

**Development Control Committee**  
Meeting to be held on 8th May 2019

Electoral Division affected: Fleetwood East
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**Wyre Borough: Application number LCC/2018/0059**  
**Variation of conditions 1, 2 and 25 of planning permission 02/99/0704 to allow the period for landfilling operations to continue until 31 December 2033 with a further 12 months to restore the site. Jameson Road Landfill Site, Jameson Road, Fleetwood.**

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### **Executive Summary**

Application - Variation of conditions 1, 2 and 25 of planning permission 02/99/0704 to allow the period for landfilling operations to continue until 31 December 2033 with a further 12 months to restore the site. Jameson Road Landfill Site, Jameson Road, Fleetwood.

### **Recommendation – Summary**

That subject to the applicant entering into a section 106 agreement providing for an extended aftercare period of 15 years following the completion of restoration, provision of a footpath across the restored site and provision of two bird hides for a period of 99 years following restoration of the site, planning permission be **granted** for the variation of conditions 1, 2 and 25 of planning permission 02/99/0704 to allow the period for landfilling operations to continue until 31 December 2033 with a further 12 months to restore the site, 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**

The application is for a variation to conditions 1, 2 and 25 of planning permission 2/99/0704 relating to the landfilling and restoration of Jameson Road Landfill Site, Fleetwood.

Condition 1 requires landfilling operations to cease not later than 31 December 2018.

Condition 2 requires that the site shall be progressively restored in accordance with the conditions of the permission and shall be restored in its entirety by 31 December

2020 or within 24 months from the cessation of landfilling, as defined in the permission, whichever is the earlier.

Condition 25 requires that in the event of there being a cessation of landfilling, as defined in 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 within six months of such cessation. The cessation of landfilling is defined as no landfilling having been carried out for a continuous period of 2 years.

The application seeks to vary condition 1 to extend the end date of the landfill operations until 31 December 2033, a further period of 15 years and also to amend conditions 2 and 25 such that progressive restoration of the entire site is achieved within 12 months of cessation of landfilling, this date being when no landfill operations have taken place for 10 years.

A screening opinion for the proposed development determined that it would not be likely to have significant adverse effects on the environment and therefore would not constitute EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Description and Location of Site**

Jameson Road Landfill Site covers an area of approximately 63 hectares and is located 1km south of Fleetwood Town Centre. The site is bound by the Wyre Estuary to the east and Jameson Road to the west. To the north is the Fleetwood Marsh Industrial Lands Biological Heritage Site with the former ICI Hillhouse works (lagoons) landfill site at Burn Naze, to the south, which is currently being restored to a nature conservation area via the importation of construction, excavation and demolition waste. Fleetwood Waste Water Treatment Works, and a vacant cleared industrial site are on the west side of Jameson Road. The ICI Hillhouse International Pool Biological Heritage Site and the Jameson Road Saltmarsh Biological Heritage Site adjoin the south-west and the south-east corners, respectively, of the landfill site. The Wyre Estuary is designated as the Morecambe Bay and Duddon Estuary Special Protection Area and Ramsar site, and the Wyre Estuary Site of Special Scientific Interest.

The site is accessed from the A585 (T) via Fleetwood Road (B5268) and Jameson Road. The nearest residential properties are approximately 400m from the north boundary of the landfill site. The Broadwaters Caravan Park and Cala Gran Caravan Park are located approximately 100m to the south-west boundary of the landfill site,

The landfill site is divided into two distinct areas known as 'JRP1' and 'JRP2', that are separated by a valley feature; this has arisen as a result in the change to Environment Agency's Environmental Permitting requirements that required changes to the engineering of landfill sites. The older phases of landfill, JRP1, cover an area of approximately 44 hectares and occupies the majority of the landfill site on its north, west and south sides. They have been largely capped and restoration soils placed, and reach an elevation of around 24m AOD. The site infrastructure (landfill gas management and electricity generation compound, leachate treatment plant, site

office and weighbridge) are located inside the site entrance by the access road from Jameson Road.

