption in favour of sustainable development
Policy GD4 Development in the Countryside
Policy GD7 Achieving Good Design in Development
Policy CL1 Flood Alleviation, Water Quality and Water Efficiency
Policy CL2 Surface Water Run-Off and Sustainable Drainage
Policy ENV1 Landscape
Policy ENV2 Biodiversity

Consultations

Fylde Borough Council – No objection.

Westby-with-Plumpton Parish Council – No observations received.

LCC Highways Development Control – No objection and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Environment Agency – No objection.

LCC Specialist Advisor (Ecology) – No objection subject to the biodiversity interest of Westby Clay Pit Biological Heritage Site being adequately restored and maintained, as part of any future permission at this site.

Natural England – No objection and comment that the proposed development would not have significant adverse impacts on statutorily protected sites or landscapes.

Ministry of Defence Lands – Safeguardings – No observations received.

Representations – The application has been advertised by site and press notice and neighbours notified by letter. Twelve representations have been received, that are summarised as follows:

Ten representations of support

- The site maximises the recycling of waste and the site is well located, clean and provides an important local facility where waste can be disposed for either recycling or landfilling, which is helpful when so many landfill sites have closed.

- The site also produces quality recycled soil and aggregate products that are used by local tradesmen.
- Without Westby there is the risk that unwanted debris may be just dumped in laybys and gateways as other landfill sites are not in the vicinity.
- The health and safety rules are very strict and there is no impact on the surrounding area from noise, dust, odours or traffic impact and the site is very well screened from Peel Road.
- The site never operates outside of the permitted hours.
- The site will continue to be run in the same way with few impacts. As time passes, the site's impact on the surrounding area reduces; it is now far more of a recycling business than a landfill site.
- The site follows strict processes and procedures that are set out by the Environment Agency.
- The site provides jobs and contributes into the local economy. If planning permission is not granted, what will happen to the site? If permission is granted, the site will be managed and kept in order for the next ten years.

One representation of objection

- The landfill is not active. If the landfill is not active, the continuation of the recycling activities should not be permitted.
- The site generates considerable levels of noise which is detrimental to the amenities of the area. The proposed electricity generating engines on the adjacent site will only increase noise levels.
- The Environment Agency would not support this site if it was a new application, so why support it now?
- The site is inappropriate in this area.
- The applicant has known that the recycling activities are temporary, so plans could easily be made to use another site, thus no loss of jobs.
- The continuation of the landfill site for only inert waste is not justified. There is another inert waste site close by at Windy Harbour so there is no need for an inert waste landfill site at Westby.
- The activity would prolong loss of amenity, mud, dust, noise and diesel exhaust fumes for another ten years. This could impact on local residents' health.
- Nothing has changed since the previous application 05/12/0176 was refused.
- The waste transfer and recycling station and its use were granted under planning permission 5/93/821. Condition 1 of that permission requires that their use should discontinue upon cessation of the landfilling operations and therefore their use should have ceased in 2013.
- The amount of traffic to and from the site appears to have increased over the past 2 years and site traffic passes along Peel Road at least 3 times an hour during the day which disturbs local amenity.
- The hedges on both sides of Peel Road are brown with mud and dust for most of the year which chokes vegetation and is a severe eyesore. Nothing is ever done about this.
- Several vehicles using the site have caused delays to through and local traffic by crashing or leaving the road en route. The speed limit on Peel Road was lowered last year from 60mph to 40mph but this is ignored by most traffic because drivers know that it is never policed. Slower traffic will mean fewer lorry accidents.

One further resident maintains that there is no objection to the extension per se but, much improved control on the impacts of the site is needed, and some policing of the rules on weight and frequency of traffic and the way in which loads are secured and covered.

Advice

Planning permission is sought to vary condition 1 of planning permission 5/09/0152 in order to extend the permitted date for landfilling and recovery and recycling operations at Westby Landfill Site until 1st June 2028.

The site primarily operates as a waste recycling / transfer station. The operations at the site include:

- Crushing, screening and washing of construction and demolition waste for the production of recycled aggregate
- Sorting of wood, metal, plastic and paper/cardboard from general waste
- Segregation of green waste which is dispatched to a third party composting facility;
- After extraction of recyclable fractions, refuse derived fuel is produced from combustible materials which are exported off-site for energy recovery;
- Landfilling of the residual waste that has no end use.

