

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Regulatory Committee

**Date of Committee** 15th November 2005

**Report Title** **Dunton Landfill Site – Extension of Time Period Permitting the Storage and Recycling of Waste Materials**

**Summary** The application proposes to extend the time limit for the storage and recycling of waste materials at land at Dunton Landfill Site, as approved in Planning Permission NW369/00CM013 for a further five years.

**For further information please contact** Richard Forbes  
Planning Officer  
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**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** Letter from ALP Ambrose applying to vary the condition dated 4th July 2005.  
One letter of representation.  
Letter from Curdworth Parish Council dated 2nd August 2005.  
Letter from North Warwickshire Borough Council dated 18th August 2005.  
Letter from the Highways Agency dated 31st August 2005.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

- Other Committees  .....
- Local Member(s)  Councillor Mrs J Lea – No comments received.  
(With brief comments, if appropriate)
- Other Elected Members  .....
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

- Chief Executive  .....
- Legal  I Marriott – comments incorporated.
- Finance  .....
- Other Chief Officers  .....
- District Councils  North Warwickshire Borough Council – Objection  
(see paragraph 2.1.)
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Curdworth Parish Council, Lea Marston Parish  
Council, Environment Agency, Highways Agency  
– See paragraph 2.

**FINAL DECISION**                      **YES/NO**      *(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Regulatory Committee – 15th November 2005

### Dunton Landfill Site – Extension of Time Period Permitting the Storage and Recycling of Waste Materials

#### Report of the Director of Planning, Transport and Economic Strategy

##### Recommendation

That the Regulatory Committee authorises the grant of planning permission to vary condition No. 2 attached to Planning Permission Ref. No. NW369/00CM013 (as amended by the appeal decision dated 10th September 2001) to permit the storage and recycling of Waste Materials at Dunton Landfill, Curdworth until 31st December 2010, instead of 15th July 2005, subject to the conditions and the reasons contained in **Appendix B** of the report of the Director of Planning, Transport and Economic Strategy.

APPLICATION NO: NW369/05CM019

RECEIVED BY COUNTY: 5/7/2005

ADVERTISED DATE: 11/8/2005

APPLICANT: KSD Haulage Contractors Ltd, 11 Hammond Close, Attenborough Fields Industrial Est, Nuneaton, Warwickshire, CV11 6RY.

AGENT: ALP Ambrose, Minerals Planning and Development Consultancy, Highway House, Asfare Business Park, Hinkley Road, Wolvey, Leicestershire, LE10 3HQ.

THE PROPOSAL: Section 73 Application: Variation of Condition No. 2 attached to Planning Permission Ref. No. NW369/00CM013 (as amended by the appeal decision dated 10th September 2001) to permit the storage and recycling of Waste Materials at Dunton Landfill, Curdworth until 31st December 2010, instead of 15th July 2005.

SITE & LOCATION: Dunton Landfill Site, Lichfield Road, Dunton, Curdworth. [Grid Ref:189.932].

See Plan in **Appendix A**.

## 1. Application Details

- 1.1 This current application seeks to extend the time limit for the storage and recycling of waste materials in the southern portion of Dunton Landfill site by another 5 years, up to the 31st December 2010.
- 1.2 This would bring this particular operation in line with the other permitted minerals and waste management activities on site.

## 2. Consultations

### 2.1 North Warwickshire Borough Council – raises objection:-

1. Contrary to Green Belt Policy.
2. Very prominent position visually.
3. Unsustainable location
4. Additional recycling use would intensify the uses already permitted on the site to the detriment of the openness of the Green Belt.
5. Prolonging the likelihood of the land being reinstated to an appropriate rural and sustainable use.
6. Support the Highways Agency comments regarding the lack of assessment of the traffic impact for the extended period.

### 2.2 Curdworth Parish Council – raises objection:-

1. Waste material, probably plastic and tyres, is being burnt on site.
2. Stockpile heights are exceeding bund heights causing an eyesore.
3. Windbourne dust.
4. Public Right of Way skirting the site is poorly maintained.

### 2.3 Councillor Mrs J Lea – No comments received.

### 2.4 Environment Agency – No comments received.

### 2.5 Highways Agency – Does not propose to give a direction restricting the grant of planning permission 31/8/05. The Agency is content that the proposal is unlikely to be detrimental to the safe and free flow of traffic upon the A446 trunk road.

