

AGENDA MANAGEMENT SHEET

Name of Committee	Regulatory Committee
Date of Committee	21 August 2007
Report Title	Bubbenhall Landfill Site – Amendment to Profile and Restoration of Landfill (Revised Proposal)
Summary	<p>The application seeks planning permission to vary the profile of the site to ensure adequate post-settlement gradients are achieved to promote surface water drainage across the site and to alter the restoration scheme at Bubbenhall Landfill Site, Western Lane, Bubbenhall.</p> <p>This application is a revised submission following the refusal of an earlier proposal in 2006. The Regulatory Committee agreed reasons for refusal of the original submission at their meeting on 7 September 2006.</p> <p>The principle of and argument for the development remains as previously proposed although there are a number of changes to the scale of the development and timescale within which landfilling operations would be completed.</p>
For further information please contact	<p>Matthew Williams Planning Officer Tel. 01936 412822 matthewwilliams@warwickshire.gov.uk</p>
Would the recommended decision be contrary to the Budget and Policy Framework?	Yes/No

Background Papers

Planning Application, submitted 16/4/2007.
 Six letters of representation received from local residents.
 Letter from Libraries, Adult Learning and Culture dated 15/5/2007.
 Letter from the Highways Agency, dated 14/5/2007.
 Email from Warwick District Council (Environmental Health Officer), dated 8/5/2007.
 Letter from the Civil Parish of Ryton on Dunsmore, dated 10/5/2007.
 Letters from Natural England, dated 16/5/2007 and 23/5/2007.
 Letter from Western-under-Wetherley Parish Council, dated 30/5/2007.
 Letter from the Environment Agency, dated 14/6/2007.
 Letter from Rugby Borough Council, dated 15/6/2007.
 Letter from Warwick District Council (Planning), dated 20/6/2007.
 Letter from Bubbenhall Parish Council, dated 20/6/2007.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees Regulatory Committee - 7 September 2006.
- Local Member(s) Councillor M Doody – no comments received as
(With brief comments, if appropriate) at 29/6/2007.
- Other Elected Members
- Cabinet Member
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive
- Legal I Marriott
- Finance
- Other Chief Officers
- District Councils Warwick District Council – See Paras 2.1 and 2.2
 Rugby Borough Council – See Para 2.3
- Health Authority
- Police

Other Bodies/Individuals

Bubbenhall Parish Council,
Weston-under-Wetherly Parish Council,
Ryton on Dunsmore Parish Council,
Natural England, Environment Agency,
Libraries, Adult Learning and Culture,
Highways Agency, Coventry Airport, British Gas
Transco, British Pipeline Agency – see para 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 – 21 August 2007

Bubbenhall Landfill Site – Amendment to Profile and Restoration of Landfill (Revised Proposal)

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee:

- (i) Authorises the grant of planning permission to vary the profile of the site to ensure adequate post-settlement gradients are achieved to promote surface water drainage across the site; and to alter the restoration scheme at Bubbenhall Landfill Site, Weston Lane, Bubbenhall, subject the signing of a Section 106 Agreement to secure a contribution of £30,000 towards the local Public Rights of Way Network and to the conditions contained in **Appendix B** of the report of the Strategic Director for Environment and Economy;
- (ii) Approves the reasons, summaries and statements in **Appendix C**.

Received by County : 16/4/2007

Advertised Date : 4/5/2007

Applicant(s) : Waste Recycling Group Ltd, 900 Pavilion Drive, Northampton Business Park, Northampton NN4 7RG.

Agent(s) : Mr G Edwards, Peter Brett Associates, Lakeside House, Blackbrook Business Park, Blackbrook Park Avenue, Taunton TA1 2PX.

The Proposal : Application for full planning permission to vary the profile of the site to ensure adequate post-settlement gradients are achieved to promote surface water drainage across the site; and to alter the restoration scheme.

Site & Location : Bubbenhall Landfill Site, Weston Lane, Bubbenhall [Grid ref: 364.713].

See plan in **Appendix A**.

1. Application Details

- 1.1 This application is a revised resubmission of a proposal that was refused at 7 September 2006 meeting of the Regulatory Committee.
- 1.2 In principle the proposal remains the same as that put forward by the previous application in that planning permission is sought for the revision of the final restored landform of Bubbenhall Landfill. As with the earlier application the applicant seeks consent to increase the restoration profile of the landfill site in height in order to achieve the long term satisfactory restoration of the site. This would relate to both the pre-settlement and post-settlement profile of the site. As with the original application the proposed development relates to an increase in the height of the landfill only and would not extend the landfill beyond its existing boundaries. The landfill extends to a little under 40 hectares in area
- 1.3 This proposal differs from the original application in that it would produce a restoration profile that would be lower in height, would require the input of a lower quantity of additional waste materials and would increase annual rates of waste inputs to the site in order to reduce the operational life of the site.
- 1.4 The revised scheme now proposed would produce a final, post-settlement landform around 4 metres higher than currently approved. This would be 1 metre lower than proposed by the previous application. In order to achieve this post settlement landform it is proposed to create a pre-settlement profile 8 metres higher than currently permitted. This would be a reduction of 2 metres on the pre-settlement profile proposed by the previous application.
- 1.5 This revised proposal would result in an additional 825,000 cubic metres of waste materials being deposited within the landfill. This is a reduction of 325,000 cubic metres from the 1.15 million cubic metres of additional waste materials proposed by the original application.
- 1.6 The current application proposes to restrict the operational life of the site to 15 years from the date of any new permission granted. The previous proposal would have resulted in the site being operational for around 20 years at current rates of input, although did not propose an end date to be set for landfill operations. In order to complete landfilling operations within 15 years it is proposed to increase waste inputs to the site from the current 110,000 tonnes per annum to 126,500 tonnes per annum.
- 1.7 The operating hours of the site would remain as existing. 0700 to 1700 hours Monday to Friday and 0700 hours to 1200 hours on Saturdays.
- 1.8 Vehicle movements associated with operation of the landfill would average 69 HGV movements in and 69 out per working day.
- 1.9 As with the previous proposal this application also seeks to amend the approved agricultural afteruse of the site taking account of the County Biodiversity Action Plan, the adjacent Site of Special Scientific Interest (SSSI) in Bubbenhall Wood and to establish 19 hectares of woodland and hazel coppice, as well as wetland and grassland habitats.

2. Consultations

- 2.1 **Warwick District Council (Planning)** – has concerns regarding the scale of the proposed increase in height of the landfill and consequent prolonged life of the site and therefore urge the County Council to look more towards a means of securing a reduced impact on the immediate area, by lowering the increase in height and thereby reducing the likely required 11 year extension of landfill operations.
- 2.2 **Warwick District Council (Environmental Health)** – no objection to make on this application provided that the mitigation measures included in the application are put in place.
- 2.3 **Rugby Borough Council** – no objection.
- 2.4 **Councillor M Doody** – no comments received as at 27/7/2007.
- 2.5 **Bubbenhall Parish Council** – continue to object most strongly to the revised application by Waste Recycling Group (WRG) for planning permission to reopen completed landfill at Bubbenhall and raise by up to 10 metres the profile of the landfill site (pre settlement), and by 6 metres (post settlement). The proposal represents a further 15 years of infill at the site, and accompanying negative impacts on residents. Bubbenhall Parish Council supported Warwickshire County Council in its previous decision to refuse planning permission, and see no reason why the minor modifications now made to the application, should change that decision.

Overall these proposals are an unacceptable solution to a settlement problem that should have been foreseen and resolved with minimal impact to the local community. The solution is not to damage the local community for an extended length of time and to leave an unnatural mark on the landscape for ever more, but to repair the localised bogging with minimal fuss and to leave the area as it was originally agreed – as gently sloping farmland with natural contours.

The main reasons for the Bubbenhall Parish Council's objection are as follows:-

- (i) There is no need for additional tipping capacity. Warwickshire does not need this facility to be extended; there is no shortage of landfill capacity in Warwickshire. The proposal does not conform with policy WD3 of the RPG11, policy ER9 of the Warwickshire Structure Plan, and policy 3 of the Waste Local Plan all of which oppose the extension of landfill facilities. Policy ER8 of the Warwickshire Structure Plan, and Paragraph 6.15 of the Minerals Local Plan require that the restoration of the site needs to be achieved in the quickest and least environmentally harmful way.
- (ii) The compaction and settlement problems that have resulted in the dips in the current landscape can be resolved quicker and with far less impact on the local community by having a less commercially driven solution. Refilling the site to previously agreed levels and resealing the waste

would be sufficient to resolve the current issues. Importantly this would maintain the current agreed timescale for the closure of the pit. We suggest that this application, far from attempting to resolve an environmental issue caused by unexpected levels of settlement or poor management of the site, is being used to maximise WRG business profits. The proposals are unnecessary, and represent commercial greed at the expense of local residents.