Planning permission was originally granted in 1993 for the landfilling operations across the whole of the area south of Anna's Road. In 1994 planning permission was granted for the waste transfer operations and in 1999 for the storage, recovery and processing of waste materials. These permissions were all subject to conditions limiting the duration of development to a temporary period linked to the duration of the landfill activities. The duration of the landfill and associated waste management operations have been extended a number of times and the site is currently subject to a single planning permission ref 05/09/0152. Condition 1 of that permission allows the continuation of operations until 1 June 2018 with restoration within a further period of one year.

The current application is to extend the end date of the landfill and recycling operations until 1 June 2028. The applicant states that although this would probably not provide sufficient time to complete the landfilling of the site, it is considered to be the minimum time needed to allow the operator to invest in the business in terms of purchasing plant and equipment and employing staff. It would also allow a reassessment of landfilling progress after the ten year period.

The landfill operation currently only accepts the residual waste arising from the on-site recycling and recovery operations, although there are no conditions that prevent waste from being imported directly to the landfill site from elsewhere. However, the volumes of residual waste produced at the site are now so low that landfilling activities only progress very slowly.

The site consists of a total of 14 landfill cells. At the time that planning permission 05/09/0152 was granted, it was accepted that the extension of time until 2018 was

likely to only provide for the infilling of cells 1 – 4. Therefore, a further application would have to be submitted to allow remaining cells to be filled to approved levels. However, a condition was imposed to require an amended restoration scheme in the event that the approved levels were not achieved. In granting permission 05/09/0152, it was accepted that the waste transfer, recovery and recycling operations would contribute to diverting waste away from landfill and hence accord with the policies of the development plan.

The current situation is that cells 1 has been tipped with biodegradable waste and disposal is ongoing in cell 2 and this will continue for a number of years. The applicant recognises that greater progress needs to be made to securing the restoration of the landfill site and therefore proposes to infill cells 3 to 14 with imported inert wastes. The environmental permit for the site issued by the Environment Agency has recently been varied to allow imported inert wastes to be deposited in cells 3 -14. A planning condition could be imposed to clarify this aspect.

The applicant states that the inert waste to be landfilled would not be suitable for recycling as it would mainly be heavy clay excavation wastes. Such wastes have not been accepted into the site previously because it is not cost effective to tip such wastes into landfill sites that have been engineered to a high standard to allow acceptance of biodegradable wastes. Using cells 3 – 14 for inert wastes only would not incur the same engineering costs and would therefore be a commercially viable operation.

Only 2,170 tonnes of active wastes have been tipped in the past 3 years but the applicant anticipates that the future input rate for inert wastes would be 40,000 tonnes per year. At such rates the landfill operations would be complete in 13 years.

The proposal raises a number of planning policy issues regarding the ongoing need for landfill capacity, the retention of the waste transfer, recovery and recycling operations, the environmental impacts arising from the continuation of the development over a longer period than was originally permitted, and the restoration and afteruse of the site.

Planning policy issues

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and the Fylde Borough Local Plan.

This site is located in a rural area and is within a Countryside area as designated in the Fylde Borough Plan. Paragraph 170 of the National Planning Policy Framework states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside. In terms of minerals and waste planning, this means that worked land should be reclaimed at the earliest opportunity to high environmental standards (paragraphs 204 and 205 of the National Planning Policy Framework). Policy GD 4 of the Fylde Borough Local Plan also requires that development in the countryside areas will be limited to that required for agriculture, horticulture, forestry or other uses appropriate to a rural area or development essentially needed for the continuation of an existing enterprise.

The general thrust of these policies is therefore that development in the countryside should be strictly controlled. Where minerals developments are necessary, they should be restored as early as possible so that the land is reinstated to a beneficial use that is appropriate to a rural area.

At Westby, planning permission for the landfilling activities across the whole of the former quarry was first granted in 1993 as a means of restoring former clay workings. On the back of this permission, further consents were granted for various waste recycling uses. Such uses would not normally be appropriate in countryside areas and the national and local policy would normally direct them to suitable industrial urban locations. However, previous and current planning policies provide support to inert waste recycling activities where co-located on landfill sites provided that their duration is limited to the life of the landfill. The slow progress in landfilling the former mineral working at Westby has resulted in the recycling activities being retained on this site for considerably longer than was ever anticipated or predicted when permission was first granted in the 1990's.