## 3. Representations

### 3.1 One letter of objection has been submitted by the owner of Dunton Therapy Clinic, the property to the north of the site, dated 7th August 2005. Concerns include:-

- (i) Noise
- (ii) Dust
- (iii) Litter
- (iv) Visual impact
- (v) Working hours

This letter states that these are existing problems experienced from operations on site.

## **4. Background**

- 4.1 Planning permission NW369/00CM013 permits Dunton Landfill to be used for the storage and recycling of waste materials. Condition 2 of the consent time limited the permission until 13th July 2002. However, this was later amended at Appeal, under appeal reference APP/H3700/A/01/1065515, extending the time limit to the 15th July 2005. This current application seeks to extend the time limit by another 5 years up to the 31st December 2010, bringing the recovery and recycling operation permitted to the south of the site in line with the other permitted minerals and waste management activities on site.

### **Site and Surroundings**

- 4.2 Dunton Landfill Site lies to the east of the A446 (T) Stonebridge to Lichfield Road, just to the south of Junction 9 of the M42 motorway (Dunton Island). The site is adjoined to the north by open rough grassland, to the east by grazing land and to the south by arable farmland. Two residential properties are located in the vicinity of the site; Dunton Hall is situated 75 metres to the north of the site and Newland Cottage is located 200 metres to the south. Footpath M16 skirts the western, southern and eastern boundaries of the site.
- 4.3 The Landfill itself in recent years has been subject to land raising, resulting in an elevated landform. The southeastern corner of the landfill has yet to be worked and filled and is currently the site of the inert waste recycling operation. This corner of the site forms the redline site for this particular application.

### **Planning History**

- 4.4 Planning permission was originally granted for the winning and working of sand and infilling with solid inert waste materials at Dunton Landfill in 1952. The majority of the site has been predominantly worked and infilled, with only the southeastern corner left.
- 4.5 Since 1995 the southeastern corner of the site has been used, under a number of temporary permissions, for the storage and recycling of waste materials. The current permission, granted on appeal, requires the use to cease on or before the 13th July 2005. This application seeks to vary this time limit.
- 4.6 In October 2002 planning permission was granted, subject to the signing of a Section 106 Agreement, for the reprofiling of the landfill by recycling of previously deposited materials. The Agreement surrenders all existing planning permissions covering the site and under this agreement all activities on the site must cease before 31st December 2010.

### **Planning Policy**

- 4.7 Dunton Landfill Site lies within the Green Belt as identified in the Warwickshire Structure Plan and North Warwickshire Local Plan. Policy ENV 1 of the local

plan effectively mirrors national policy outlined in PPG2. PPG2 states that engineering and other operations are inappropriate development “*unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.*” The five purposes of including land in the Green Belt are as follows:-

- (i) to check the unrestricted sprawl of large built-up areas;
- (ii) to prevent neighbouring towns from merging into one another;
- (iii) to assist in safeguarding the countryside from encroachment;
- (iv) to preserve the setting and special character of historic towns; and
- (v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 4.8 The Regional Spatial Strategy Waste Management policies broadly supports the operations on site. For instance, in the preamble to Policy WD1 it states that “*in order to meet the requirements of the Landfill Directive there will be a need for significant initiatives to provide facilities for the recovery and treatment of all waste streams*”.
- 4.9 The North Warwickshire Local Plan also identifies the site as falling within an area designated as an Environmental Enhancement Zone and Coleshill Corridor. Within the Environmental Enhancement Zone, landscape and environmental improvements will be sought.
- 4.10 Warwickshire Structure Plan Policy ER9 provides for a reduction of waste going to landfill in line with the Government’s national policy.
- 4.11 The adopted Waste Local Plan for Warwickshire encourages recycling and seeks a reduction in the amount of waste taken to landfill sites. Policy 1 sets out the environmental considerations, including noise, dust and traffic impacts, which should be taken into account when considering any waste applications. In addition, the policy also states that the extent to which proposals make a positive contribution to the reuse of material will be taken into consideration.
- 4.12 Whilst, the proposal could be argued to support recycling it is considered that the nature and time of activities proposed needs to be weighed against the environmental considerations outlined in Policy 1 of the Waste Local Plan.
- 4.13 Policy 6 of the Waste Local Plan states that material recycling facilities will be permitted as an integral part of new and established waste disposal facilities and where the proposal is associated with a landfill site, the life of the material recycling facility will be limited to the life of the landfilling operation.