- (iii) The proposed final contours are unreasonably high and unnatural in their linear, engineered layout. After settlement and compaction, this will result in an abnormally high contour that will look completely out of place with the surrounding land form.
- (iv) The extension of the life of this landfill from the originally accepted schedule is unacceptable. The village and surrounding areas have been beleaguered by pits for a considerable time. Residents of Bubbenhall and in particular Pagets Lane and Weston Lane (as well as those in our neighbouring parishes) have had to withstand unacceptable levels of disturbance, noise and air pollution. We are now being asked to accept many further years of upheaval and this is simply not acceptable. No compensation or mitigation has been offered to any residents and no benefits can be envisaged.
- (v) Bubbenhall Woods, adjacent to the landfill site, is the largest ancient woodland left in Warwickshire and has been treated deplorably. It is to the shame of the Waste Recycling Group that they have allowed such levels of litter to be created. Plastic bags and household rubbish are blown everywhere. Wildlife is bound to be badly affected. There are regular infestations of flies and vermin to the local Pagets Lane residents and other surrounding communities. On occasions the smell is overpowering. It is only now, when they want to benefit from an extension to the site, and attention has been focused on their management of the site, that they have thought about erecting a litter fence. It remains to be seen how much long term regular maintenance and litter clearance the fence will get, and therefore of what benefit it may be a year or two down the line when attention is elsewhere.
- (vi) We understand the proposers claim additional fill is to resolve settlement issues. However far from improving the situation, the additional fill will increase differential settlement, by heaping uncompacted material onto older semi compact material, and increasing the overall depth prone to settlement. It is a very poorly engineered proposal.
- (vii) The water and gas tightness of the seal around the landfill are far more important considerations than the final contour of the surface ground. There are existing problems of gas and leachate escaping from the site through ineffective sealing of the landfill cells. These problems are currently being recorded and tracked by the Environment Agency. There does not appear to be any measures proposed to resolve existing problems, never mind deal with new problems that the proposals could cause.

(viii) The previously approved scheme had final contours giving slopes of 1:20 to 1:25 which we believe is plenty steep enough to shed rainwater without it ponding unduely. All that needs to be carried out is properly engineered remedial measures to the existing seals around the landfill cells, and restoration to the original contours. This needs to be done as soon as possible, to achieve the quickest and least environmentally harmful solution.

We trust that you will take these comments into consideration, and urge you to refuse the application.

2.6 Weston-under-Wetherley Parish Council – wish to register total opposition to these latest proposals by Waste Recycling Group Ltd.

We have been informed that the fundamental reason the requirement to re-open the areas restored to agriculture and to raise the whole profile by up to eight metres is to solve the puddling and drainage problems. We inspected on the afternoon of 29 May following two days of torrential rain. There were very few areas of standing water and the three farmer Councillors remarked that there were wetter areas on their farms. Proper drainage and filling of the hollow areas could solve these problems.

Parishioners of Bubbenhall, Weston-under-Wetherley and Wappenbury have endured the extraction and subsequent rubbish fill for over thirty years. We have witnessed the reinstatement of most of the south side to agriculture and seeded to ryegrass. To re-open these areas, raise the profile by up to eight metres over sixty-five acres and continue tipping for another fifteen years is totally unnecessary and unacceptable.

The Warwick District Council Local Plan governs all planning matters discussed and considered at Parish Council Meetings. Chapter 9 'Designated Area Policies' D.A.P 1 'Protecting the Green Belt' and D.A.P. 4b 'Designated Ancient Woodlands' makes specific reference to Bubbenhall Wood and Weston Wood. This application goes against the Local Plan.

The vehicles currently working the landfill can be clearly seen from houses and gardens on the north side of Weston-under-Wetherley. Raising the profile of the landfill site by eight metres will obliterate the beautiful view of these woodlands and will be a scar on our landscape for many years.

The Applicants Supplementary Environmental Statement is so full of bland and inaccurate statements that it is difficult to pick out the worst, but 4.2.5 states 'The restoration of the former mineral workings through landfill is a positive benefit to the local landscape and makes a real contribution to maintaining the openness of the countryside'.

Restoring to the existing permitted levels would be acceptable but raising the profile by up to eight metres over and above this level over sixty-five acres and extending the span by fifteen years is totally unacceptable.

You have already received a number of letters from local residents telling you first-hand of the noise, smells, traffic, litter, flies, etc which they are already suffering. You should take note and not be bullied by Multi-National Companies who will undoubtedly make huge profits at the expense of local people.

- 2.7 **Ryton on Dunsmore Parish Council** – object to the change to a higher land profile due to all the drainage problems that will bring to the area.
- 2.8 **Environment Agency** – no objection, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Flooding Issues

The Flood Risk Assessment submitted has shown that it will be possible to provide adequate attenuation on the site and suitable calculations have been undertaken to calculate discharges from the site.

Further to our letter dated 5 July 2006 ref: SV/2006/009234-2 we have concerns in view of the suggested increase in rainfall as a result of climate change, this should be taken into account when calculating pond capacities and discharges. Without this allowance the ponds could become overwhelmed.

Therefore although a satisfactory means of surface water disposal is achievable on the site, details showing that climate change has been considered should be included. We recommend that the following condition is imposed in order to secure these measures.

Condition

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding and pollution by ensuring the provision of a satisfactory means of surface water disposal.

Contamination Issues

The excavation of old wastes will have a different odour impact to those of newly deposited wastes. The removal of the capping layer will almost certainly release landfill gases being generated that are likely to contain odorous substances and other substances that could potentially have a human health impact.

The applicant should demonstrate the nature of the gases that might be generated and identify how they will control and monitor their release. This particular detail is unlikely to be included in the current PPC permit as this is a

difficult activity, therefore the applicant needs to address this issue of odour control and release.

Further to the subject of odour control, the removal of capping will open the site up to the atmosphere thereby altering the degradation processes. The introduction of oxygen via passive contact plus the impact of gas extraction via the gas control system needs to be considered. The removal of the capping layer will lead to the release of gases to the atmosphere and this should be controlled appropriately.

Introduction of additional wastes will generate increased volumes of landfill gas that will need to be controlled, as will gas already being produced. This application gives no indication as to how much additional gas will be generated and whether that existing gas collection control infrastructure is adequate to prevent escape.

The applicant should therefore be aware that before works are allowed (subject to permission being granted by the Planning Authority) to commence the Permit holder would need to vary their permit to accommodate the proposed changes. In particular to address the issues of odour emissions and additional gas control and gas management.

Pollution Prevention

Bubbenhall Landfill has historical problems with high leachate levels, which has consequently caused problems with effective landfill gas management in the older phases of the site. This situation is being aggravated by the poor capping and uneven settlement in the older phases. Due to uneven settlement, the cap does not allow for rainfall to flow off the phases, and instead the water just pools on top of the cap. This inevitably leads to water ingress into the landfill causing high levels of leachate.

Raising the level of this part of the landfill and installing a cap engineered to specific standards should ensure that surface water is shed from the landfill and into the surface water system. This would therefore alleviate problems with leachate levels in the landfill and help in controlling landfill gas at site.

Further to meetings with the applicants consultants, the applicant is aware of the requirements to vary the existing PPC permit for the landfill site to authorise the over tipping. Revised risk assessments covering groundwater, landfill gas and nuisance issues for example, which form part of the current permit, will need to be submitted as part of such an application. This application must demonstrate compliance with the requirements of both the Landfill Regulations 2002 and the Groundwater Regulations 1998.

The proposed increase in the rate of input up to 126,500 tonnes per year is within the maximum level allowed by the permit of 300,000 tonnes per year.

Water Quality

There are no water resources objections in principal to this proposal. However, there are licensed abstractions from Bubbenhall Pit, at map reference NGR: SP 36207140 to abstract from a borehole and from Waverley Wood Farm at map reference NGR: SP 3649 7122 to abstract from a lagoon which are both within 0.3km of the proposed development. Both of these are held by the former holders of the site in question – Smiths Concrete Ltd – and they are immediately adjacent to the site. The interests of the holder of these licences, together with any other legal water interests must not be derogated as a result of this development.

- 2.9 **Highways Agency** – content that the extension to the life span of the site will not cause any detrimental impact to the safety and free flow of the Strategic Road Network.
- 2.10 **Natural England** – the application site is adjacent to the Waverley Wood Farm Site of Special Scientific Interest (SSSI). Based on the information provided, Natural England has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The reason for this view is that we consider that the proposal will not have a significant effect on the interest features of this SSSI.

In respect of the protection of the best and most versatile agricultural land Natural England refer to comments made by Department for Environment, Food and Rural Affairs (Defra) in respect of the original proposal. Defra commented that, it is appropriate to specify agriculture as an after use. If minded to approve the application conditions are suggested which should enable the land to be satisfactorily restored.

- 2.11 **Libraries, Adult Learning and Culture** – although the site is botanically poor disagree with the assessment of the site having ‘no conservation value’. However, welcome the broad themes associated with this plan, particularly the linking woodland between Bubbenhall Wood and Waverley Wood and look forward to commenting on a detailed restoration scheme that would be a condition of any planning permission granted.

Seek the imposition of conditions on any planning permission granted requiring the completion of a detailed badger survey prior to development commencing and completion of a detailed restoration scheme. In addition request notes are attached to any permission granted, regarding the possible presence of Great Crested Newts and nesting birds.

- 2.12 **Coventry Airport** – no comments received in respect of this application.

