

**Development Control Committee**  
Meeting to be held on 25th May 2016

Electoral Division affected: Chorley North, Chorley Rural North
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**Chorley Borough: application number LCC/2015/0069**  
**Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods**  
**(Appendix A refers)**

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

Application – Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane Whittle Le Woods.

The application is accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### **Recommendation – Summary**

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping and habitats for a period of 5 years in addition to 5 years of aftercare controlled by condition (including the site area under permission 09/98/0049 (now replaced by permission 09/13/1075)), and the maintenance and management of footpaths and public access in perpetuity, and after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, highway matters, noise, restoration and aftercare.

### **Background**

This application along with application ref. 09/13/1075 for the periodic review of existing planning conditions was presented to Development Control Committee on 2 March 2016 following a site visit the preceding day.

Following an officer presentation at Committee and after listening to two public speakers, the Committee resolved to defer determination of both applications until officers had explored the opportunity to formulate an additional condition to more closely control the phased restoration of the site in relation to the periodic review application (ref. 09/13/1075) and to examine opportunities to control waste types in relation to the extension application (ref. LCC/2015/0069).

Application 09/13/1075 was re-presented to the County Council's Development Control Committee on 13 April 2016 and the Committee resolved to approve the recommended planning conditions.

Application LCC/2015/0069 was deferred to this Committee at the applicant's request to allow a review of contractual and operational matters. The previous report is attached as Appendix A.

### **Advice**

Clayton Hall Landfill is a non-hazardous waste landfill and is regulated under a non-hazardous landfill permit. The site can accept all waste types that fall within the category of 'non-hazardous' and this would include domestic, commercial or industrial waste. Each landfill cell has to be constructed to the specification of a non-hazardous site including construction of a geological barrier and artificial liner, leachate drainage and collection, gas collection, leachate and gas monitoring and capping.

The specific waste types are, and would be, controlled through the permit. Government guidance within the National Planning Policy Framework states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The County Council must assume the pollution control regime will work effectively and the County Council should not duplicate such controls. To seek to control specific waste types through the planning process would result in a duplication of controls or conflicting requirements contrary to the advice in the NPPF and is therefore not recommended.

The site already benefits from planning permission for the disposal of non-hazardous waste and this permission cannot be removed. The additional landfill capacity that would be provided by the proposed extension is not significant. In addition the extension area is in that part of the site furthest from local residents and could be landfilled using mixed non-hazardous waste without causing unacceptable harm to the amenities of local residents.

### **Recommendation**

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping and habitats for a period of 5 years in addition to 5 years of aftercare controlled by condition (including the site area under permission 09/98/0049 (now replaced by permission 09/13/1075)), and the maintenance and management of footpaths and public access in perpetuity, and after first taking into

consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the conditions set out in the report to Development Control Committee on 2 March 2016 (see Appendix A).

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

Paper	Date	Contact/ext.
LCC/2015/0069	May 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

**Appendix A**

Planning Application LCC/2015/0069 – Report to Development Control Committee on 2 March 2016.