### **Considerations**

- 4.14 The continued use of the site for the recycling of materials would accord with policy 6 of the Waste Local Plan providing its life did not exceed that of the landfilling operation. A section 106 legal agreement between the site owners

and the County Council surrenders existing planning permissions on or before the 31st December 2010, and therefore this would be the case.

- 4.15 Objections have been received expressing concern regarding the general operation of the site as a whole. These concerns are currently covered by conditions attached to earlier consents and the operators have been made aware of these concerns. However, the other operations have consent to operate up until 2010, and as such environmental impacts associated with the site would remain until this time. In addition the conditions attached to original approval, and a condition relating to an improved wheel wash facility, are to be applied. Therefore the impacts on the surroundings would be acceptable.
- 4.16 The proposals are located within the designated Green Belt means that Green Belt and the policy is a significant material consideration. The Borough Council has also raised this issue as an objection.
- 4.17 As the proposal is temporary in nature the purposes and openness of the Green Belt would not be undermined in the long term. The proposal extends the time limit for existing activities only, thus there would be no greater impact on the openness of the Green Belt than previously, and currently. Other activities on the site are due to continue on to 2010, thus site operations would not have a permanent impact on the openness of the Green Belt as a result of this particular application.
- 4.18 This proposal constitutes an engineering operation which must be judged against paragraph 3.12 of PPG2. It is considered that proposal constitutes appropriate development in the Green Belt because it does not conflict the purposes of including land in the Green Belt identified in paragraph 1.5 of the PPG and detailed in paragraph 4.7 of this report. The development would form part of a larger working minerals and landfill site and will be seen in that context.
- 4.19 The Borough Council raises concerns that this proposal may "*prolong the likelihood of the land being reinstated to an appropriate rural and sustainable use*". However, as landfill and mineral extraction activities are permitted until 2010 the site is most likely to be used until this date and as such will not be restored to a more appropriate land use in the meantime. Therefore any restoration scheme, that should also meet the spirit of the adopted Local Plan policy ENV7 – Environmental Enhancement Zone, is unlikely to be implemented until this time.
- 4.20 It must also be noted that the previous approval for reprofiling gives consent for the recycling of previously deposited materials for the whole of the Dunton Landfill site. As such recycling activity could continue, to some extent, unabated despite the outcome of this application.
- 4.21 The Inspector in his decision letter dated 10th September 2001, addressed the Highways Safety issue specifically. He noted that there would continue to be vehicle movements in and out of the site due to the other approved activities on site. In addition, the need to negotiate a large signal controlled gyratory at the grade segregated junction of the A446 and M42 means that despite slightly

impaired visibility the traffic approaching the site access is at a relatively low speed.

- 4.22 The County Council's traffic accident records show no road accidents involving traffic entering or exiting this junction over at least the past 5 years. In view of this the impact on Highways safety would be acceptable.