Comments received on previous application were: following a meeting with the consulting engineer and Bubbenhall Landfill Site, the Airport’s immediate concerns over the development of the site have now been alleviated. Provided that current bird management practices are maintained, regular communication between the Landfill site bird manager and the Airport is established, and the programme for the development is undertaken 1 phase at a time. The next

phase of the development shall not be started until the previous phase has been completed in its entirety. On this basis, the Airport is happy to remove its holding objection to this application.

2.13 **British Gas Transco** - no comments received.

2.14 **British Pipeline Association** – no comments received.

Comments received on previous application were:- no objection in principle to the proposals but wish to ensure that any works in the vicinity of the pipelines does not affect the overall integrity and that they are carried out in accordance with our safety requirements.

3. Representations

3.1 Representations have been received from five local residents:-

- (i) Millers Barn, Piece Barn Farm, Leicester Lane, Bubbenhall
- (ii) Campbells Farm, Weston-under-Wetherley
- (iii) Wethele Manor Farm, Weston-under-Wetherley
- (iv) Bramley Cottage, Weston-under-Wetherley
- (v) Meadow End, Rugby Road, Weston-under-Wetherley

raising concerns/objection to the proposed development on the following grounds:-

- (i) Landscape impact of existing and revised restored profile
- (ii) Visual impact of ongoing operations
- (iii) Timescale of operations
- (iv) Noise – elevated working heights
- (v) Odour – particularly when existing waste is uncovered
- (vi) Proposal major change from original approved agricultural restoration
- (vii) Mud and dirt on the highway – existing wheel wash and road sweeping regime not adequate
- (viii) Litter from site and vehicles accessing the site
- (ix) Dust
- (x) Vermin
- (xi) Disturbance from vehicle movements
- (xii) Detrimental impact upon local business (Guest House)
- (xiii) Pollution of ground water/wells
- (xiv) Waste should be sent to Coventry and Solihull Energy from Waste Facility or similar plant to safely convert local rubbish to electric power and obviate the need for large scale tipping – can you please tell us why the Coventry and Solihull Waste to Power Plant is not used, or why Warwickshire County Council has not built a similar plant to overcome its waste disposal problems?
- (xv) Contravenes policies DAP 1 (Protecting Green Belt) and DAP 4b (Designated Ancient Woodlands) of the Warwick District Local Plan – raising the whole landfill profile by up to eight metres over 65 acres for the next 15 years, as currently proposed, blatantly

cuts across the Warwick District Council Local Plan which seeks to protect and preserve the openness of this designated area of the Green Belt and Ancient Woodland.

4. Observations

Site & Surroundings

- 4.1 Bubbenhall Landfill Site is located less than one kilometre to the south of Bubbenhall village. The site is adjoined to the north/north-east by Bubbenhall Wood, to the south/south-east by agricultural land and to the north/north-west by land currently subject to mineral extraction. The village of Weston-under-Wetherley is situated around one and a half kilometres to the south of the landfill.
- 4.2 Although the landfill site is situated in a rural location there are a number of properties, including individual houses and groups of dwellings, located around the site. The nearest property to the site is Waverley Lodge Farm which lies immediately adjacent to the south-western boundary of the site. Waverley Lodge Farm comprises of an original dwelling which is situated approximately 40 metres from the boundary of the landfill site and a newly constructed dwelling. The new property is located around one metre from the boundary of the landfill site. This property is currently for sale. The next nearest properties are a small group of dwellings located to the east of the site at York Farm which is at the end of Pagets Lane. The nearest of these dwellings is situated 60 metres from the boundary of the landfill. Weston Fields Farm, which includes two dwellings, is located 200 metres to the south of the site. There are also a number of other properties on Weston Lane, Leicester Lane and Pagets Lane that are in close proximity to the landfill.

Background

- 4.3 Landfilling operations are currently undertaken at Bubbenhall Landfill under the provisions of a planning permission granted in 1992 (W118/901511), although landfilling operations commenced on site in the early 1980's. Prior to landfill operations taking place sand and gravel was extracted from the site. Mineral extraction continues to be undertaken on adjacent land by Smiths Concrete. The landfill and mineral extraction operations share the same site access and facilities including wheel wash and weighbridge.
- 4.4 The site is operated as a non-hazardous landfill accepting a mix of household, industrial and commercial wastes. Infilling of the site is undertaken on a phased basis in a series of 22 self contained cells. Many of the cells around the periphery of the site have been infilled and restored. Landfilling operations are currently focused on the centre of the site where a number of cells remain to be filled. Based on current levels of waste inputs, around 100,000 tonnes per annum, it is estimated that it will take a further 9 to 10 years, or until 2015/2016 to complete infilling of the site in accordance with the approved restoration profile.

- 4.5 The existing approved restoration scheme permits the site to be restored to a gently convexed landform returned to agricultural use. The approved landform allows for 15% settlement of the deposited material. Settlement is the process by which the material deposited within the landfill site gradually reduces in volume through decomposition and compression.
- 4.6 This proposal is a revision of an application that was refused at 7 September 2006 meeting of the Regulatory Committee. As with this proposal the previous application sought planning permission to revise the restoration profile of the landfill.
- 4.7 The original application stated that the purpose of the proposal was to address fundamental difficulties from the existing permitted scheme due to, the rate of settlement of the waste greatly exceeding that anticipated originally and the existing approved restoration profile falling short of modern landfill design standards.
- 4.8 The application identified that the landfill has settled at a faster rate and to a greater degree than anticipated when planning permission was first granted. It was stated that if not addressed this will give rise to severe problems associated with long term surface water management, the generation of high levels of leachate and difficulties providing effective landfill gas management. The application stated that, whilst remedial works could be undertaken to complete the landfill to the current approved levels these levels are in themselves inadequate for the long-term sustainable management of the restored landfill. The application therefore proposed to increase both the pre-settlement and post-settlement contours of the site in order to address these problems.
- 4.9 Members were not convinced by the arguments put forward that the proposed development was the most appropriate or least environmentally damaging solution to the problems experienced and accordingly the application was refused for the following reasons:-
- (i) The proposed development would extend landfilling operations by at least ten years until approximately 2026. These operations are unsightly in an otherwise attractive landscape enjoyed by the public and have unavoidable adverse environmental impacts in the locality by reason of smell, dust, noise, pests, vermin, litter and vehicle movements. These impacts can be mitigated but not eliminated and would be cumulative with the effects of previous landfilling and mineral extraction beginning in 1979. In addition, the resulting landform would be unsympathetic to the topography of the local landscape. The adverse impacts have particular weight by reason of paragraph 21 of PPS 10: Planning for Sustainable Waste Management; Policy QE6 of RPG11: Regional Planning Guidance for the West Midlands; paragraphs 3.13 and 3.15 of PPG2: Green Belts; Policy ER4 of the Warwickshire Structure Plan; Policy 1 of the Waste Local Plan; Policy C1 of the Warwick District Local Plan 1995; and Regulation 5 and Schedule 2 of The Landfill (England and Wales) Regulations 2002.

- (ii) The extension of landfill operations would allow the deposit of an additional 1.15 million tonnes of waste, which would conflict with paragraph 25 of PPS10 by undermining national and local waste strategies through prejudicing movement up the waste hierarchy. There is no need for additional landfill capacity and Policy WD3 of RPG11, Policy ER9 of the Warwickshire Structure Plan and Policy 3 of the Waste Local Plan oppose new or extended landfill facilities unless (as far as applicable) they are necessary for the restoration of mineral workings. Paragraph 71 of MPG1: General Considerations and the Development Plan System and Policy IC27 of the Structure Plan Alterations 1989-2001 (preserved by Policy ER8 of the Warwickshire Structure Plan and paragraph 6.15 of the Minerals Local Plan) require that restoration take place as quickly as possible.
- (iii) The site is an industrial encroachment in the Green Belt, where in accordance with paragraph 3.1 of PPG2 and Policy ENV1 of the Warwick District Local Plan development should be permitted only if it is appropriate or justified by very special circumstances.
- (iv) The development is capable of overcoming policy objections, and being acceptable, only if it is necessary in order to achieve restoration of the site and represents the quickest and least environmentally harmful means of doing so. The County Council is not satisfied that these criteria have been met and considers there to be no other material consideration capable of rendering the proposed development acceptable.

It should be noted that Policy IC27 will cease to have effect in September and that MPG1 has now been replaced by MPS1. However, it is considered that import of both national and local policies is substantially unchanged since this decision.

Revised Proposals

- 4.10 Following refusal of the original planning application the applicant has considered the reasons for refusal and reassessed the proposed development and the desire of Members and local residents to minimise the impact of landfilling operations both in extent and timescale. Whilst the applicant considers that the scheme proposed by the first application is acceptable in technical, planning and landscape terms, amendments have been made to the proposed development in an attempt to address the concerns raised. Notwithstanding the submission of this revised application the applicant has also lodged an appeal against refusal of the original application.
- 4.11 In essence this revised planning application seeks to provide a solution to the same problem that the first planning application sought to address, namely that the current planning permission does not make sufficient allowance for settlement at the landfill and that the approved post-settlement restoration profile is not appropriate to meet the required long term restoration and management of the site.