A modern engineered containment landfill, referred to as JRP2, covers an area of approximately 19 hectares and is located on the eastern side of the site. The area is divided into three phases, with each of the three phases being sub-divided into three cells. Five of these nine containment cells have been filled, capped and restoration soils placed, and reach an elevation of around 28m AOD. The remaining four cells are the extent of land still to be filled to the approved contours. The footprint of the area to be landfilled is around 7 hectares (increasing to around 11 hectares when taking into account filling against the slopes to the completed phases). The area still to be landfilled was prepared some time ago for landfilling and is occupied by stockpiles of soil with the ground levels ranging from around 2.4m AOD (south) to 4.5m AOD (east).

The four unfilled cells are all located within Flood Zone 2, with some parts being within Flood Zone 3. On the boundary of the site with Wyre Estuary is a flood defence bund.

## **Background**

The site is an established landfill site. The planning permissions that are relevant to this current proposal are as follows:

Planning permission for the landfilling/ landraising operations to a height of 16M AOD, was granted in January 1984 (ref. 2/83/1379 and 2/83/1380).

Planning permission for an extension of the existing landfill, was granted in April 2006 (ref. 02/99/0704). This permission was subject to a Section 106 Agreement providing for an extended aftercare period of 15 years following the completion of restoration, and the provision of a footpath across the restored site and provision of two bird hides for a period of 99 years following restoration of the site.

Planning permission for a variation of Condition 9 of permission 02/99/0704, to alter the operating hours, was granted in June 2007 (ref. 02/07/0406).

## **Planning Policy**

### *National Planning Policy Framework*

Paragraphs 7 - 11, 47, 54 – 55, 80, 108, 110 - 111, 155 - 163, 170, 175 – 177, 180 and 183 are relevant with regard to the following:

Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications and planning conditions and obligations; Building a strong, competitive economy; Promoting sustainable transport – considering development proposals; Making effective use of land; Meeting the challenge of climate change, flooding and coastal change – planning and flood risk, and Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution.

*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 LF1 Sites for Non-Hazardous Landfill

*Wyre Local Plan (2011 – 2031)*

Policy SP1 Development Strategy  
Policy SP2 Sustainable Development  
Policy CDMP1 Environmental Protection  
Policy CDMP2 Flood Risk and Surface Water Management  
Policy CDMP3 Design  
Policy CDMP4 Environmental Assets  
Policy CDMP6 Accessibility and Transport

**Consultations**

Wyre Borough Council - Object as the proposed variation of condition 25 would have a harmful impact on the visual amenity of the area by reason of the unspecified time commitment to the restoration of the site in the event of a cessation of land filling. The non-restoration of the site for a period of up to 15 years would be harmful to the character of the area and considered contrary to policy CDMP3 of the adopted Wyre Local Plan (2011-2031).

Fleetwood Town Council - No observations received.

Environment Agency - No objection and comment that the remaining void space (phase 2) has a permit that is still in force. Gas and leachate are collected and treated on site in a separately permitted operation. The closed (phase 1) area has a separate permit that is still in force, with its gas and leachate treated as for phase 2.

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.

Jacobs (Ecology) – No objection and comment that undertaking a Habitats Regulations Assessment is not required but that surveys of waterbodies within the application site be undertaken prior to the determination of the application to determine the presence of Great Crested Newt and common reptile. The application site is likely to attract ground nesting bird species and standard measures for the avoidance of impacts on nesting birds should be secured by planning condition. Badger checks should be undertaken prior to the commencement of works. As regards restoration, a condition should be included on any consent requiring a revised restoration plan including locally appropriate coastal habitats and a reduction in the woodland component for the remaining area to be restored and that this revised restoration plan is submitted 12 months before any restoration is due to be commence.

Natural England – No objection and comment that the original Habitats Regulations Assessment should be updated to make sure it accounts for current circumstances of the proposal, assesses the impact of the increased timescales and complies with the People over Wind ruling.

The Lancashire Wildlife Trust - No objection.

National Air Traffic Services - No objection.

Ministry of Defence Lands – Safeguardings – No observations received.