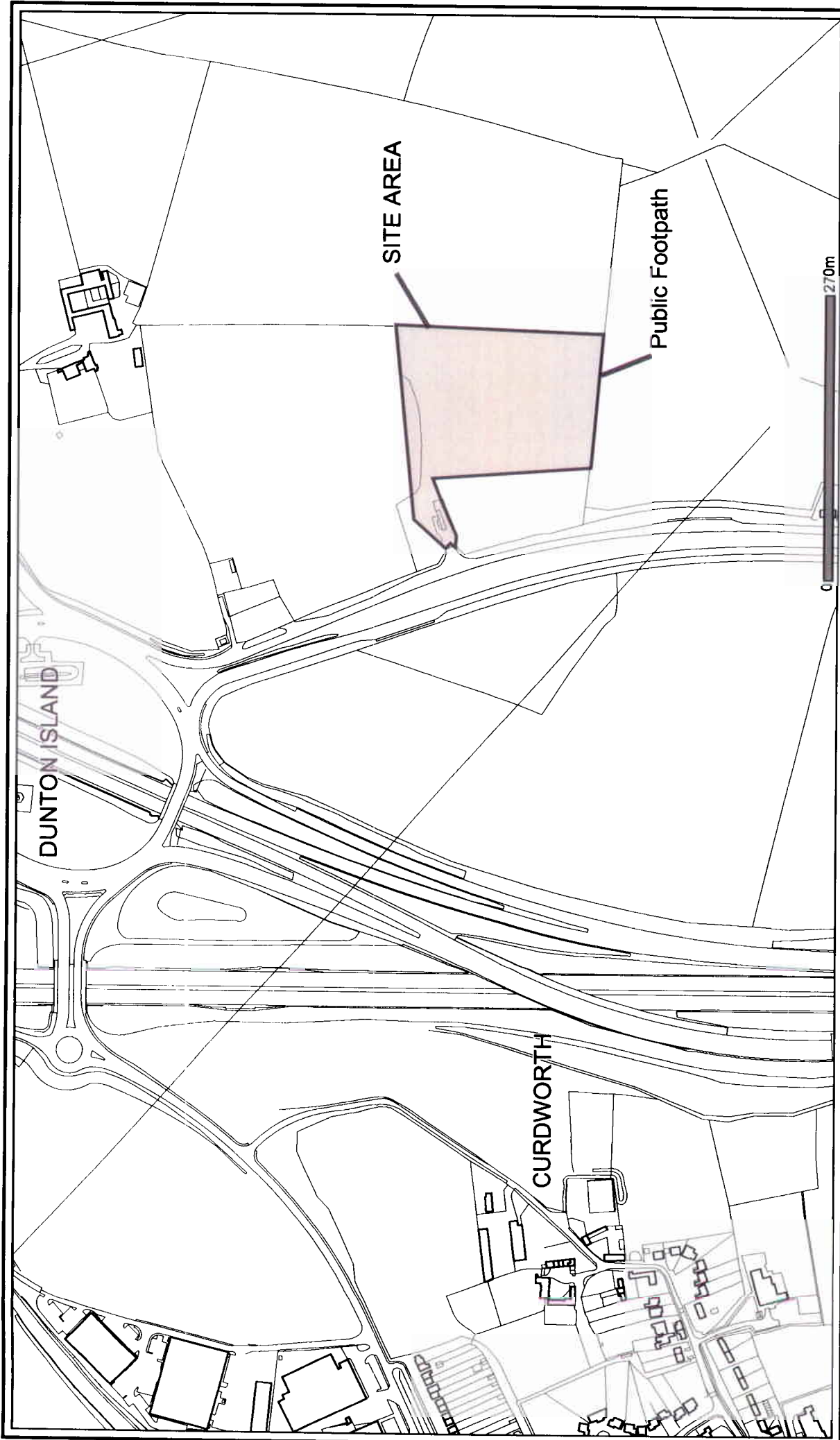
### **Conclusion**

- 4.23 The proposal seeks consent for a temporary extension in time period for an activity that has been previously authorised. Other permitted activities that have a similar environmental impact are likely to continue unaffected by this application. As any impacts are temporary and the proposal accords with Policy 6 of the Waste Local Plan the proposal is acceptable.
- 4.24 The result of approval of this application would be to ensure that all activities on this site operate to the same long term timetable allowing the coordinated use and restoration of the site.

JOHN DEEGAN  
Director of Planning, Transport and Economic Strategy  
Shire Hall  
Warwick

31st October 2005





Scale 1: 5000

Ref No. NW/369/05CM019

Drawn Richard Forbes

Regulatory Committee 15/11/2005

Subject

**Dunton Landfill Site**



John Deegan  
 Director of Planning, Transport  
 and Economic Strategy  
 Shire Hall, Warwick, CV34 4SX

**Regulatory Committee – 15th November 2005**

**Dunton Landfill site – Extension of Time Period Permitting  
the Storage and Recycling of Waste Materials**

**Application No: NW369/05CM019**

1. The development hereby permitted shall not be carried out other than in accordance with the details of planning permission NW369/00CM013, except where these are superseded by the requirements of the conditions on this consent.

Reason: To ensure the on-going recycling operation, hereby approved for a further five years is in accordance with the original approval.

2. The use hereby permitted shall cease and all materials stored in accordance with this consent shall be removed from the site on before the 31st December 2010.

Reason: To ensure the recycling operation time limits reflect other waste management activities on site and to prevent any permanent effects on the openness of the Green Belt.

3. The height of materials stored on the site shall not exceed 102m above ordnance datum.

Reason: To minimise visual intrusion.

4. All screening and crushing plant used at the site shall be located on original ground and shall not be placed on stored material or other elevated ground.