The slow rate of landfilling on this site is due to a number of factors. National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy. The landfill tax also encourages waste management companies to actively minimise the volumes of waste that are landfilled and to maximise the quantities of waste that are removed from the waste stream for recycling, recovery or reuse. It is therefore considered that the slow rate of landfilling is a result of market forces rather than a deliberate attempt by the applicant to run the business in a manner to facilitate its retention longer than would normally be supported by planning policy. Nevertheless, the applicant accepts that progress on the landfill site must be speeded up and for that reason now intends to allow inert wastes from elsewhere to be tipped at the site rather than the site being reserved for wastes generated in-house as has previously been the case. There is a demand for inert waste tipping space and therefore this change should secure quicker progress towards the cessation of landfill and all other waste management activities at this site.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource and to ensure that provision will be made for the minimal amount of new landfill capacity for the disposal of residues from the treatment of all wastes where no further value can be recovered. Policy CS8 of the Core Strategy and Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan seek to

ensure an adequate provision of suitable waste facilities, including landfill and waste recycling activities, across the county to ensure that waste can be managed as a resource. Policy LF1 of the Joint Lancashire Minerals and Waste Local Plan supports landfilling of non-hazardous waste at existing permitted sites and states that, where an application is made to extend the time frame of an existing permission, it will be supported subject to conformity with other policies of the development plan.

The applicant has submitted information to justify the development in relation to Policy LF2 of the Joint Lancashire Minerals and Waste Local Plan. This policy supports landfilling of inert waste that cannot be recycled or recovered at two named sites: Scout Moor Quarry; and land to south of Jameson Road Landfill, formerly used for deposit lagoons. Westby Landfill Site is not one of these sites but it is important to understand that the policy does not disregard other sites and therefore does not rule out supporting Westby as a suitable facility. However, the important point is that Westby Landfill site already has permission to operate as a landfill site. Policy LF2 is intended for the assessment of new inert landfill sites and therefore is not directly relevant to the current application.

The permitted void space at this site is already factored into the calculation of available landfill space in Lancashire. There will be an ongoing demand for inert waste disposal in this area of Lancashire which this site would satisfy. In principle, the proposal to continue the landfilling of active and inert waste types at Westby Landfill Site would be supported by the above policies. It would be possible to achieve adequate restoration of the unfilled areas of the site at a lower level through importation of a much reduced volume of inert waste but the site would then make a reduced contribution towards the local need for landfill space in this area of Lancashire. For these reasons, it is considered that there is a policy justification to allow the continuation of the landfill activities at this site.

Although the applicant's proposals to import inert waste to the site should allow filling to take place at a faster rate than has historically been the case, this will depend on the demand for inert tipping space and also a range of other economic and financial factors. In order to provide some confidence that the site will be completed and restored within the proposed timescale, it is considered that a condition should be imposed requiring progress to be reviewed at the 5 year point and then for a revised scheme of restoration contours to be submitted should there be any doubt that the site will be filled within the proposed timescales.

An objector refers to the existence of another inert waste site called Windy Harbour, and argues that there is no need for a further inert waste landfill site at Westby. However, the Windy Harbour site was completed in 2017. Westby landfill site would therefore provide a replacement facility for those wastes that were tipped at Windy Harbour thereby providing some assurance that inert waste can be attracted at the rates required to ensure restoration of the site within a reasonable time period.

Taking these issues into account, it is therefore considered that there is a policy justification for extending the time periods for the completion of the landfilling activities at the site.

The retention of the recycling activities

The other issue arising from this application concerns the retention of the waste recycling and transfer activities over a longer period that is currently permitted. Policy WM4 of the Joint Lancashire Minerals and Waste Local Plan supports developments for inert waste recycling facilities at quarries and landfill sites where they do not compromise the long term restoration of the site to a beneficial afteruse within the original timescale of the parent permission. Although the waste transfer and recycling activities at this site relate to a wider range of waste types, it is considered that the existing waste transfer and recycling activities conform to these general locational and time restriction criteria. If a time extension to the landfill is considered acceptable, the continuation of the recycling activities would accord with Policy WM4 and would similarly be acceptable.

The objection states that the use of the waste transfer and recycling station should have ceased in 2013 under the requirement of condition 1 of planning permission 5/93/821. In response, permission 05/08/0495 was to extend the time period for the restoration of the landfill on the north side of Anna's Road. The waste transfer station is located on the south side of Anna's Road where the landfill operations are still ongoing. Therefore, the waste transfer and recycling operations are still permitted to be operative under permission 5/09/152.