Blackpool Airport – No observations received.

Lead Local Flood Authority - No observations received.

Representations – The application has been advertised by site and press notice and neighbours have been notified by letter. Seven objections have been received from residents to the north of the site and from the owner of the Cala Gran Caravan Park raising the following issues:

- Odour and air pollution.
- Contamination of ground water.
- General pollution to the local area from whatever maybe tipped at this site.
- A landfill site so close to the river is a ticking time bomb as the waste could be exposed by erosion over a period of time.
- Vermin infestation.
- The devaluation of the value of residential properties.
- The submitted traffic, odour and noise assessments are out of date as they rely heavily on data that accompanied planning application 02/99/0704.
- Not to install temporary caps on non-operational areas, and not to cap and restore completed areas, as soon as is possible, may create risks associated with fires, pest infestation and odours. To prevent this, a condition should

require the temporary capping of any non-operational areas, and that the site is promptly restored at the earliest.

- Landfilling operations should be restricted to 0700 to 1900 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays).

## **Advice**

Jameson Road Landfill site is an existing major landfill site for the disposal of biodegradable and non-hazardous household, commercial and industrial waste. The landfill site has been operational since the 1970s. Planning permission 02/99/704 provided for the extension of the site and re-profiling by increasing the height of tipping.

The proposals contained within application 02/99/704 were determined to be EIA development and hence the application was accompanied by an Environmental Statement. A screening opinion undertaken for this current proposed time extension planning application determined that it would not constitute EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application seeks to vary conditions 1, 2 and 25 of planning permission 02/99/0704 to allow the period for landfilling operations to continue until 31 December 2033. The existing planning permission through conditions 2 and 25 also requires the site to be restored if no landfill activities have taken place for a period of two years. The applicant proposes that these conditions be amended such that restoration has to be undertaken if no landfilling activities have been carried out for a period of 10 years.

The landfill site has been moth-balled since April 2017 because Lancashire County Council's residual municipal waste is currently contracted for disposal at Whinney Hill landfill site in Accrington and will continue to do so until approximately 2025. It may be that before or at that time some or all such waste streams revert to Jameson Road landfill for disposal. However, at the current time, the waste volumes available are such that it is not economically viable to keep the site open.

The remaining void space at the site has a volume of around 1,000,000m<sup>3</sup>. It is the applicant's intention to reserve this void space with a view to recommencing operations when market conditions make it viable or as other void space in the wider area diminishes. The time limits as set out in conditions 1 and 2 of the current permission 02/99/704 require site restoration by 31 December 2020 and therefore would not allow for the remaining void space at the site to be reserved for future use.

This planning application therefore proposes to vary conditions 1 and 2 of the existing permission 02/99/704 to allow the date for final restoration of the site to be deferred until 31st December 2034. It is also proposed to vary Condition 25 so that the trigger for the implementation of final restoration of the whole site is when no landfilling activities have taken place for a period of 10 years rather than the two year period as contained in the existing condition 25.

The applicant has advised that, while the planning application seeks to extend the duration of the permission for nearly 15 years, it is important to stress that the active landfill operations would not be 15 years in duration. A decision to reactivate the site would depend upon market conditions and input rates. At typical previous input rates of 150,000 tonnes per annum, the void would be full in around 6 to 7 years (assuming a density of 1 tonne/m<sup>3</sup>), but at a lower input rate it could take much longer. As such, the timescale being applied for allows for the continued moth-balling of the landfill and a period of infilling and restoration works to complete the final cells as and when market conditions allow.

The proposal raises a number of planning policy issues: the ongoing need for landfill capacity; the environmental impacts arising from the continuation of the development over a longer period than was originally permitted in relation to landscape and visual, ecology and habitats, traffic, dust, noise and odour, ground and surface water pollution, and flood risk; and the restoration and afteruse of the site.

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 Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and the Wyre Local Plan (2011 – 2031).