- 4.12 The application indicates that the understanding of settlement within landfills has increased significantly in the period since infilling of the site commenced and it is now accepted that settlement is greater than previously thought. The application states that it is important when completing and restoring a landfill site that the final post-settlement landform is such that it sheds rainfall and does not allow water to pond on the surface. It is indicated that where gradients are not sufficient to promote surface water runoff and ponding occurs, water will penetrate the cap constructed over the landfill. This will lead to the creation of greater volumes of leachate which will require management/treatment. It is stated that one of the key goals in post-closure landfill site management is to minimise leachate generation due to its pollution potential.
- 4.13 The application states that experience at Bubbenhall landfill demonstrates that the currently approved restoration levels are not going to be sufficient to produce an acceptable final post settlement landform. It is stated that evidence of this can be seen across the site, particularly in the northern and eastern parts of the site, where despite having been surcharged by the permitted 15%, the surface has now settled to levels well below the approved post settlement profile just a few years after completion, ie. well before settlement is expected to be complete. Parts of the site now have no perceptible gradient with localised concave formations allowing ponding to occur. The application states that the current situation is not sustainable and requires action to rectify it.
- 4.14 Studies undertaken by the Environment Agency indicates that a total settlement range of 20% to 30% of the post-filling waste thickness should be utilised for modern landfills – equivalent to 25% to 43% surcharge over the final post-settlement restoration profile (Environment Agency, Stability of Landfill Lining Systems R&D Technical Report).
- 4.15 Site specific assessment of settlement over the landfill undertaken in association with this application has identified settlement of up to 3.3 metres has occurred to date across parts of the site that have been filled to the currently approved pre-settlement ground levels. To date settlement as a percentage of the original waste thickness has been seen up to 47%. Clearly far in excess of the approved 15% settlement allowance.
- 4.16 Having considered the reasons for refusal and taken on board the concerns raised during consideration of the original application the applicant has undertaken a technical review of the matter resulting in the development of this alternative scheme to address the problems experienced. The revised scheme now proposed is effectively a smaller scale proposal requiring the input of 25% less waste material than proposed by the original scheme. This would result in the creation of a marginally lower final post-settlement restoration profile. This application also makes a commitment to completing landfilling operations within 15 years.
- 4.17 The application explains that whilst there is greater confidence in the scheme proposed by the first application, in terms of likelihood of achieving the proposed post-settlement contours the operator is satisfied that the scheme now proposed would produce acceptable post settlement contours. Notwithstanding this, the

application explains that this revised scheme is at the lower end of the range of the likely acceptable outcomes.

Alternatives

- 4.18 Assessment of site settlement indicates that up to 6 metres of settlement will occur below the approved post settlement levels throughout the site. If not remedied this is likely to result in poor drainage and pooling of water, damage to the engineered cap, gas migration, increase in leachate generation and the danger of escape of methane gas and pollution of the groundwater. Settlement, and the accumulation of bodies of water, compromise the integrity of the cap and deforms the pipework and apparatus used to control methane gas. Rainwater then enters the body of the landfill and mixes with waste to create noxious leachate which can accumulate and breach the base of the landfill so as to pollute the groundwater. Leaving the site in this condition or doing nothing is simply not an option, even if no further landfill permissions are granted on the site.
- 4.19 At the very least it would be necessary for ongoing maintenance and remediation works to be carried out during the settlement period in order to achieve the existing approved post settlement restoration profile. This would involve stripping soils and capping materials from previously restored areas to expose waste materials. Additional waste would then be added within the approved profile. The cap and restoration soils would then be replaced. Such remediation works are likely to be expected across extensive parts of the site.
- 4.20 Given the level of settlement experienced it may be necessary to undertake such remediation on more than one occasion. Whilst not definitive, site settlement and the need for remediation works might be expected to occur for up to 20 years after “closure” (i.e. until about 30 years from now).
- 4.21 The applicant says that additional landfilling may be slow because of the difficulty of attracting waste after “closure” has ostensibly taken place. Filling with soil is not an option as this would increase deformation of the cap and gas collection pipework lower down. The existing planning permission contains no end-date by which time landfilling operations must be complete and therefore allows for landfilling operations to continue for as long as void space remains.
- 4.21 Clearly such remediation works have potential adverse impacts over a prolonged period. The most significant of these are the visual impact of the development, the harm done to the character of the Green Belt and potentially odour creation. Stripping the landfill cap and exposing previously deposited waste is acknowledged to be a potential source of adverse odours if not appropriately managed.
- 4.22 Unsealing and stripping the cap in order to put in more waste presents difficulties with managing leachate and landfill gas and prevents final restoration of the landfill taking place.
- 4.23 Even though the presently approved landform could be maintained by “patching” in this way, the design of the landfill would be less efficient at preventing entry

by rainwater. In particular, the gradients of the slopes would be significantly below currently accepted standards and this would prejudice surface water drainage.

- 4.24 By contrast, the scheme now proposed would allow the site to be surcharged with waste before closure as a “once and for all” operation. Closure would be delayed by five years but it would be final and restoration could proceed without hindrance. The gradients of the slopes would also be steeper, so that drainage would be effective and self-sustaining on a permanent basis. In addition, the scheme now put forward would minimise any impacts upon leachate generation and reduce uncontrolled gas escapes.

Policy

- 4.25 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the development plan “unless material considerations indicate otherwise”.
- 4.26 Paragraph 2(1) of Schedule 4 to the Waste Management Licensing Regulations 1994 effectively adds a statutory duty to have regard to PPS10: Planning for Sustainable Waste Management as well as certain other relevant policy objectives. Paragraph 2(1) requires planning authorities to have regard to the following objectives when determining planning applications relating to the recovery or disposal of waste:-
- (a) Ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without:
 - (i) Risk to water, air, soil, plants or animals; or
 - (ii) Causing nuisance through noise or odours; or
 - (iii) Adversely affecting the countryside or places of special interest;
 - (b) implementing, so far as material, the national waste strategy (which in this context means PPS10).
- 4.27 PPS 10 acknowledges the need to protect Green Belts but recognises the particular locational needs of some types of waste management facilities when determining planning applications. These locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.
- 4.28 PPS 10 adopts the National Waste Strategy objective of moving waste management up the ‘waste hierarchy’ focusing on reduction, re-use and recycling as preferred waste management options with disposal by landfill as the last resort. However, PPS10 recognises that disposal by landfill remains a means of waste disposal which must be adequately catered for.
- 4.29 At paragraph 29, PPS 10 says that in considering planning applications for waste management facilities, planning authorities should consider the likely

impact on the local environment and on amenity. Annex E sets out more specific locational criteria including:-

- (i) Protection of water resources
- (ii) Visual intrusion
- (iii) Nature conservation
- (iv) Built heritage
- (v) Traffic and access
- (vi) Dust
- (vii) Odours
- (viii) Vermin and birds
- (ix) Noise and vibration
- (x) Litter
- (xi) Potential land use conflict.

4.30 Regulation 5 of the Landfill (England and Wales) Regulations 2002 say that planning permission may be granted for a landfill only if the following requirements have been taken into consideration in respect of the location of the landfill:-

- (a) The distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites;
- (b) The existence of groundwater, coastal water or nature protection zones in the area;
- (c) The geological or hydrogeological conditions in the area;
- (d) The risk of flooding, subsidence, landslides or avalanches on the site; and
- (e) The protection of the natural or cultural heritage in the area.

4.31 The development plan comprises the Regional Spatial Strategy, the Warwickshire Structure Plan, the Warwick District Local Plan 1995, the Mineral Local Plan and the Waste Local Plan. In addition, the Warwick District Local Plan 1996-2011 can be given significant weight as it is in accordance with the Inspector's recommendations and (barring a legal challenge) will be adopted in October.

4.32 Policy WD3 of the Regional Spatial Strategy says:-

... Development plans should restrict the granting of planning permission for new sites for landfill to proposals which are necessary to restore despoiled or degraded land, including mineral workings, or which are otherwise necessary to meet specific local circumstances.

and Policy QE6 says:-

Local authorities and other agencies, in their plans, policies and proposals should conserve, enhance and, where necessary, restore the quality, diversity and distinctiveness of landscape character throughout the Region's urban and rural areas by ...

- vi) identifying opportunities for the restoration of degraded landscapes.
- 4.33 Bubbenhall Landfill is located within the Warwickshire Green Belt as identified within the Warwick District Local Plan. Within the Green Belt there is a general presumption against inappropriate development.
- 4.34 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. When any large-scale development or redevelopment of land, including the tipping of waste, occurs in the Green Belt it should so far as possible contribute to the achievement of the objectives for the use of land in Green Belts. The key objectives include; to retain attractive landscapes and enhance landscapes near to where people live, improve damaged and derelict land around towns, to secure nature conservation interest and to retain land in agricultural, forestry and related uses.
- 4.35 PPG2 also explains that inappropriate development will be permitted only in very special circumstances. Uses of land which preserve the openness of the Green Belt and do not conflict with the purpose of including land within it will be permitted in appropriate circumstances. It is established that landfill considered in isolation is an inappropriate use but that landfill carried out as restoration of mineral workings can be an appropriate use in the Green Belt. However, in order to be appropriate it should be necessary and the optimal environmental option.
- 4.26 Policy ENV1 of the Warwick District Local Plan echoes national policy and makes it clear that within the Green Belt the rural character of the area will be retained, protected and wherever possible enhanced by safeguarding areas of mainly open countryside to take account of the interests and needs of agriculture and forestry and to provide a source of recreation and enjoyment. Policy DAP1 of the Warwick District Local Plan 1996 – 2011 so far as relevant reiterates the policy in PPG2.
- 4.36 Policy ER.9 of the Warwickshire Structure Plan also seeks a reduction in waste going to landfill, in line with the Governments national policy. Policy GD.1 of the Plan seeks to provide for a pattern of development which nurtures Warwickshire’s legacy of distinctive towns and villages, countryside, environmental wealth and heritage which continue to make it an attractive place to live.
- 4.37 The adopted Waste Local Plan for Warwickshire also encourages recycling and seeks a reduction in the amount of waste taken to landfill sites. However, the Plan recognises the role landfill has as a waste management option with policy 3 specifically relating to landfilling. Notwithstanding this the Waste Local Plan does not envisage a need for significant net overall increase in landfill capacity during the Plan period. The policy states that proposals for new or extensions to landfill facilities for the disposal of waste will only be approved in one of five particular circumstances. This includes where there is a need for additional landfill capacity. Currently there is no overriding need for additional landfill

capacity. The proposed development would clearly increase the capacity of the landfill by over 800,000 cubic metres. However, it is acknowledged that the main purpose of the proposal is not to create more landfill capacity but to secure a satisfactory site restoration in long term. The creation of additional void space is to some degree a consequence of amending the restoration profile.

