

**AGENDA MANAGEMENT SHEET**

**Name of Committee**

**Regulatory Committee**

**Date of Committee**

**16th March 2006**

**Report Title**

**Ling Hall Landfill Site, Rugby – Extension to Hours of Operation**

**Summary**

The application proposes the variation of Condition 20 of planning permission R16/890805 in order to amend the permitted hours of operation to allow the landfilling of municipal waste between the hours of 8 am and 4 pm on Bank and Public Holidays at Ling Hall Landfill Site, Lawford Heath Lane, Rugby.

**For further information please contact**

Matthew Williams  
Planning Officer  
Tel. 01926 412822  
matthewwilliams@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?**

Yes/~~No~~

**Background Papers**

Planning application, received 20/10/2005.  
Letter from Onyx UK Ltd, dated 16/1/2006.  
Letter from the highways Agency, dated 08/11/2005.  
Letter from the Environment Agency, dated 17/11/2005.  
Letters from Wolston Parish Council, dated 12/11/2005 and 8/2/2006.  
Four letters of representation.

**CONSULTATION ALREADY UNDERTAKEN:-**

*Details to be specified*

Other Committees

.....

Local Member(s)

(With brief comments, if appropriate)

Councillor B Levy – no comments received.  
Councillor Mrs H Timms – no comments received.

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  Rugby Borough Council - raises concerns (see paragraph 2.1).
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Church Lawford Parish Council, Long Lawford Parish Council, Wolston Parish Council, Environment Agency, Highways Agency.

**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 - 16th March 2006**

**Ling Hall Landfill Site, Rugby – Extension to Hours of Operation**

**Report of the Strategic Director of Environment and Economy**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 20 (Hours of Operation) of Planning Permission R16/890805 to allow the landfilling of municipal waste between the hours of 8 am and 4 pm on Bank and Public Holidays at Ling Hall Landfill Site, Lawford Heath Lane, Rugby subject to the signing of a Section 106 Agreement covering traffic routing and subject to the conditions and for the reasons contained in **Appendix B** of the Strategic Director of Environment and Economy.

APPLICATION NO : R16/05CM033

RECEIVED BY COUNTY : 20/10/2005

ADVERTISED DATE : 27/10/2005

APPLICANT : Onyx UK Limited, 1 Station Road, Four Ashes, Wolverhampton, WV10 7DG.

AGENT : Mr A J Foster, Development Manager, Onyx UK Limited, 1 Station Road, Four Ashes, Wolverhampton, WV10 7DG.

THE PROPOSAL : Variation of Condition 20 (permitted hours of operation) of Planning Permission R16/890805.

SITE & LOCATION : Ling Hall Landfill Site, Coalpit Lane, Lawford Heath, Rugby.  
[Grid ref: 448.728].

See plan in **Appendix A**

## 1. Application Details

- 1.1 The application seeks to amend Condition 20 (Hours of Operation) of planning permission R16/890805 in order to allow the disposal of municipal waste, collected in Warwickshire, at Ling Hall Landfill between the hours of 8am and 4pm on all Bank and Public Holidays with the exception of Christmas Day, Boxing Day and New Years Day.
- 1.2 Landfilling operations undertaken on bank and public holidays would be confined to an emergency tipping cell, which is a low sheltered area normally used in windy conditions.
- 1.3 Approximately 20 loads (40 movements) of waste would be delivered to the landfill on Bank Holidays.
- 1.4 The applicant has stated that they would be willing to enter into a legal agreement (Section 106 Agreement) preventing vehicles, with the exception of local waste collections, from using Lawford Heath Lane.

## 2. Consultations

- 2.1 **Rugby Borough Council** – raises concerns regarding the use on Bank Holidays, however, accept this on the proviso that only the emergency tipping cell is used and that a legal agreement is drawn up to prevent the vehicles travelling along Lawford Heath Lane on Bank Holidays. The Director of Housing and Environmental Health is of the opinion that the proposal will have no significant noise or air quality impact.
- 2.2 **Church Lawford Parish Council** – no comments received.
- 2.3 **Long Lawford Parish Council** – no comments received.
- 2.4 **Wolston Parish Council** – no objection.
- 2.5 **Councillor Mrs H Timms** – no comments received as of 02/03/06.
- 2.6 **Councillor B Levy** – no comments received as of 02/03/06.
- 2.7 **Environment Agency** – no objection.
- 2.8 **Highways Agency** – content that the application to extend the hours of operation of the landfill site will not be of detriment to the safe and free flow of traffic on the truck road.

## 3. Representations

- 3.1 Four letters of objection have been received from the residents of:-
  - (i) Blue Boar Farm, Dunchurch.
  - (ii) 1 The Crescent, Lawford Heath
  - (iii) 2 The Crescent, Lawford Heath

- (iv) Lawford Lodge Farm, Lawford Heath

Concerns include:-

- (i) Increased traffic on highway during traditional leisure days when highway used by families, horse riders and cyclists.
- (ii) Weekends and Bank Holidays are the only respite from operations at quarry/landfill.
- (iii) Extending hours to holidays and weekends is unreasonable and a major intrusion into local life in what is a rural area.
- (iv) Proposal thin end of wedge opening the gates to ever increasing hours of operation.
- (v) Noise.
- (vi) Odour.
- (vii) Litter.
- (viii) Dirt on highway.
- (ix) Lorries arrive at site and queue on highway outside operating hours of landfill.