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 inability to complete landfilling on this site within the permitted dates has been due to a number of factors. As previously mentioned, Lancashire County Council's residual municipal waste is currently contracted for disposal at Whinney Hill Landfill Site and will continue to do so until approximately 2025. The consequence is that Jameson Road Landfill Site has been moth-balled since April 2017 due to waste inputs being economically unviable. 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 those parties who have to landfill waste 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 diversion of Lancashire County Council's residual municipal waste away from the site combined with the much reduced amounts of landfilled waste 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.

It may be that some or all of such waste streams that are currently deposited at Whinney Hill Landfill Site revert to Jameson Road Landfill for disposal before or at 2025. Therefore, the proposed time extension would allow for the permitted void space to be reserved should it be needed to accept Lancashire County Council's residual municipal waste, as and when the need arises, and also depending on future contractual arrangements.

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 proposal would not result in any change to the size and design of the development approved under planning permission 02/99/704 with the footprint of the area yet to be landfilled remaining at around 7 hectares. The permitted void space at this site is already factored into the calculation of required landfill capacity in Lancashire. There will be an ongoing demand for the disposal of biodegradable and non-hazardous household, commercial and industrial waste in Lancashire. Including by landfilling. The maintenance of the permitted void space at Jameson Road would ensure the future availability of a facility to dispose of such waste arisings. In principle, the extension of time of the period for landfilling operations to continue until 31 December 2033 at Jameson Road Landfill Site, with a further 12 months to restore the site, and to also allow the period of cessation of landfilling to be increased to 10 years, is supported by Policy LF1, subject to the impacts being acceptable, and also complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Lancashire Minerals and Waste Core Strategy, and Policies DM1 and WM1 of the Joint Lancashire Minerals and Waste Local Plan.

An extension to the lifespan of the landfill site would generate impacts over a longer period and that have to be assessed.

#### Landscape and Visual Impact

The landfill site is not within or close to any area of designated landscape or townscape importance. A landscape and visual assessment submitted with the application concludes that there would not be any significant impacts.

The part of the site that would be completed over a longer period is on the east side of the landfill site adjacent to the Wyre Estuary. Views of this area are mainly at distance from the east side of the Wyre Estuary. The views of the future landfill area from Fleetwood are largely screened by the completed parts of the landfill within

area JRP1 which surround JRP2 on three sides. The final contours of area JRP2 form the highest parts of the site but the highest areas have already been completed and therefore the remaining areas of landfill activity should be relatively well screened from most directions by the landforms that have already been created. The landscaping works to be undertaken on the already restored areas will increase the screening to any future landfill activities that are undertaken over the proposed longer time frame.

The northern, western and southern flanks of the landfill site (the JRP1 area) were all filled to final level some time ago and have since been receiving soil materials in order to restore these areas. The restoration works on most of these areas have now been completed although progress is dependent upon the availability of soil materials to complete the restoration works and allow landscaping works (seeding and tree and shrub planting) to be undertaken. It is considered that any new planning permission that is granted should include a condition relating to the ongoing restoration of the JRP1 area so that it is restored and landscaping works completed within an acceptable timescale.

The other unrestored areas of the site are the site access roads on the west and south sides of the landfill site, and the valley feature between areas 'JRP1' and 'JRP2' of the site. Views of works to these areas would be limited due to their scale and distance to the wider areas to the north, south and west in Thornton and Fleetwood.

### Ecology and Habitats

The site is not located within any ecological designations of European or national importance. The area of the site remaining to be landfilled has no natural features as it has been cleared in preparation for landfilling. However, there is the potential to indirectly affect the Morecambe Bay SPA and Ramsar site and the Wyre Estuary SSSI, as these sites are immediately to the east of the landfill site. Due to the potential impacts on the adjacent European wildlife sites, the requirements of the Habitats Regulations are therefore engaged.

Natural England have not objected but comment that, because the proposal is adjacent to the Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar and Wyre Estuary SSSI, an assessment (called a Habitats Regulations Assessment) should be made as to whether the development would have a likely significant effect on the European Wildlife Sites. Natural England consider that the proposed time extension would be likely to have a likely significant effect on the SPA, Ramsar and SSSI, and so the application should be subject to an Appropriate Assessment under the Habitats Regulations.