- 4.38 Landfilling is also permitted by Policy 3 where the proposal would secure the restoration of a mineral working. Landfilling operations at Bubbenhall are associated with the restoration of former mineral workings. Levels of settlement seen across restored areas of the landfill to date have resulted in areas with little or no gradient to shed surface water and in places depressions have formed resulting in ponding of surface waters. This water is likely to penetrate the cap creating greater volumes of leachate which will require treatment. This is undesirable and unsatisfactory in terms of site restoration. The proposed development would achieve satisfactory post settlement contours enabling surface waters to be adequately managed. This would secure satisfactory and sustainable restoration of the former mineral working in the long term. Therefore is considered that the proposed development accords with Policy 3 of the Waste Local Plan.
- 4.39 Policy 1 of the Waste Local Plan sets out the environmental considerations, including; visual impact, odour, noise, dust, traffic, impact upon features of nature conservation, etc, that should be taken into account when considering all waste applications. Policy ENV3 of the Warwick District Local Plan 1995 requires proposals to have regard to landscape value, harmonise with their surrounding and to protect groundwater sources from pollution.
- 4.40 Policy DP2 of the Warwick District Local Plan will say that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents and Policy DP9 will say that:-

Development will only be permitted which does not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

Where there is evidence of existing land contamination, it will be necessary to ensure that that the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors.

Need for Additional Landfill Void

- 4.41 National and Local waste policy places disposal of waste by means of landfill at the bottom of the waste hierarchy. Landfill is really now the last resort in terms of waste management option. The proposed development would create an additional 825,000 cubic metres of landfill void space. Whilst the creation of further void space is not encouraged, in this case it is proposed to secure a satisfactory restoration of the landfill. Furthermore, it is recognised that landfill will remain an important waste management option, alongside other options, both in the short and long-term. However, it is possible that an over-abundance of landfill capacity will disincentivise movement of waste up the waste hierarchy.

Environment and Amenity

Visual Impact

- 4.42 There are two issues to be addressed in terms of visual impact, the impact during landfilling operations and visual impact of the proposed restoration scheme.
- 4.43 The application site is an existing operational landfill. Existing operations are clearly visible from Weston Lane to the south of the site, dwellings at Waverley Lodge Farm and Weston Fields Farm and properties beyond. Footpath W150a skirts the southern and eastern boundary of the site and also affords clear views across the site. Dwellings at York Farm to the south-east of the site are currently largely screened from day to day tipping operations as the area of the landfill closest to these properties has been restored. Under the current proposals restored areas would be stripped and additional waste added. However, it is likely that these areas will need to be stripped and additional waste added in order to restore the site to the existing approved restoration profile in any event. The proposed revisions to the restoration profile would result in the operations being more visible. Although the proposed phasing of operations and existing boundary hedgerows would help to limit the visual impact of landfilling operations.
- 4.44 The proposed development would result in the creation of a restored profile greater in height than the existing approved restoration levels. Clearly this would result in a change to the landscape. Initially the proposed restored landform would appear different, particularly to nearby residents. However, once the landfill has greened over it would quickly blend in. Furthermore in the long term as the site settles to post settlement contours and trees become established it is considered that the restored landform would not look markedly out of character in the landscape.

Noise

- 4.45 Potential noise impacts associated with landfilling operations include, waste vehicles accessing the site, tipping of waste, operation of plant and machinery associated with compacting waste and stripping and replacing of capping materials and soils. These activities are all currently undertaken at Bubbenhall Landfill and are not believed to have been a cause for complaint. The proposed development would generate the same potential impacts albeit at more elevated levels as tipping cells increase in height.
- 4.46 Noise assessment undertaken indicates that the proposed development would have minor or no significant impacts in all but one location, junction of Pit Hill and the A445 in front of Old Farm House, where there would be moderate impact. Without mitigation this area would experience slightly higher noise levels. In order to limit potential impacts it is proposed to undertake works to increase the height of the landfill around the outer edge of the site first in order that this may afford noise sensitive properties some screening of operations within the central parts of the site. In addition the outer edge of the landfill in the

direction of Old Farm House would be raised slightly to form an earth bund which would reduce noise at this location to a minor impact.

- 4.47 The Environmental Health Officer at Warwick District Council has raised no concern in respect of noise impacts.

Dust

- 4.48 Movement of vehicles across the site, unloading of waste, stripping, stockpiling and replacing of soils all have the potential to generate dust emissions. Dust mitigation measures employed in association with existing landfilling operations on site include; damping down haul roads, suspending soil stripping in windy conditions, seeding soil mounds, keeping the tip face moist and restricting vehicle speeds on site which appears to adequately control dust emissions. The proposed development would result on operations likely to create dust taking place at elevated levels as the active tipping cells increase in height. This has the potential to exacerbate any dust impacts. However, it is considered that continued good management of site operations will help prevent dust from becoming a cause for complaint. The Environmental Health Officer at Warwick District Council has raised no concern in respect of dust impact.

Odour

- 4.49 Odour is potentially generated as the result of odorous waste being deposited on site and from landfill gas generation. Existing operations on site has in the past result in complaint regarding odour. However, it appears that these have been attributable to a green waste composting facility that also operates on site rather than landfilling operations. An odour assessment undertaken in association with the application indicates that the current impact from landfill activities is small, with only slight and very intermittent odours detected close to the site boundary.
- 4.50 The proposed development would involve removing the cap, uncovering, previously deposited waste. This has the potential to release odours from old partially decomposed waste and be a cause for complaint. In order to limit any potential odour impacts it is proposed to restrict the tipping area to as small as possible, to cover all waste at the end of the working day and to limit uncovering of previously tipped waste to the working area. Landfill gas is currently and will continue to be actively managed and used to generate electricity at two on site generators thus limiting odour release.
- 4.51 Landfill operations by their very nature generate odour. However, through good management of operations on site odour can be managed. The Environmental Health Officer at Warwick District Council has raised no concerns in respect of odour. The Environment Agency have highlighted potential odour problems arising as a result of the removal of the capping in order to add additional wastes. In order to ensure that adequate odour management is put in place it would be appropriate for details of odour control measure to be submitted and agreed. A suitably worded condition is proposed.

- 4.52 Clearly there is concern that the proposed development would result in the removal of the cap from previously restored areas exposing partially decomposed waste resulting in the generation of odours. However, it should be borne in mind that existing restored areas are likely to be stripped and additional waste added with or without this application being approved. Under the existing approved restoration scheme this may occur on a number of occasions over an indeterminate period of time. Whereas the proposed development has been designed to account for settlement and thus avoid the need to return in the future to address differential settlement problems.

Litter

- 4.53 Concern was raised when the previous application was submitted regarding wind blown litter leaving the site. This was a particular concern in respect of the impact of litter upon Bubbenhall Wood. Wind blown litter can be a problem on landfills and becomes a greater potential impact when tipping waste at elevated levels. The operator employs measures including; litter pickers, erecting litter fencing around tipping faces and suspending tipping during periods of high wind to limit problems with litter blowing off site. The operator has since recognised the concerns regarding litter control and earlier this year applied for planning permission to erect a five metre high litter fence along the site boundary adjoining Bubbenhall Wood. Planning permission was granted for installation of the litter fence in April 2007 and included a requirement for a litter management and fence maintenance plan to be submitted and approved. Notwithstanding this it is considered that it would be appropriate for details of litter control measures, on and off site, to be submitted and agreed. A suitably worded condition is suggested.

