

**Development Control Committee**  
Meeting to be held on 6 September 2023

Electoral Division affected:  
Clayton With Whittle

**Chorley Borough: application number: LCC/2023/0019**  
**Retention of the Waste Transfer Station, Leachate Plant, Gas Plant and related infrastructure at Clayton Hall Landfill Site, Dawson Lane, Whittle-Le-Woods**

Contact for further information:  
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### **Brief Summary**

Application - Retention of the Waste Transfer Station, Leachate Plant, Gas Plant and related infrastructure at Clayton Hall Landfill Site, Dawson Lane, Whittle-Le-Woods.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, site operations, and restoration.

### **Applicant's Proposal**

Planning permission is sought for the retention of infrastructure for landfill gas and leachate management and waste recycling until 2035 (originally proposed to be 2040). The application does not include an extension of time for waste disposal in the landfill beyond the current permitted timeframe. There are separate planning permissions for the range of buildings, plant and equipment at the site and all are currently time limited to the permission for the landfill site, which is cessation by 2028 and final restoration by 2029. The site would be restored in accordance with previously approved details for the restoration of the sand quarry, landfill and waste management infrastructure.

The application also seeks permission for a new double portacabin which would provide both office, toilet and canteen facilities. This would replace four portacabins currently serving as an office, laboratory, toilets and canteen. The proposed replacement portacabin would be finished in light grey to match the remaining office portacabins on site. The dimensions would be 10m long by 9m wide and a maximum 3m high.

The application has been submitted as a full planning application rather than a number of individual Section 73 amendment applications to the individual permissions to



simplify the process and bring all the separate permissions together for the existing infrastructure, making it easier to manage and regulate.

## **Description and Location of Site**

Clayton Hall is a largely worked out sand quarry, which is being restored through the landfill of non-hazardous waste. The site also has an associated waste management and recycling centre. The site is accessed from Dawson Lane and is located between Whittle-le-Woods and Leyland, on the western flank of the River Lostock Valley. As well as the landfill facility, the site also includes a materials recycling facility/waste transfer station building which is used for the preliminary sorting of waste allowing certain materials to be removed from the waste stream for recovery/recycling.

Agricultural land and woodland extend beyond the site to the north and east. Buckshaw Village is to the south. An established residential estate is located some 400m to the north-west of the application site. A residential property is also located some 380m away adjacent to the site entrance.

This site is located within Green Belt.

## **History**

Clayton Hall Quarry is a long-established sand quarry, which is currently being restored by landfilling.

Planning permission for a waste baling and recycling centre was granted in February 1991 (ref 09/90/0690).

Planning permission for an extension to existing facility to provide new recycling shed weighbridge and office cabin and inert/green waste sorting bays was granted in March 2003 (ref 09/02/1268).

Planning permission for the demolition of existing workshop building and erection of new building on same site for use as transfer station was granted in April 2005 (ref 09/05/0150).

Planning permission for the erection of a concrete leachate tank and landfill gas flare was granted in August 2007 (ref. 09/07/0640).

Planning permission for the erection of three leachate tanks was granted in June 2008 (ref. 09/08/0478).

Planning permission for the erection of a landfill gas generator for the generation of electricity from landfill gas, gas flare, plant, switch/meter room and ancillary offices and stores was granted in March 2009 (ref. 09/09/0009).

Planning permission for an additional gas engine, revised layout of renewable electricity generation compound, and retention of meter and switch/substation cabinets was granted in April 2011 (ref. 09/11/0058).



Planning permission for the construction of a leachate tank, heat exchange unit, pipework and bridges to be used to treat landfill leachate was granted in November 2011 (ref: 09/11/0794).

Planning permission was granted on 30 November 2012 for an extension to the waste sorting and recycling centre building to connect with the existing waste transfer station, increase in the roof height of the existing building to create continuity, additional external water tanks, electrical cabinets and the creation of additional car parking spaces (ref. 09/12/0868).

Planning permission was granted on 19 February 2015 for the construction and use of a new tank for storage of water for fire-fighting, with association pump house and concrete foundation (ref. LCC/2015/0002).

## **Planning Policy**

National Planning Policy Framework

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7	Managing our 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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management

Central Lancashire Core Strategy

Policy 29	Water Management
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Chorley Local Plan 2012-2026 - Site Allocations and Development Management Policies Development Plan Document

Policy V1	Model Policy
Policy HW3	Valley Parks

## **Consultations**

Chorley Borough Council – No objection.

Whittle-Le-Woods Parish Council – No comments received.

Clayton-Le-Woods Parish Council – No comments received.



Lead Local Flood Authority – No objection subject to a condition for surface water management.