Jacobs (Ecology) have not objected but comment that undertaking a Habitats Regulations Assessment is not required as both Natural England and LCC's Specialist Advisor for Ecology have previously commented as part of an EIA Screening exercise for this proposal that the site is not located within, or partly within any SSSI, Special Area of Conservation, SPA or Ramsar Site and is not likely to significantly affect the interest features for which they are notified. However, to address the comments of Natural England, the County Council has undertaken a

Habitats Regulations Screening Assessment in order to establish if the proposal would have a likely significant effect on the adjacent European wildlife site. It is the County Council's view that the proposal would not have such an effect as there is no direct loss of protected or supporting habitat, the potential pollution impacts are already mitigated through the engineering of the site and the impacts arising from noise, dust and other disturbance would not have a significant impact on the bird species for which the site is designated.

Based on the above comments, it is considered that that the proposal is not likely to have a significant effect on the internationally important interest features of the site, alone, or in combination with other plans and projects. It therefore follows that an Appropriate Assessment under the Habitats Regulations would not have to be undertaken.

Jacobs (Ecology) also comment that surveys of suitable waterbodies within the application site be undertaken prior to the determination of the application to determine the presence of Great Crested Newt. In response, the only waterbodies on the application site are on land that has been prepared for landfilling operations. These waterbodies are nearly 700m from ponds from where Great Crested Newt have been recorded on the Fleetwood Marsh Industrial Lands Biological Heritage Site to the north of the landfill site. Given this distance and the terrain of the partially landfilled site that Great Crested Newt would have to cross to reach the aforementioned waterbodies, it is considered highly unlikely that there would be any impacts on Great Crested Newt. For similar reasons, it is considered highly unlikely that there would be any impacts on common reptile that have been recorded to the west of the Fleetwood Waste Water Treatment Works which is 600m from the area still to be landfilled.

The application site is likely to attract ground nesting bird species and standard measures for the avoidance of impacts on nesting birds should be secured by planning condition. The whole site is surrounded by fencing and therefore it is unlikely that any badgers would be affected by the continuation of landfilling activities.

It is therefore considered that the proposed development would not have any unacceptable impacts on ecology.

### Traffic

There would not be changes in the route of traffic to the site, or an increase in traffic volumes on the surrounding road network associated with the delivery of waste to the site, and its restoration, when compared to the currently approved traffic movements. Control of highway matters can be achieved through the use of planning conditions. The proposed time extension is therefore considered acceptable in terms of the capacity and safety of the local highway network.

### Local Amenity Impacts

The main sensitive receptors are residential development in the nearest urban areas and areas of tourist accommodation in particular the caravan parks that are located

on either side of Jameson Road. Since the planning permission for the extension of the site was granted in 2006, there has been substantial areas of new residential development around the Fleetwood Dock area. A number of representations have been received from properties in this area.

A further objection has been received from the owner of the Cala Gran Caravan Park. The owners state that their site accommodates around 200,000 visitors per year and also has around 450 other permanent caravan owners. Cala Gran therefore state that their site makes a considerable contribution to the local economy. Cala Gran object to the application as they are concerned about traffic, odour and noise impacts and request that such impacts are properly assessed as part of this application, Cala Gran also request that the operating hours are more restrictive so that they do not permit landfilling activities on Saturday afternoons and Sundays.

The closest residents in the Fleetwood Dock area are around 750 metres to the north of the area of remaining landfill activity. The nearest caravans on the Cala Gran site are around 660 metres to the south west of the site. Due to these separation distances, any dust and noise would be likely to dissipate to levels that would not significantly affect such areas. The northern, western and southern sides of the landfill has also been restored so that the further landfill operations in Area JRP2 will largely be screened from the properties in the Fleetwood Dock area and from the Cala Gran caravan site. This screening would be further enhanced as landscaping is undertaken and matures on the previously restored areas. It is also important to recognise that it is very unlikely that landfilling operations will be undertaken continuously over the extended permission duration. It is more likely that operations would have an extended period of dormancy and then resume when waste volumes are sufficient for the site to be economically viable. Odours may be generated from areas of previously deposited waste. However, in order for the site to be retained in a dormant state, areas of tipping that have not been finally restored will have to be temporarily capped which will reduce the potential for odours and litter to be produced from the site. Cala Gran request that the temporary capping of semi filled areas is subject to a planning condition. It is considered that this matter would be addressed by the Environment Agency permit. The applicant is willing to accept a limitation to prevent landfilling on Saturday afternoons and Sundays with the exception of waste delivered from household waste centres.