Residential Amenity

- 4.54 The nearest properties to the site are those located at Waverley Lodge Farm which lies immediately adjacent to the south-western boundary of the site, York Farm immediately to the east of the Landfill and Weston Fields Farm located to the south of the site.
- 4.55 The nearest dwellings are those located at Waverley Lodge Farm. This includes an established dwelling situated 40 metres from the boundary of the site and a newly constructed dwelling (live-work unit) located immediately adjacent to the boundary of the landfill. This property is currently for sale. These properties have clear views across the landfill.
- 4.56 York Farm is a group of six dwellings located at the end of Pagets Lane to the east of the landfill. The nearest dwelling is situated 60 metres from the boundary of the landfill. Views of the landfill from these properties are restricted to the south-eastern corner of the site.
- 4.57 Weston Fields Farm, which includes two dwellings, is located 200 metres to the south of the site. The landfill is clearly visible from these properties.
- 4.58 Existing landfilling operations on site are to a greater or lesser extent visible from nearby properties. Increasing the height of the landfill to pre-settlement

levels 8 metres above the existing approved levels would result in the site being more visually prominent. However, the proposed works would be phased such that landfilling operations nearest these sensitive receptors are completed at the earliest opportunity. Thus acting in part as a screening feature of operations within central areas of the site. In addition areas of the site closest to Waverley Lodge Farm and York Farm would be completed using soils only, which would further limit impacts.

- 4.59 Tipping cells within areas of the landfill located closest to the boundaries of the site and nearby dwellings have been filled, capped and restored in recent years. Therefore, from a residents perspective landfilling operations appear to be moving away from them with restoration complete. The proposed development would involve opening up these previously restored areas and applying additional waste which clearly has potential impacts. However, with or without this current proposal being approved it is likely that it will be necessary to strip existing restored areas and apply additional waste in order to overcome differential settlement problems. This would result in similar impacts. The proposed development would allow filling and restoration to be complete in one go rather than result in needing to return on a number of occasions over an indeterminate period of time to apply additional waste under the existing approved restoration scheme.
- 4.60 With good management of day to day site operations the proposed development is unlikely to have any greater impact on residential amenity than existing landfill activities on site. The landfill could be operational for a prolonged period of time, although the existing planning permission does not specify an end date whereas the current proposal would set an end date for the completion of landfilling operations.

Surface Water Run-Off

- 4.61 The proposed reprofiling of the landfill is sought to provide adequate gradients to promote surface water run-off. The Flood Risk Assessment has shown that it will be possible to provide adequate attenuation on the site. Whilst a satisfactory means of surface water disposal has shown to be achievable the Agency are keen to ensure that any increases in rain fall as a result of climate change is taken into account. They therefore wish to see a condition imposed on any planning permission granted requiring a scheme of surface water drainage works to be submitted and approved. A suitably worded condition is suggested.

Ecology

- 4.62 The application relates to an active landfill which has been substantially disturbed by quarrying and landfill operations. The site therefore contains no features, apart from boundary hedgerows, that existed prior to mineral extraction taking place. Consequently, the site is considered to be of limited ecological interest. The site is however adjoined by a number of Ecosites , including Bubbenhall Wood and Waverley Wood which are designated Ancient Woodlands.

- 4.63 A Great Crested Newt Survey found no evidence of their presence on site. However the County Ecologist suggests a note be added to any planning permission granted to ensure that any Newts that are encountered are adequately protected. A suitable note is suggested.
- 4.64 Badgers are known to be active in the area and Dormice are present in Bubbenhall Wood. Existing landfilling operations on site are not believed to have negative impacts in respect of these species or their habitats. Increasing the volume of the landfill and operational life of the site are unlikely to result in any greater impact. However, the County Ecologist has requested that a detailed badger survey be undertaken. This could be secured by condition. A suitably worded condition is suggested.
- 4.65 The proposed development incorporates a revised restoration with a greater emphasis on nature conservation based after use which in the long term would be beneficial to the ecology of the site and enhance adjoining habitats. Additional woodland would provide a physical link between existing woodland areas creating a natural corridor between the established ancient woodland areas.

Cultural Heritage

- 4.66 The application site and surroundings have been the subject of significant archaeological finds recovered in connection with past mineral extraction. Waverley Wood and Bubbenhall Wood are one of the most important Palaeolithic sites in Britain. Part of Bubbenhall Wood is designated a Site of Special Scientific Interest in recognition of this. Substantial remains of Palaeolithic river channel deposits survive beneath the landfill. The proposed development would only affect areas currently being landfilled and would not impact upon previously undisturbed land. Therefore, the proposed development would result in no greater impact upon features of archaeological interest.
- 4.67 Weston Fields Farm, situated 200 metres to the south of the landfill, is a grade II listed building. The proposed development represents a continuation of existing operations and would therefore have no new impact on the listed building. The restored site would in the long term have no adverse impact on the setting of the listed building.

Landscape Impact

- 4.68 Bubbenhall Landfill site lies within the Dunsmore Plateau Farmlands Landscape Character Area. A generally flat topography is typical of the area. Although the proposed landform would settle to some degree it would retain a domed appearance. Whilst this is perhaps regrettable in landscape terms there is a clear need to create such a profile in order to secure long term surface water management and satisfactory restoration of the site. The proposed blocks of woodland and hedgerow planting would be at home with the landscape character and would therefore in time soften the appearance of the revised landform. The proposed 1 metre reduction in the post-settlement profile of the site from that originally proposed is not significant. However, it would result in a

reduced overall profile height and soften the overall appearance of the restored landfill.

Traffic and Highway Issues

- 4.69 Bubbenhall Landfill is accessed via a purpose built access off Weston Lane. The access is shared by traffic accessing the adjoining Smiths Concrete sand and gravel quarrying operations. The current application proposes increased annual inputs of waste to the site in order to enable landfilling operations to be completed within 15 years. This would result in a consequent increase in vehicle numbers accessing the site. However, increasing inputs to the site from the 110,000 tonnes per annum currently deposited on site to the 126,000 tonnes per annum proposed is not considered to be significant. This modest increase will be off set to some degree in the next few years as the adjoining sand and gravel extraction operation winds down. In addition there is no restriction on inputs to the site within the current planning permission and is well within the 300,000 tonnes allowed to be deposited per annum at the site by the PPC Permit. Therefore, inputs could in any event be increased to this level without the need for further planning permission. The applicant indicates that the site has historically operated at the higher level of inputs now proposed.
- 4.70 Concern has been raised regarding the deposit of mud and dirt on the public highway. The site has a wheel wash and a road sweeper is in regular use which to a large degree maintain the public highway in an adequate condition. A suitably worded condition is suggested to ensure adequate wheel washing and road sweepers are employed at all times.

Public Rights of Way

- 4.71 Bubbenhall Landfill is adjoined on three sides by a Public Footpath. This is a re-routed footpath that originally crossed the site prior to mineral extraction and landfilling commencing. This footpath forms part of the local rights of way network which could benefit from improvement. The applicant has offered to make a contribution of £30,000 towards the local rights of way network. This could be put towards improvements to path furniture, signage and surfaces, improvements to the network and publishing leaflets and guides, etc. This could be secured by a Section 106 Agreement.

Restoration

- 4.72 The existing approved restoration scheme is predominantly to agriculture. The proposed revised restoration lays greater emphasis on nature conservation and linkages between existing established woodlands. In time the proposed restoration would enhance the landscape character and ecological value of the area.
- 4.73 The proposed development would allow the restoration profile to be achieved without the need to return to areas and apply additional waste in order to secure the approved post settlement profile. Such remedial works would be necessary under the existing approved scheme and could be necessary for an indeterminate period of time. Securing restoration in effectively 'one hit' would

enable restoration planting to be completed at the earliest opportunity which would clearly be beneficial. In order to secure restoration and woodland planting of the site at the earliest opportunity a condition is proposed to ensure phased restoration.

Green Belt

- 4.74 The application site is located in the Green Belt. Landfill operations harm the openness and character of the Green Belt and conflict with its purposes. Considered in isolation, landfill is an inappropriate use in the Green Belt. However, it is capable of being appropriate where it is carried out as a means of restoring mineral workings. This is because mineral working can be an appropriate use in the Green Belt (because minerals have to be worked where they are found) and so restoration which is ancillary can also be treated as appropriate. It is also because restoration by means of landfill, whilst damaging to the Green Belt whilst it is carried on, serves Green Belt purposes and land use objectives in the longer term by rehabilitating damaged land.
- 4.75 The extended period of landfilling proposed by this application would have a similar visual impact in the Green Belt as the present operation, which the Committee has witnessed on its site visit last year. In terms of appearance and use, both the presently approved restoration scheme and that now proposed would be acceptable. The revised scheme proposed by this application would involve a less sympathetic landform but not one that would be seriously out of place in the landscape. The impact of this landform is, however, offset by the proposal to plant trees replicating and connecting two ancient woods. This would not only soften the visual impact of the landform but also enhance the surface appearance and ecological value of the restored site. Therefore, it is considered that the proposed revised scheme will be consistent with the purposes of including land in the Green Belt and will promote the land use objectives of Green Belt land.
- 4.76 The longer term benefit of restoration is not sufficient to make the landfilling process appropriate development. It is the view of your officers that, in order to be appropriate development, landfilling should not exceed what is necessary to achieve an environmentally sound restoration and should be carried out in the least environmentally intrusive way reasonably possible. Landfill has been carried out on this site since the 1980s and has been a very considerable operation in its own right. Therefore, any proposal to extend it needs to be scrutinised very carefully. This is considered in the next section.