Environment Agency – No objection. The site processes are regulated by the Environment Agency. The operator is required by the Environmental Permit BV1354ID to maintain infrastructure for the control of gas and leachate levels on the site. The waste transfer station/Materials Recovery Facility (MRF), which is temporarily suspended, is operated under a separate Environmental Permit, referenced AP3897CJ. Please be aware that any changes to these operations may require updated environmental permits.

Lancashire County Council Highways Development Control – No objection. The development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Four representations have been received with the following summarised objections:

- This site is too close to residential housing. Residents are plagued by flies, smells and dust that must be hazardous to health. This site has been on fire twice, again with residents breathing in harmful fumes. When work is taking place there is noise pollution, as well as the blot on the landscape as earth and waste is piled higher. An extension should not be allowed.
- Having lived in the adjacent area for 30 years, it has been noticed the effect this landfill site has had on breathing difficulties within the family. After recent involvement by the Environment Agency and local councillors regarding the atrocious smells emitted, the outcome of this highlighted that the site operator had been cutting corners. At public meetings held as a result of this the site operator gave assurances that the site would only remain for a maximum of five years from then. It would then reinstate the land as public open space with woodland, meadowland and ponds to support local wildlife. The site operator appears to have broken this promise by submitting this planning application. There is a strong objection to this application and any extension permitting the site operator to remain on this land on health and environmental grounds.
- The site is a blot on the landscape which constantly causes problems for the nearby residents, especially the elderly, with foul smelling gases and fires.

## **Advice**

The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.



The applicant has stated that removal of the supporting waste management infrastructure by 2028 would prevent continuing control and treatment of landfill gas and leachate and prevent the operator from complying with their Environmental Permit. Although waste disposal will have ceased by then and the landfill site will be capped, leachate and gas generation will continue for a number of years and will require continued management to prevent pollution. Additionally, recovered landfill gas is used to generate energy through landfill gas engines.

The Environmental Permit is not time limited, and after waste disposal operations cease, the operator must continue to comply with the permit and manage leachate and landfill gas until the Environment Agency agree that this is no longer required.

As there will be a continued presence on site the applicant has also requested that the waste transfer station be retained until 2035 alongside the other landfill infrastructure to give the business sufficient time to transition to an alternative location.

### *Green Belt*

The application site is located in the Green Belt. Paragraph 137 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 of the National Planning Policy Framework explains that the purposes of including land in Green Belt includes checking the unrestricted sprawl of large built-up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 147 of the National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development includes existing temporary built development in the form of the waste management buildings, replacement cabins, plant, and equipment that is inappropriate development and therefore very special circumstances must be demonstrated for its continued retention.

Paragraph 148 of the National Planning Policy Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A weighting of these very special circumstances against any other harm from the proposal is made in the conclusion of this report.

### *Pollution control*

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including



noise, dust and vibration. Paragraph 185 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

Paragraph 188 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions themselves (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The existing waste management operations at this site are already subject to an Environmental Permit, which specifies acceptable waste types and sets standards for the control of noise, water quality and air emissions. There is no reason to conclude that the permit should not provide the necessary standard of pollution controls for the waste management facilities subject of this application. The Environment Agency raises no objection.

As this application does not propose an extension of time for the landfill operation, the concerns raised regarding the landfill site are not relevant to this application albeit the retention of landfill gas and leachate infrastructure is essential for the management of the landfill site and is there to reduce the likelihood of odour, gas and water quality issues.

Notwithstanding that this application relates to an established waste management site, the applicant has submitted an updated flood risk assessment and drainage strategy.

The site is formally drained with all runoffs entering a surface water sump located within the northern extent of the waste management yard. Surface water runoff collected within the surface water sump is pumped to a leachate tank. Surface water from the leachate tank is then discharged to the public foul sewer system at a rate of 5 l/s as agreed by an existing trade effluent permit. Rainfall analysis including future predictions concludes that the existing leachate tank has capacity to continue to deal with flows from the site.

The drainage and pollution control impacts of the development are therefore considered to be acceptable in terms of policy DM2 of the Lancashire Minerals and Waste Local Plan.



## *Highway Matters*

Paragraph 110 of the National Planning Policy Framework states that planning applications should be assessed to ensure that appropriate opportunities have been taken to promote sustainable transport; safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 of the National Planning Policy Framework makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The policies of the Development Plan in particular Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure that proposals for mineral development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

Highway movements would continue as existing via Dawson Lane and beyond. Lancashire County Council Highways Development Control have raised no objection and there are no reasons to indicate that access and traffic would generate any new concerns. The highway impacts of the proposal are therefore considered to be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

## *Conclusion*

The existing development is inappropriate development in the Green Belt and therefore very special circumstances have to be demonstrated to justify a continuation of the temporary use within the Green Belt that would outweigh the harm to the Green Belt, or other harm, by virtue of the presence of the buildings, plant and equipment and its operation.