The representation concerning the devaluation of the value of residential properties is not a valid planning issue.

Subject to conditions being imposed regarding noise, dust and hours of operations, it is considered that impacts on local amenity would be acceptable in terms of policy DM2 of the Lancashire Minerals and Waste Local Plan.

#### Ground and Surface Water Pollution and Flood Risk

There is the potential for the pollution of both ground water and the surface water of the adjacent Wyre Estuary from leachate from deposited waste, and from chemicals, oil or fuel from the use of plant and machinery.

However, the current landfill operations are undertaken within an engineered containment system, whereby the base of the landfill is lined to an agreed specification. The continued operation of the landfill site would not lead to any changes to the design of the existing containment system. Leachate generated by the deposited waste is monitored and managed via an Environmental Permit from the Environment Agency. The provision for the collection, treatment and disposal of all water entering or arising on the site, and the storage of and the prevention of pollution from chemicals, oil or fuel would be achieved through the use of planning conditions.

The area still to be landfilled is located within Flood Zone 2, and partially within Flood Zone 3. On the boundary of the site with Wyre Estuary is a flood defence bund. Undertaking the operations over a longer period than previously approved would not increase flood risk.

### Section 106 Agreement

Planning permission 02/99/0704 was subject to a Section 106 Agreement requiring an extended aftercare period of 15 years following the completion of restoration, and the provision of a footpath across the restored site and provision of two bird hides for a period of 99 years following restoration of the site. Providing any new permission is subject to the same aftercare and afteruse controls, the proposal is acceptable in relation to these matters.

### Conclusions

This proposal would allow an existing uncompleted landfill site to be retained for a further period to allow it to accept waste materials should a need and demand arise over the period to 2033. It is considered that the proposal is supported by national policy and the policies of the Lancashire Minerals and Waste Local Plan which support the continuation of existing landfill sites as part of a mix of different types of waste management facilities.

Extending the duration of the permission would not have any unacceptable impacts on local amenity, ecology or the local highway network.

Planning conditions attached to the existing permission 02/99/0704 also control the phasing of tipping and interim and final restoration, proposed final tipping levels, site operations, hours of operation, soils and overburden, 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, should address the objections and accord with the requirements of the National Planning Policy Framework, Policy CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policies SP1, SP2, CDMP1, CDMP2, CDMP3, CDMP4 and CDMP6 of the Wyre Local Plan (2011 – 2031).

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 subject to the applicant entering into a section 106 agreement providing for an extended aftercare period of 15 years following the completion of restoration, provision of a footpath across the restored site and provision of two bird hides for a period of 99 years following restoration of the site, planning permission be **granted** subject to the following planning conditions:-

## **Time Limits**

1. The landfilling operations authorised by this permission shall cease not later than 31 December 2033.

*Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies DM2 and LF1 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy SP2 of the Wyre Borough Local Plan.*

2. The site shall be progressively restored in accordance with condition 22 of this permission and shall be restored in its entirety by 31 December 2034 or within 12 months from the cessation of landfilling as defined in this permission, whichever is the earlier.