The Best Environmental Option

- 4.77 It is clear that there are settlement problems with Bubbenhall Landfill that need to be addressed. The landfill is settling at a faster rate and to a greater degree than had been anticipated when planning permission was first granted. Lack of adequate slopes and localised concaving of the surface can be seen across the site. This will lead to increased leachate generation and the danger of pollution of groundwater as well as uncontrolled emissions of methane gas (which has a greater effect on climate change than carbon dioxide). Therefore, with or without approval of this proposed development, it will be necessary to add waste to

large areas of the landfill that have previously been capped and restored. The issue is whether this will take place as sporadic “patching” in the twenty or so years after “closure” or whether it will be completed with finality in an additional five years of landfilling prior to closure.

- 4.78 Quite apart from the settlement problems, the previously approved gradients are not sufficient to ensure adequate surface water drainage. The application indicates that even with remediation works the existing approved restoration profile does not accord with the latest good practice in respect of good landfill design and will not produce sufficient gradients adequately to manage surface water drainage. Therefore, the proposed development offers an opportunity to create a restoration profile appropriate to allow for the sustainable long term management of the site.
- 4.79 The applicant has not concocted these problems. The County Council has internal professional expertise which confirms that the problems are real and reflect experience elsewhere in the industry. Much greater rates of settlement are being seen than the 15% anticipated when the presently approval landform was designed, the latest good practice in landfill design does indeed require steeper gradients and failure to address these problems will give rise to long term landfill management difficulties and the danger of pollution of the atmosphere through methane escape and of the groundwater through leachate contamination.
- 4.80 The importance of preventing pollution is reflected not only in national and local planning policies but also in the statutory considerations stipulated by the Waste Management Licensing Regulations 1994. The particular dangers of rainwater ingress, formation of leachate and methane emissions are also specifically recognised in the landfill licensing regime in the Landfill Regulations 2002 within which the applicant must operate. However, planning policy and the Regulations also recognise the importance of avoiding or reducing environmental harm in the form of effects on amenity and the character of rural areas.
- 4.81 Extended landfilling will have adverse environmental consequences. These include impacts on nearby residents, although the number with views over the application site or within potential reach of odours and pests is small. They also include the visual impact on the character and enjoyment of the countryside whilst operations continue. Although these impacts have been accepted in previous planning decisions as acceptable, it should be borne in mind that they would be cumulative with a history of mineral workings and landfill beginning in the 1970s.
- 4.82 Refusing this application will not eliminate the occurrence of these adverse impacts after the anticipated closure of the site in 9 or 10 years’ time. It is already clear from existing settlement that it will be necessary to re-open substantial parts of the site to carry out additional landfilling to restore the approved contours and this can be done without any further permission. Further settlement will add to the need for additional “post-closure” tipping. It is not possible to predict how much additional tipping will be required and over what period. However, it could endure for 20 years after “closure” and might involve

repeated re-opening and tipping operations. Each tipping operation could be slow by comparison with current and proposed rates of landfill. Restoration would be delayed and there would be prolonged uncertainty in the locality as to the future of the site and as to when operations would finally cease.

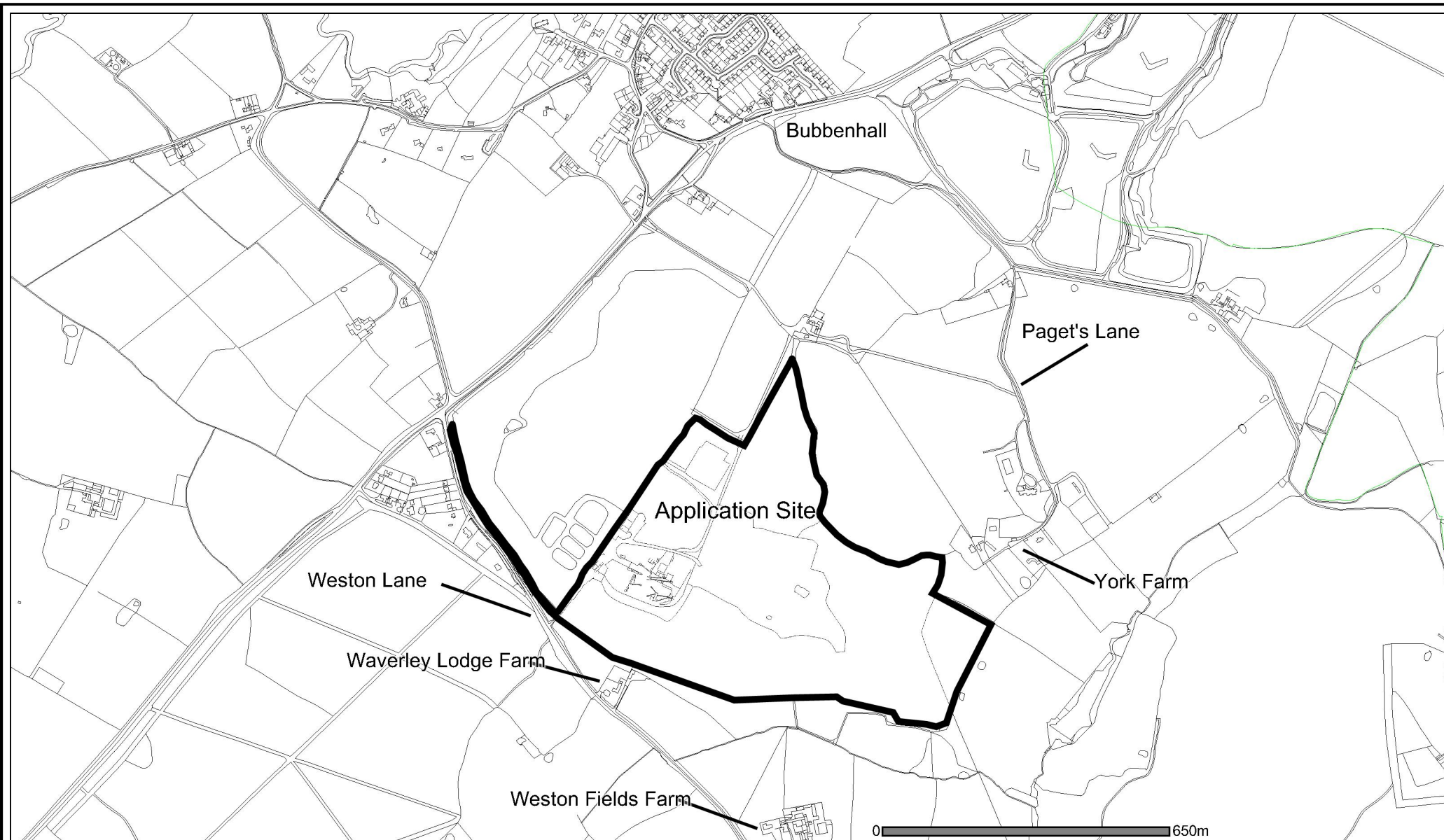
- 4.83 Implementation of the present application would achieve a much better engineered landfill providing more efficient protection against pollution. It would also be a more self-regulating landfill requiring less intervention in coming decades. In short, it promises finality after a period of sustained landfill. It is understood that the Environment Agency plans for post-closure management and monitoring of landfill sites over a sixty year timescale, illustrating how decisions made now will affect the legacy of the site for future generations.
- 4.84 Your Committee refused the 2006 application because it was not persuaded that the applicant had offered the best environmental option which could reasonably be expected of it. The present proposal is a substantial improvement in that it reduces the extension of landfill from 10 to 5 years. The applicant says that the price of this is some compromise on the engineering of the landfill but that the prospect of the design proving successful in the long term remains good. However, the applicant says that any further compromise would prejudice the ability of the design to perform effectively without significant intervention "post-closure".
- 4.85 The application also offers an end date. Although landfill is predicted to continue for 9-10 years under the current permission, there is no obligation on the applicant to maintain current tipping rates or to stop at any time before the approved contours have been permanently achieved. The end date is credible because the volume of landfill will be substantially reduced and the applicant is a large operator with scope to increase waste flows to the site. However, the applicant has not proposed a means by which an end date could be enforced and there are practical difficulties in designing a mechanism. This is because, if the approved landform has not been achieved by the end date, it may be hard to resist an application to extend the time allowed.
- 4.86 It is considered that the reduced period of extension proposed by the present application tips the balance in favour of approval and that the applicant has now identified the option which best balances protection of people, groundwater and the atmosphere in the short and the long term. The proposal is thought to outweigh the adverse effects of postponing closure because:
- (i) such effects are offset by the likelihood of post-closure tipping if the application is refused.
 - (ii) it will achieve more effective protection against pollution of groundwater and the atmosphere.
 - (iii) it is likely to achieve finality and certainty.
 - (iv) a more self-regulating site is a more sustainable one which will reduce the burden of future generations.
- 4.87 It follows from this analysis that the proposal is capable of being regarded as appropriate in the Green Belt.

Conclusion

- 4.88 The issue underlying this application is the competition between different environmental objectives. Following refusal of the 2006 application, the proposal has been significantly improved and is now thought to represent the best balance of these competing needs.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick

13 August 2007



Scale 1: 12000

Ref No. W118/07CM013

Drawn Jan Stevens

Regulatory Committee 21st August 2007

Subject

Bubbenhall Landfill Site



John Deegan
Strategic Director for
Environment and Economy
Shire Hall, Warwick, CV34 4SX

Reproduced from the Ordnance Survey map. With the permission of the HMSO Controller Licence No. 100018285. (c) Crown Copyright.