Other issues including those raised in representations

One of the representations has raised a number of issues regarding traffic: there has been an increase over the past 2 years by wagons associated with the site; the vegetation along Peel Road is dirty; and there are too many vehicles travelling along Peel Road that are too fast and heavy with unsecured and uncovered loads.

In response, the applicant has advised that the site only operates during the day, that Peel Road is used by a lot of traffic including farm traffic, that most HGVs are sheeted when entering and leaving site, and there are conditions in place to control this; and Peel Road serves as the main route from Blackpool to Lytham where a number of skip companies are located.

The comments about road conditions are noted. Allowing imported inert waste to be deposited at the site would increase HGV movements. Whilst there are other agricultural activities in the area that will contribute towards dirt on the highway, this planning application presents an opportunity to review environmental controls at the site to ensure that they meet current standards. The condition on sheeting of vehicles has been updated so that it applies to all vehicles carrying materials and waste from site and not just those carrying recycled aggregates. Issues regarding the speed of vehicles on Peel Road are matters for the police to investigate. The road has no weight restriction. Conditions relating to sheeting of vehicles should be attached to any new planning permission and have been revised so that they relate to all vehicles transporting waste and not just those transporting recycled aggregates.

The site is screened on all four boundaries by mature trees and hedgerows, so that the site is well screened from the surrounding area. This situation is helped by

existing conditions that restrict stockpile heights to 6m above ground level, and a requirement to protect and maintain all hedges and trees forming part of the site boundaries. Subject to retaining these conditions, the development is considered acceptable in relation to visual impact issues.

Lancashire County Council's Specialist Advisor (Ecology) has raised an issue that the biodiversity interest of Westby Clay Pit Biological Heritage Site has not been adequately restored and enhanced, and protected and maintained for great crested newts. The management of the Biological Heritage Site was covered by a planning permission relating to the landfill to the north side of Annas Road. However, this planning permission has now expired so therefore there is now no control relating to Biological Heritage Site management. It is therefore considered appropriate to attach a condition to any new permission for the land south of Annas Road relating to ecological management of the Biological Heritage Site ponds and habitat area that has been created to the north of Annas Road. In relation to odour, there have not been any such issues associated with the site. The proposed restriction of depositing inert waste only in Cell 3 onwards should reduce the risk even further of any the site posing any odour impacts.

Planning conditions are attached to the existing permission 05/09/0152 to control the phasing of interim and final restoration, proposed final tipping levels, site operations, soils and overburden, hours of operation, control of noise and dust, water pollution prevention measures, drainage, restoration and aftercare. Provided that these planning conditions are updated and attached to any new permission, it is considered that the extension of time would be acceptable in relation to the amenities of the area.

Conclusions

The policies of the National Planning Policy Framework require that land used for mineral working is reclaimed to beneficial use as early as possible. It is unfortunate that this site has not been restored within the previously approved time periods with the result that the land remains in an unrestored state. The proposal for a further time extension would result in the continuation of those impacts over a longer period. It would also mean that industrial / commercial uses in a rural area would continue for a longer period than would normally be acceptable. However, the harm to those policies of the National Planning Policy Framework and Development Plan must be balanced against the contribution that the site makes towards the recycling and reuse of waste and to capacity requirement for the landfilling of residual and inert wastes.

The site is also visually well screened, is relatively remote from properties and the highway access is suitable given the scale and intensity of use of the site. The local environmental impacts of the site are therefore considered to be acceptable. Provided that the conditions to the planning permission are reviewed and updated, it is considered that a further time extension at this site would be acceptable on balance in terms of the policies of the Development Plan.

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights. Article 1 of the first protocol states that an individual's peaceful enjoyment of their property shall

not be interfered with except as is necessary in accordance with the law and as is proportionate.

If the application were to be approved with the recommended conditions the development would be unlikely to generate such an impact which would breach those rights.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The landfilling and waste recycling operations authorised by this permission shall cease not later than 1st June 2028 and the site shall thereafter be finally restored within a further period of one year in accordance with the scheme and programme of restoration approved under conditions 27 or 28 to this permission.