## **4. Observations**

### **Site and Surroundings**

- 4.1 Ling Hall Quarry/Landfill is a large sand and gravel quarry and household/commercial/industrial waste landfill operation situated to the south-west of Rugby. Located a little way to the north of the A45 the site is accessed off Coal Pit Lane.
- 4.2 The application site is surrounded by open countryside. A number of isolated properties, including residential dwellings and farms are located in the vicinity of the site. The main areas of residential properties in the vicinity of the site are located at the Crescent and The Rylands, off Lawford Heath Lane. Lawford Heath Industrial Estate is also located off Lawford Heath Lane.

### **Background**

- 4.3 The existing quarry/landfill operations are primarily restricted to: 0700 – 1800 hours Monday to Friday and 0700 – 1300 hours Saturdays with no operations or uses permitted on Sundays, Bank or Public Holidays. Subsequent to the original planning permission being granted a number of applications have been submitted proposing variation of the hours of operation. Permission was granted in April 1996 (R16/96CM004) to allow the sale and processing of material on Good Friday and permission was granted on appeal in March 1997

(R16/96CM005) permitting the maintenance and repair of plant and equipment in the area of the existing processing plant on Saturdays between 1300 hours and 1600 hours.

- 4.4 Planning permission was granted in November 2003 for the installation of a concrete batching plant on land adjacent to the quarry/landfill. The application sought permission for the facility to operate beyond the permitted hours of operation of the quarry/landfill. In approving the application Committee resolved to grant permission to allow the plant to operate from 0600 hours for an initial trial period of 6 months. However, this permission was never implemented as a batching plant was developed within the landfill under permitted development rights.
- 4.5 The operators of Ling Hall Landfill, Onyx UK Ltd, have recently secured a contract from Warwickshire County Council (WCC) to dispose of municipal waste collected in Rugby Borough. Waste collections in Rugby, as in a number of other Boroughs/Districts, take place on Bank Holidays. Whilst it is not a requirement of the contract with Warwickshire county Council (WCC) to accept waste on bank and public holidays the applicant seeks amendment of the condition to allow flexibility should it become necessary to require waste to be disposed of on bank or public holidays.

### **Policy**

- 4.6 The application site is located within the Green Belt as defined within the Rugby Borough Local Plan. Policy R/E10 of the Local Plan states that within the Green Belt the rural character of the area will be retained, protected and whenever possible enhanced by safeguarding areas of mainly open countryside.
- 4.7 Planning Policy Guidance Note (PPG) 2 (Green Belts) sets out the purposes of the Green Belt that include preventing urban sprawl and safeguarding the countryside from encroachment and maintaining openness.
- 4.8 The proposed development relates to the operating hours of the site only. It is therefore considered that the proposal would not detract from the openness of the locality or prejudice the purpose of Green Belt. In the circumstances, the proposed development is therefore considered to accord with Policy R/E10.
- 4.9 Policy GD.1 of the Warwickshire Structure Plan makes it clear that the overriding purpose of the plan is to provide for a pattern of development which, amongst other things, nurtures Warwickshire's legacy of distinctive towns and villages, countryside, environmental wealth and heritage which continue to make it an attractive place to live, work and visit.
- 4.10 The adopted Waste Local Plan for Warwickshire sets out policies relating specifically to waste related development. Policy 1 sets out the general environmental considerations, including; visual impact, amenity of local residents by way of odour and noise etc and traffic impact, which should be taken into account when considering waste applications.

## **Environment and Amenity**

### **The Proposal**

- 4.11 The application originally proposed the variation of the hours of operation in order to allow the landfill to accept municipal waste between the hours of 8am and 4pm on all bank and public holidays with the exception of Christmas Day, Boxing Day and New Year's Day and also to allow the site to operate between the additional hours of 1pm and 4pm on Saturdays and 8am and 4pm on Sundays for up to 10 weekends a year. This resulted in objection from local residents and a request from the Environmental Health Officer at Rugby Borough Council for a noise assessment of site and vehicle noise to be undertaken. In response to this the applicant amended the proposal; withdrawing proposed weekend working, proposing that landfilling operations undertaken on Bank Holidays would take place within the 'emergency tipping cell' and offering to enter into a vehicle routing agreement preventing vehicles from travelling along Lawford Heath Lane.

### **Visual Impact**

- 4.12 The approved domed restoration profile of the landfill results in operations often being at elevated levels and clearly visible in the immediate area. The landfill retains an 'emergency tipping cell' at a low level within the confines of the site for use when windy weather conditions make tipping at elevated positions difficult. The applicant proposes confining tipping operations undertaken on bank and public holidays to the emergency tipping cell. This should help to minimise any potential visual and noise disturbance from site operations.