*Reason: To ensure the progressive restoration of the site 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 SP2 of the Wyre Borough Local Plan.*

## **Working Programme**

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

a) Planning Permission No. 02/99/704, as amended by Planning Application LCC/2018/0059 and accompanying Planning Statement received by the County Planning Authority on 10 December 2018.

b) Submitted Plans and documents accompanying planning permission 02/99/704:

Drawing Ref. 02/288/8/001 - Site Plan  
Drawing Ref. 02/288/8/002 - Existing Landform & Internal Leachate Control System  
Drawing Ref. 02/288/8/003 - Stage 1  
Drawing Ref. 02/288/8/004 - Stage 2  
Drawing Ref. 02/288/8/005 - Stage 3  
Drawing Ref. 02/288/8/006 - Stage 4  
Drawing Ref. 02/288/8/007 - Stage 5  
Drawing Ref. 02/288/8/008 - Stage 6  
Drawing Ref. 02/288/8/009 - Stage 7  
Drawing Ref. 02/288/8/010 - Development Quantities  
Drawing Ref. 02/288/8/012 - Restoration Contours  
Drawing Ref. 02/288/8/017 - Dividing Bunds  
Drawing Ref. 02/288/8/018 - Environmental Monitoring Points/Boreholes  
Drawing Ref. 02/288/8/020 - Deployment of Odour neutralising Sprays  
Drawing Ref. 02/288/8/021 - Perimeter Leachate Extraction/Collection System  
Drawing Ref. L04/00/38B - Location of Leachate Wells  
Drawing Ref. LO4/00/55 - Proposed Restoration Contours & Cross-sections  
Drawing Ref. 302/0/0 - Landscape Proposals

Submitted Plans and documents received by the County Planning Authority on 10 December 2018 accompanying planning application LCC/2018/0059:

Drawing No. JR 2/1 - Site Location Plan  
Drawing No. JR 2/2 - Application 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 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 and LF1 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SP2 of the Wyre Borough Local Plan.*

### **Phasing of Landfill Operations**

4. Within three months of the date of this permission, a scheme and programme for the phasing and progressive restoration and landscaping 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) a phasing programme for the completion of restoration within area JRP1 and implementation of the landscaping works required by condition 22 to this permission.
  - b) the phasing of landfill operations within area JRP2 and progressive restoration.

*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 SP2 of the Wyre Borough Local Plan.*

## **Site Operations**

5. A copy of this permission and all the documents referred to in condition 3 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 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 SP2 of the Wyre Borough Local Plan.*

6. A topographical survey of those areas of the site where wastes have been deposited shall be submitted to the County Planning Authority within one month of each 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 7 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 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 SP2 of the Wyre Borough Local Plan.*

7. 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 SP2 of the Wyre Borough Local Plan.*

8. The site shall be the final place of deposit for all waste and no waste shall be removed from the site once it has been deposited within the landfill area.

*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 Policy SP2 of the Wyre Borough Local Plan.*

### **Hours of Working**

9. No landfilling operations shall take place outside the hours of:

0730 to 1730 hours, Mondays to Fridays (except Public Holidays)  
0800 to 1300 hours on Saturdays.

No landfill operations shall take place on Sundays or public holidays.

These hours shall not apply to the landfilling of waste originating from Household Waste Disposal Centres or to engineering or site restoration works which shall be undertaken between the hours of 0700 to 1900 hours on Mondays to Saturdays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs 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 Policy SP2 of the Wyre Borough Local Plan.*

### **Highway Matters**

10. The wheel cleaning facilities at the site shall be maintained in working order and shall be used by all HGVs 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 Policy SP2 of the Wyre Borough Local Plan.*

11. 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 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 SP2 of the Wyre Borough Local Plan.*

12. The sole access to and egress from the site shall be from the existing access on Jameson Road.

*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 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 SP2 of the Wyre Borough Local Plan.*

### **Control of Noise**

13. 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 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 SP2 of the Wyre Borough Local Plan.*

14. Noise emitted from the site shall not exceed 55 dB LAeq (1 hour) (free field), as defined in this permission, when measured from the northwest corner of the caravan site on the south side of Jameson Road (NGR 328 455).

*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 Policy SP2 of the Wyre Borough Local Plan.*

## **Dust**

15. The dust suppression measures contained in the scheme and programme approved under the requirements of condition 18 of planning permission 2/99/704 shall be employed at all times during the development.