The plant and buildings would continue to be temporarily sited at a location that has historically been used as a sand quarry and landfill site and where waste management facilities have been present to ensure that materials can be recovered from the waste stream rather than landfilled. The yard and infrastructure are set below the landfill and the existing topography. Longer term the slopes surrounding the yard will be tree planted as required by the current landfill permission.

The site is very well screened and has limited visual impact on the local area other than the adjacent public footpath number 11 and the upper part of the buildings are visible from some distant viewpoints.

The facilities for the management and control of leachate and landfill gas have to be retained in the longer term to allow for the proper control and management of the landfill site. The retention of the waste recycling facilities would ensure that facilities remain available to recover recyclable materials from the waste stream which would meet the objectives of Government policy. These considerations are concluded to amount to very special circumstances which justify the harm to the Green Belt arising from the retention of the development for a longer period.



The Joint Lancashire Minerals and Waste Local Plan gives policy support for the recovery and recycling of waste. However, as the development is ancillary to the landfilling operations and has only been found to be acceptable in the Green Belt for this reason, it is considered necessary to impose a condition requiring the removal of the development within a reasonable timeframe by 2035 to ensure that the site is appropriately restored, thus contributing to the achievement of objectives for the use of land within the Green Belt.

Recommended conditions and further regulation covered by the requirements of an Environmental Permit should mean that there would be no unacceptable impact on local amenity, the highway network or the environment. Overall, it is considered that, subject to conditions, a continuation of the development until 2035 would be acceptable and complies with the policies of the Development Plan and the policies of the National Planning Policy Framework. Any subsequent need for further time extensions for the retention of essential landfill gas and leachate control infrastructure beyond 2035 could be applied for nearer the time in light of prevailing circumstances and any changes to development plan policy.

### *Human Rights*

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 and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that 'every natural or legal person is entitled to the peaceful enjoyment his possessions ' which also means 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.

This application, were it to be approved, would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights bearing in mind the existing use of the site. It is considered that any potential impacts could be satisfactorily controlled by conditions and the requirements of other regulatory pollution control measures.

### **Recommendation**

That planning permission be Granted subject to the following conditions:

#### **Time Limits**

1. The development authorised by this permission shall be removed from the site by 31 December 2035 and the land restored by 31 December 2036 in accordance with the conditions to this permission.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenities, the visual amenity of the area and to secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste 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:

Submitted plans and documents:

Drawing no. 08469/162 - Location Plan.

Drawing no. 08469/163 - Site Layout, Existing and Proposed Layout, Elevation Plan.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

3. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment and Drainage Statement (15348-FRA & Drainage Statement-04, 07/06/2023, Waterco).

*Reason: To safeguard water resources and minimise flood risk and comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

4. No waste management operations, at the site subject of this permission, shall take place outside the hours of:

0800 to 2200 hours, Mondays to Saturday (except Public Holidays) for waste sorting and treatment.

0600 to 2200 hours, Mondays to Saturday (except Public Holidays) for cleaning and maintenance.

No waste or recycled materials shall be delivered to or removed from the building between 18.30 and 22.00 hours Mondays to Saturday (except Public Holidays).

All vehicular access points to the buildings shall be closed between 18.30 and 22.00 hours Mondays to Saturday (except Public Holidays) other than to be used in the event of an emergency.

No waste or recycled materials shall be delivered to or removed from the building and no waste management operations shall take place at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*



5. No waste management operations involving the handling, sorting, treatment or storage of waste or other materials shall be carried out other than within the buildings hereby permitted for that purpose. Baled, wrapped or otherwise contained waste or recycled materials may be stored within the buildings hereby permitted, within the designated storage area shown on drawing number 11.17103C approved under permission 09/12/0868NM1, within a purpose designed enclosed container, or within the active area of the landfill site.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## Restoration

6. Restoration shall be carried out in accordance with the details set out on drawing no. T239.211 - Interim Restoration Proposals, drawing no. T239-210 Rev 2, Final Landscaping Proposals, and the documents entitled 'Landscape Statement – Five Year Management Plan and Ten-Year Management Plan, dated June 2020 and 'Restoration of Clayton Hall Quarry – Landscape Specification, dated 3 June 2020 approved under permission LCC/2015/0069/1.

The planting and seeding specified shall be implemented in the first available planting season (the period between 1 October in any one year and 31 March in the following year) following the cessation of waste management activities and shall thereafter be managed for a period of 10 years.

*Reason: To secure the proper restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## 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/Ext
LCC/2023/0019	Aug 2023	Rob Hope Planning and Environment 01772 534159

Reason for Inclusion in Part II, if appropriate

Not applicable.