### **Noise**

- 4.13 Landfilling operations, including the unloading of waste and operation of compacting equipment, have the potential to create noise. Vehicles accessing the site on the local highway network also have the potential to create noise disturbance. The revised proposals, including use of the 'emergency tipping cell' concealed within the landfill during landfilling operations undertaken on Bank Holidays and routing vehicle's accessing the site away from the main residential areas off Lawford Heath Lane would limit any noise impact experienced by local residents. The Environmental Health Officer at Rugby Borough Council considers that the development would have no significant noise impact.

### **Odour**

- 4.14 Landfilling operations have the potential to be odorous if malodorous waste and landfill gas are not adequately managed. However, operation of the site over the proposed extended hours should result in no greater odour potential than operations undertaken within the currently permitted hours of operation. Therefore, with good management odour should not be a cause for complaint. The Environmental Health Officer at Rugby Borough Council considers that the development would have no significant odour impact.

## **Litter**

- 4.15 Litter is a potential problem at landfills, particularly during windy conditions and when working in elevated positions. However, the proposal to tip waste in the 'emergency tipping cell' during Bank Holiday working would limit the potential of this becoming a problem. In addition, the landfill employ litter pickers and shut the site if weather conditions result in operational problems.

## **Access and Traffic**

- 4.16 Concern has been raised by residents regarding increased numbers of HGV's on the local highway network, particularly during periods when the site is currently not operational. The landfill currently generates between 90 and 130 loads (180 and 260 movements) per day during permitted hours of operation. On top of this are vehicle movements generated by the quarrying operations. The proposed Bank Holiday operations would be restricted to the landfilling of municipal waste collected in Warwickshire only generating approximately 20 loads (40 movements) per day or between two and three vehicles per hour. It is therefore considered that the proposal would have limited impact by reason of additional vehicle numbers on the highway.
- 4.17 Notwithstanding the above, there is general concern amongst the residents in and around Lawford Heath Lane in respect of HGV traffic using the Lane. The applicant acknowledges concerns regarding vehicle movements locally and is prepared to implement measures to ensure that, with the exception of local waste collections, waste vehicles are routed to and from the A45/A4071 junction. The applicant is prepared to enter into a Section 106 Agreement with the County Council to agree a set of appropriate measures concerning the routing of traffic.
- 4.18 Lorries queuing outside of the site prior to the site opening in the mornings has been a problem in the past highlighted via the residents liaison group. This appears to have been resolved by the operator through liaison with hauliers. In addition this appears to relate largely to bulker lorries that arrive at the site early in the morning rather than local authority waste collection vehicles.

## **Residential Amenity**

- 4.19 Subject to landfilling operations being undertaken within the 'emergency tipping cell' and vehicles accessing the site in adherence with the proposed vehicle routing agreement it is considered that the proposed extension to the hours of operation to allow the deposit of municipal waste on bank and public holidays would have limited impact on residential amenity.

## **Conclusion**

- 4.20 The timing and frequency of municipal waste collections in the County have been going through a period of transition in recent years. This in turn has resulted in the necessity for operators to seek amendment of the operating hours of waste management facilities on occasion to accommodate these changes.



4.21 It is considered that with the use of good working practices and compliance with conditions and vehicle routing agreement the development is unlikely to have an adverse impact.

JOHN DEEGAN  
Strategic Director of Environment and Economy  
Shire Hall  
Warwick

2nd March 2006

**Regulatory Committee - 16th March 2006**

**Ling Hall Landfill Site – Extension to Hours of Operation**

**Application No: R16/05CM033**

All conditions and limitations relating to planning permission R16/03890805 in effect at the date of this permission shall continue to apply except:

Condition 20 shall be amended to:

Except as may be otherwise agreed in writing by the mineral planning authority, none of the operations or uses authorised or required by this permission:-

(i) shall take place outside the following hours:

7 am to 6 pm on Mondays and Fridays  
7 am to 1 pm on Saturdays

(ii) shall take place within 200 metres of any residential property outside the following hours:

8 am to 6 pm on Mondays and Fridays  
8 am to 1 pm on Saturdays

No operations or uses shall take place on Sundays, Bank or Public Holidays.

Notwithstanding the above, landfilling of municipal waste shall also be permitted within the 'emergency tipping cell' between the following hours:

8 am to 4 pm on Bank and Public Holidays with the exception of Christmas Day, Boxing Day and New Year's Day.

**Reasons**

20. In the interests of residential amenity.

**Development plan Policies Relevant to this Decision**

- (a) Warwickshire Structure Plan – 1996-2011 – **Policies GD.1, GD.2, GD.3, GD.4 and ER.9.**
- (b) Rugby Borough Council Local Plan – June 1997 – **Policy R/G1, R/E10**
- (c) Rugby Borough Council Local Plan – First Deposit - May 2004 – **Policy E1, E2, and GP1**

(d) The Waste Local Plan for Warwickshire – **Policies 1 and 2**

**Reasons for the Decision to Grant Permission**

The development hereby permitted is in accordance with the relevant provisions of the development plan and there are no contrary material considerations sufficient to require refusal.

**Note:** The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the committee report.