*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 Policy SP2 of the Wyre Borough Local Plan.*

## **Safeguarding of Watercourses and Drainage**

16. Measures for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall no discharge of contaminated or polluted drainage to ground or surface waters shall be undertaken at all times in accordance with the scheme and programme approved under the requirements of condition 19 of planning permission 2/99/704.

*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 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 SP2 of the Wyre Borough Local Plan.*

17. 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 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 SP2 of the Wyre Borough Local Plan.*

## **Soils and Overburden**

18. Spreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

*Reason: To ensure the proper handling, storage and replacement of soils 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 Policy SP2 of the Wyre Borough Local Plan.*

## **Landscaping**

19. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

*Reason: In the interests of visual and local amenity and the local environment 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 SP2 of the Wyre Borough Local Plan.*

20. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. This also applies to ground nesting birds. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds 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 SP2 of the Wyre Borough Local Plan.*

21. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare periods.

*Reason: In the interests of visual and local amenity and the local environment 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 SP2 of the Wyre Borough Local Plan.*

## **Restoration**

22. The final restoration of the site shall be undertaken in accordance with the scheme and programme approved under the requirements of condition 28 of planning permission 2/99/704.

The landscaping works including tree and hedge planting within any phase shall be undertaken in the first planting season following the restoration soils in that phase being respread to the depths proposed in the approved restoration scheme.

*Reason: 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, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy SP2 of the Wyre Borough Local Plan.*

23. In the event of there being a cessation of landfilling as defined in 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 within six months of such cessation.

The scheme and programme shall provide for the restoration of the site using on-site material plus imported capping material, subsoil and topsoil only and shall include details of:

- a) The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads, subsidiary site roads and hardstanding areas.
- b) The final levels and landform of the site.
- c) Surface water drainage in order to demonstrate that the site will be free draining, identifying appropriate discharge points.
- d) The respreading and depth of soil making materials and seeding specification.
- e) Native tree and shrub planting and seed specification and their cultivation and protection.
- f) The methods to be employed to promote normal plant growth.
- g) Amendments to the restoration scheme previously approved under this permission to provide for the restoration of the site to a similar standard and

land use as contained in the hitherto approved scheme and programme, taking into account the information above.

h) Monitoring of settlement and remedial measures to be adopted.

The scheme and programme shall be implemented within a period of 24 months from the date of written approval by the County Planning Authority.

*Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale 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 SP2 of the Wyre Borough Local Plan,*

24. If, following the restoration of any part of the site, differential settlement occurs that requires remediation, the details of the necessary remediation works shall be submitted to the County Planning Authority for approval in writing. The details shall include information on the area to be subject to remediation works, the materials to be used, timescale and details of restoration following completion of the works. The approved details shall be carried out in their entirety.

The scheme and programme shall include details of the duration of the regrading works, the materials to be used and the restoration of the surface of the land.

*Reason: To secure the proper restoration of the site in accordance with an approved scheme 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 SP2 of the Wyre Borough Local Plan*

## **Monitoring**

25. A monitoring report shall be submitted to the County Planning Authority by 31 March of each year and at annual intervals thereafter until the end of the aftercare period referred to in this permission as defined in this permission. The report shall record in detail, as appropriate, the operations carried out on the land during the previous 12 months in respect of landfilling and measures taken to implement the restoration and aftercare provisions and setting out the intended operations for the next 12 months.

*Reason: To enable the site to be monitored and to ensure compliance with the planning permission 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 SP2 of the Wyre Borough Local Plan,*

**Aftercare**

26. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, in phase JRP1 or any of the 3 phases of JRP2, aftercare works shall take place in that phase for a period of five years in accordance with the scheme and programme approved under the requirements of condition 28 of planning permission 2/99/704.

*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 Policy SP2 of the Wyre Borough Local Plan.*

**Definitions**

Cessation of landfilling: no landfilling having been carried out for a continuous period of 10 years.

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

Planting Season: The period between 1 October in any one year and 31 March in the following year.

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

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in in phase JRP1 and in any of the three phases of JRP2 have been completed satisfactorily.

**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
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None

Reason for Inclusion in Part II, if appropriate

N/A