Reason: To minimise visual intrusion.

5. No waste, other than waste brought onto the site for the purposes of recycling or storage pending re-use, shall be re-excavated, bought to, deposited at or processed in the compound.

Reason: To protect the amenities of the area.

6. Except with the prior agreement of the County Planning Authority no operations or uses permitted or required, shall be carried out except during the following times:

Monday/Friday	0730 to 1730
Saturdays	0730 to 1300

There shall be no operations or uses on Sundays and Bank Holidays.

Reason: To protect the amenities of the area.

7. In order to minimise the raising of dust, the following steps shall be taken:-

- (i) An operational water bowser shall be available on site at all times.
- (ii) All haul roads within the site shall be laid out with hardcore or other similar suitable material and maintained and shall be damped down as necessary during dry conditions.
- (iii) Stockpiles and the working area shall be damped down as necessary during dry conditions.
- (iv) Atomisers shall be used on crushing and screening plant at all feed and discharge points.
- (v) Drop heights from crushers, screens and conveyor belts shall be kept to the minimum operational height.

Reason: To minimise the impacts, relating to the generation of dust, on the amenities of the area.

8. All reasonable steps shall be taken to ensure the drainage from areas adjoining the site is not impaired or rendered less effective by the permitted operations.

Reason: To protect the amenities of the area.

9. Machinery and vehicles used on the site shall be maintained and silenced to comply with the best practicable standard and shall be located as far from nearby properties as possible.

Reason: To minimise the impacts, relating to noise, on the amenities of the area.

10. The development hereby permitted shall not result in any increase in background noise levels, measured as a 1 hour L(A)eq at the nearest dwellings.

Reason: To minimise the impacts, relating to noise, on the amenities of the area.

11. The facility shall not be open to the public either for the deposit of or purchase of materials.

Reason: To protect the amenities of the area.

## **Highway**

12. No mud or debris shall be carried onto the public highway. To facilitate this the weighbridge, the site road between the wheel shaker and the exit, and the bell mouth shall be maintained in a clean condition at all times.

Reason: In the interests of highways safety.

13. Within 3 months of this approval a scheme relating to a wheel washing facility shall be submitted to and approved by the County Planning Authority for approval. Following approval in writing by the County Planning Authority the scheme shall be implemented on site accordingly, within a further 3 months.

Reason: In the interests of highways safety.

14. All loaded lorries entering the site shall be sheeted or netted as appropriate.

Reason: In the interests of highways safety.

## **Pollution Control**

15. Immediately following the deposit of each load of waste it shall be checked to ensure that no litter which could become airborne is present. Should any such material be found it shall be removed from the waste and suitably disposed of. Should litter blow from the working area it shall be collected at once and disposed of.

Reason: To minimise the impacts, relating to litter, on the amenities of the area.

16. There shall be no discharge of foul or contaminated drainage (including trade effluent) from the site into either groundwater or any surface water, either direct or via soakaways.

Reason: To prevent pollution of the water environment.

17. Facilities for the storage of oils, fuels or chemicals shall not be located within the area of the compound.

Reason: To prevent pollution of the water environment.

## **Landscaping**

18. Throughout the working of the site the boundary hedgerows shall be protected, maintained and allowed to grow on in order to enhance the screening of the workings.

Reason: To minimise visual intrusion within the Green Belt.

19. Throughout the working of the site the soil storage bunds located within the compound area shall not be removed, diminished or mixed with any other materials.

Note: It is noted that the letter from Stansgate Planning Consultants dated 23rd February 1998 indicates that the crusher is expected to be in use for only 50% of the time that the facility is operational.

### **Development Plan Policies**

Regional Spatial Strategy for the West Midlands – **Policy WD1.**

Warwickshire Structure Plan – 1996 – 2011 – **Policies GD.1, GD.2, GD.3, GD.4, GD.6, ER.2, ER.4 and ER.9.**

The Waste Local Plan for Warwickshire – Adopted August 1999 – **Policies 1, 2 and 6.**

North Warwickshire Borough Local Plan – Adopted May 1995 – **Policies ENV1, ENV3, ENV4, ENV5 AND ENV7.**

### **Reasons for the Decision to Grant Permission**

The proposal accords to the provisions of the development plan and will not prejudice the openness of the Green Belt in the long term. Furthermore there are no contrary material considerations to justify withholding planning permission.