Reason: To provide for the completion and final restoration of the site within the approved timescale in the interest of the amenities of the area and to secure the proper restoration of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies DM2, WM4, LF1 and LF2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GD4 of the Fylde Local Plan.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) Planning Permissions Nos. 5/93/115, 5/98/124, 5/99/27 and 05/09/0152, as amended by Planning Application LCC/2018/0019 and Planning Statement received by the County Planning Authority on 22 May 2018, and the email received from the applicant on 12 July 2018.

b) Submitted Plans and documents accompanying planning permission 5/99/27:

Drawing no. JEK/WW/TS1A - Location Plan

Drawing No. JEK/4W - Infrastructure Layout Phases 13 to 23

Submitted Plans and documents accompanying planning permission 05/09/0152:

Drawing No. TC/P2057/JEK/TIMEX 08 - Location Plan

Drawing No. P2057/04/SK-1/A - Cell Development Plan

Drawing No. J1982_08/D/C_500/STH/B - Site Survey

Drawing No. J2025_08 - Digitised Data of Final Profile

Drawing No. J2025_08/XS/LS/2 - Proposed Final Profile and Existing Profile

Submitted Plans and documents received by the County Planning Authority on 22 May 2018 accompanying planning application LCC/2018/0019:

Drawing No. 09516/01 - Site Location Plan

Drawing No. 09516/12A - Site Plan

Drawing No. 09516/14 - Cell Layout

Drawing No. sss-7294 - Topographical Survey

c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies NPPF 1, DM1, DM2, WM1, WM4, LF1 and LF2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies NP1, GD4, GD7, CL1, CL2, ENV1 and ENV2 of the Fylde Local Plan.

3. The landfilling operations approved by this permission shall be landfilled in phases in the numerical order, as indicated on Drawing No. P2057/04/SK-1/A - Cell Development Plan.

Non-hazardous active industrial, commercial and demolition waste shall only be deposited in cells 1 and 2 at the site, as indicated on Drawing No. 09516/14 - Cell Layout.

Reason: To secure the orderly working and progressive restoration of the site and to conform with Policies DM2 of the Lancashire Minerals and Waste Local Plan and Policy GD4 of the Fylde Borough Local Plan.

4. Within six months of the date of this permission, a scheme and programme for the phasing of the infilling of the site and subsequent restoration shall be submitted to the County Planning Authority for approval in writing.

The infilling and restoration works shall thereafter be completed in accordance with the timescales for each phase as set out in the approved scheme and programme.

Reason: To secure the phased and progressive infilling and restoration of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GD4 of the Fylde Local Plan.

5. Within six months of the date of this permission, a plan showing the proposed final tipping levels across the site shall be submitted to the County Planning Authority for approval in writing. The plan shall be at a scale of 1:1000 and shall show the final tipping contours at 1 metre intervals across all parts of the site where wastes are to be deposited.

Reason: In order to control the final tipping levels in the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GD4 of the Fylde Local Plan.

Site Operations

6. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

7. A topographical survey of those areas of the site where wastes have been deposited shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the completion of restoration works. The survey shall have been carried out within the two months preceding that date and shall consist of a plan drawn to the same scale as that submitted under the requirements of condition 5 and which identifies all surface features within the site and a 10 metre grid survey identifying levels relating to ordnance datum.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

8. No waste shall be removed from the site once it has been deposited within the area of active landfill operations.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

9. No stockpile of waste or recycled material shall exceed a height of 6 metres above ground level. No such stockpile shall be located within any area of the site where wastes have been deposited as part of the approved landfill operations.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

Soils and Overburden

10. No topsoil, subsoil or overburden, other than those materials produced by the permitted recycling operations for the purposes of resale, shall be sold or otherwise removed from the site.

Reason: To ensure satisfactory restoration and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

Hours of Working

11. No landfilling, recycling or waste transfer operations, or restoration works shall take place except between the hours of:

0730 to 1830 hours, Mondays to Fridays
0730 to 1300 hours on Saturdays

No such development shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

Highway Matters

13. The wheel cleaning facilities at the site shall be maintained in full working order and shall be used by all vehicles leaving the site during the development so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

14. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall, throughout the development, be metalled and drained and kept clear of debris along its entire length at all times.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

15. All vehicles transporting recycled aggregates of a size less than 100mm in any dimension or any vehicles transporting waste or recycled timber, paper or plastics from the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users) and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

Control of Noise

16. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

17. Noise emitted from the site shall not exceed 55 dB LAeq (1 hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source:

- a) Peel Hall Farm NGR 357 314
- b) Archer's Farm NGR 358 313

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

18. The noise limits set out in condition 17 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their respreading during restoration of the site or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70 dB LAeq (1 hour) (free field), as defined in this permission, as measured from any of the properties identified in condition 17 at a point closest to the noise source.

Reason: To permit higher noise limits for certain activities and to still safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

Dust

19. Measures shall be taken at all times during the development to reduce the emission of dust from the site. Such measures shall include the watering of haul roads and stockpiles of dust generative materials, the fitting of dust suppression equipment to crushing and screening equipment and the suspension of dust generative operations during dry, windy weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4 and GD7 of the Fylde Local Plan.

Safeguarding of Watercourses and Drainage

20. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local

Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7, CL1 and CL2 of the Fylde Local Plan.

21. Repair, maintenance and fuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7, CL1 and CL2 of the Fylde Local Plan.

22. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies GD4, GD7, CL1 and CL2 of the Fylde Local Plan.

23. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7, CL1 and CL2 of the Fylde Local Plan .

Landscaping

24. All hedges and trees forming part of the site boundaries shall be protected from any damage and maintained throughout the development, restoration and aftercare period.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7 and ENV1 of the Fylde Local Plan.

Floodlighting

25. Any flood lighting to be used during the operational life of the site shall be angled into the site, downwards, shaded to minimise light spill, and only illuminated during both the working hours specified in condition 12.

Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Ecology

26. Ecological management of the area edged green on the drawing ref LCC1 attached to this planning permission shall take place in accordance with the submitted Habitat Management Plan dated October 2018. The ecological management works shall be carried out until the expiry of the aftercare period for the last phase of the site.

On the first anniversary of the date of this planning permission and at annual intervals thereafter until the expiry of the aftercare period for the last phase of the site, a document reviewing the success of the habitat management works shall be submitted to the County Planning Authority for approval in writing. The review document shall include the results of monitoring of the success of the management works that have been previously carried out and shall include details of the management works including a timescale that are to be carried out in the forthcoming year.

The management works shall thereafter be carried out in accordance with the details and timescale set out in each approved review document.

Reason: In order to secure the ecological interests within the Westby Clay pits Biological Heritage site and other habitat creation areas at the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Restoration

27. Within six months of the date of this permission, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:

a) details for the spreading of soil over restored areas of the site including types and depths of soils to be placed.

b) details for the treatment of soils following their placement including removal of stones and other rubble and waste material and cultivation of the soils to produce a graded surface suitable for seeding.

c) details for the seeding of the site including seed mixes to be used and rates of application.

d) details of any tree and shrub planting to be undertaken including layout of planting areas, numbers, types and species of plants, spacings, planting methods and protection measures.

e) details of the facilities to be retained for landfill gas and leachate control and details including a timescale for their eventual removal.

f) details for the removal of all hardstandings, buildings, the weighbridge and wheelwash facilities and the restoration of the land occupied by such structures.

g) details for the control of water run off including the design of any ditches and ponds.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7 and ENV1 of the Fylde Local Plan.

28. By not later than 1st June 2023, a report shall be submitted to the County Planning Authority for approval in writing containing an assessment of the progress of tipping relative to the dates for completion of each phase as approved in the scheme and programme approved under the requirements of condition 4. Should the report demonstrate in the reasonable opinion of the County Council that the phased completion of the site as set out in the scheme approved under condition 4 is unlikely to be achieved, then an amended restoration scheme included amended final contours shall be submitted to the County Planning Authority within a further period of three months for approval in writing. Phasing and progressive restoration of the site shall then take place in accordance with the amended details approved under the requirements of this condition.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7 and ENV1 of the Fylde Local Plan.

Aftercare

29. Within five years of the date of this permission, a scheme and programme of aftercare of the site to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of the following:

a) details for the maintenance of the tree and shrub planting works including weed control, replacement of failures and maintenance of protection measures.

b) details of any reseeding works and maintenance of grassland areas including details of any cutting and grazing regimes to be followed.

c) details of any measures to be undertaken to control run off or to control and repair damage resulting from water run off.

d) details of the measures to be taken to control noxious weeds.

e) details of the measures to be taken to control the effects of any surface settlement.

f) details of any management works to drainage ditches and ponds.

Following the certification in writing by the County Planning Authority that the works of restoration in any restoration phase as identified in the scheme and programme approved under the requirements of condition 4 have been completed, the aftercare works in that restoration phase shall be undertaken for a period of five years.

Reason: To secure the proper aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policies GD4, GD7 and ENV1 of the Fylde Local Plan.

Definitions

Free field: At least 3.5 metres away from the facade of a property or building.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in any restoration phase have been completed in accordance with conditions 27 or 28.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2018/0019 05/09/0152	22 May 2018	Rob Jones/534128

Reason for Inclusion in Part II, if appropriate

N/A