APPENDIX A OF AGENDA NO.

Regulatory Committee - 21 August 2007

Bubbenhall Landfill Site – Amendment to Profile and Restoration of Landfill (Revised Proposal)

Application No : W118/07CM013

Commencement Date

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To comply with Section 51 of the planning and Compulsory Purchase Act 2004.

Pre-Commencement

2. The development hereby permitted shall not be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the County Planning Authority. Following approval the drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and pollution by ensuring the provision of a satisfactory means of surface water disposal.

3. The development hereby permitted shall not be commenced until a litter management plan has been submitted to and approved in writing by the County Planning Authority. Such a plan shall include detail of on site management measures to prevent litter leaving the site and measures to retrieve any litter that does blow off site. Following approval the management plan shall be implemented accordingly.

Reason: In the interests of the amenity of the area.

4. Notwithstanding condition 25 the development hereby permitted shall not be commenced until a detailed phased restoration scheme has been submitted to and approved in writing by the County Planning Authority. Such a scheme shall include details of plant species, sizes, densities and numbers. Following approval the scheme shall be implemented accordingly.

Reason: To ensure satisfactory restoration of the site.

5. The development hereby permitted shall not be commenced until a detailed badger survey has been submitted to and approved in writing by the County Planning Authority. The survey, carried out by a suitably experienced licensed

badger consultant, shall where appropriate contain protection and mitigation measures.

Reason: To ensure appropriate measures are taken in relation to protected species.

General Operations

6. Unless otherwise agreed in writing by the Mineral Planning Authority the development hereby permitted shall be carried out other than in accordance with the submitted application ref. W118/07CM013, Environmental Statement, plans ref. Bubb-Sur-12-05 Plan 1, Bubb-Sur-04-07 Plan 2, Bubb-Sur-04-07 Plan 03, Bubb-Sur-04-07 Plan 4, Bubb-Surr-04-07 Plan 05, Bubb-Sur-04-07 Plan 06, Bubb-Sur-04-07 Plan 07, Bubb-Sur-04-07 Plan 10, Bubb-Sur-04-07 Plan 11, Bubb-Sur-04-07 Plan 12 and conditions set out below.

Reason: To ensure a satisfactory standard of development.

7. Except as may otherwise be agreed in writing by the County Planning Authority, none operations or uses authorised by this permission (including the maintenance of vehicles and plant) shall be carried out other than during the following times:-

0700 – 1800 hours Monday to Friday
0700 – 1300 hours Saturday

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

Reason: In the interests of the amenities of nearby residents.

8. Except as may otherwise be agreed in writing by the County Planning Authority, no lorries shall enter or leave the site outside the following hours:-

0800 – 1700 hours Mondays to Friday
0800 – 1230 hours Saturday

No lorries shall enter or leave the site on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of nearby residents.

Environmental Protection

9. Plant and machinery shall not be used at the site unless it is silenced at all times in accordance with the best practicable standards.

Reason: In order to safeguard the amenities of the nearby residents.

10. Reversing alarms shall not be used unless they are of a bell tone type or are of the directional type or are capable of adjusting their noise level automatically to 5dB(A) above the ambient noise level or are of a type otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents.

11. Unless otherwise agreed in writing by the County Planning Authority all pumps operated on site shall be electrically powered.

Reason: To safeguard the amenities of nearby residents.

12. No development shall take place unless all necessary measures to prevent or minimise the raising of dust have been adopted. These measures shall include:

- (i) All haul roads within the site (including vehicular access road) shall be laid out and maintained in a clean and serviceable condition.
- (ii) A water bowser shall be used to damp down access and haul roads and the operational filling area shall be damped down as often as weather conditions render this necessary.
- (iii) Methods for controlling dust during soil and overburden movement, including the suspension of operations during weather conditions likely to give rise to uncontrollable dust generation which would be likely to be carried beyond the boundary of the site.

Reason: In order to safeguard the amenities of nearby residents.

13. No screening of soils shall take place on site until full details of the type, location and noise emissions of processing plant to be used on site have been submitted to and approved in writing by the Mineral Planning Authority. Following approval the screening operations shall be undertaken in accordance with the approved details.

Reason: In order to safeguard the amenities of nearby residents.

Soils

14. No topsoil, subsoil or overburden shall be removed from the site.

Reason: To ensure a satisfactory standard of restoration.

15. Unless otherwise approved in writing by the Local Plan Authority the full depth of the topsoil and subsoil shall be stripped and stored for use in restoration of the site.

Reason: To ensure a satisfactory standard of restoration.

16. No soils shall be stripped or removed except when the full depth of soil to be stripped or otherwise transported is in a suitably dry and friable condition. Conditions shall be sufficiently dry for the top soil to be separated from the subsoil without difficulty and the ground is suitably dry to allow the passage of heavy goods vehicles and machinery over it without damage to the soils.

Reason: In order to ensure proper separation of soils and preserve soil quality.

17. Top and subsoils shall be stripped and stored separately. Any overlap of soil types within a mound shall be the minimum necessary to form that mound and the interface shall be clearly recorded on a plan.

Reason: To ensure the integrity of the soils.

18. Prior to any part of the site being excavated or traversed by heavy machinery (except for the purpose of stripping that part or storing topsoil on that part) or used for the stacking of subsoil, all available top soil shall be stripped from that part.

Reason: To ensure the integrity of the soils.

19. Prior to constructing storage soil storage bunds details of locations and heights of such bunds shall be submitted to the County Planning Authority for approval. Following approval the bunds shall be constructed in accordance with the approved details.

Reason: In the interests of residential amenity and visual impact.

20. Soil mounds shall be evenly graded and seeded with a grass seed mixture.

Reason: To prevent wind blown dust.

Access and Protection of the Public Highway

21. No access shall be used by vehicles entering and leaving the site for purposes connected with the development hereby approved except from the existing access onto Weston Lane.

Reason: In the interests of highway safety and residential amenity.

22. The site access shall be maintained in a good state of repair and kept clean and free of mud and other deleterious material at all times.

Reason: In the interests of highway safety.

23. No mud or deleterious material shall be deposited on the public highway. In the event that material is inadvertently deposited it shall be removed immediately.

Reason: In the interests of highway safety.

24. The wheel wash which is installed at the site shall be maintained in a clean and functional condition at all times and shall be used as necessary by all lorries leaving the site.

Reason: In the interests of highway safety.

25. No loaded lorries shall enter or leave the site unless they are sheeted or the load is otherwise adequately secured.

Reason: In the interests of highway safety.

Restoration Conditions

26. The site shall be restored in accordance with plan ref: Bubb-Sur-12-05 Plan 12 – Restoration Masterplan.

Reason: To ensure satisfactory restoration of the site.

27. Plant, machinery and buildings associated with the landfilling operation, and access road, shall be removed from the site and the land reinstated to its former condition on completion of the landfill operation.

Reason: To ensure satisfactory restoration of the site.

28. All operations involving soil replacement and treatments shall be carried out when the full volume of soil involved is in a suitable dry and friable condition to minimise soil damage.

Reason: To ensure the integrity of soils.

29. All reasonable precautions shall be taken so as to prevent the mixture of topsoil and subsoils with other material.

Reason: To ensure the integrity of soils.

Aftercare

30. Three months prior to the replacement of any top soil, final soil cover or the completion of restoration works, whichever is the sooner, a detailed aftercare scheme for that area shall be submitted to the Local Planning Authority for approval. The scheme shall specify the steps to be taken and the five year period in which they are to be taken. Following approval in writing by the Local Planning Authority the scheme shall be implemented accordingly.

Reason: To ensure satisfactory restoration and aftercare of the site.

31. At least once each year during the five year aftercare period relating to each restoration phase a formal annual review shall be held to consider the operations which have taken place on the site during the previous year and the programme of management to be adopted during the ensuing year. At least four weeks prior to the date of each annual review, the site operator shall provide the County Planning Authority with a record of the management and operations carried out on the restored land during the period covered by the review.

Reason: To ensure satisfactory restoration and aftercare of the site.

Notes

- (i) Care should be taken when clearing the ground prior to development, and if evidence of specially protected species such as Great Crested Newts is found, work should stop while Warwickshire Museum Ecology Unit or English Nature is contacted. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species.
- (ii) Nesting sand martins and skylarks are known to be on site and works should avoid any disturbance of these species.

Development Plan Policies Relevant to this Decision

- (a) Warwickshire Structure Plan – 1996-2011 – **Policies GD.1, GD.2, GD.3, GD.4, GD.5, RA.1, ER.1, ER.2, ER.4, ER.5 and ER.8.**
- (b) Warwick District Local Plan – Adopted April 1995 – **ENV1, ENV3 and ENV12.**
- (c) Warwick District Local Plan – Revised Deposit Version 1996 – 2011 – **Policies DP1, DP2, DP3, DP4, DP6, DP7, DP9, DP10 and DAP1.**
- (d) Waste Local Plan for Warwickshire – **Policies 1, 2 and 3**

Reasons for the Decision to Grant Permission

The development hereby permitted is in accordance with the relevant provisions of the development plan and would secure the most satisfactory standard of development overall 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. In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 and Article 3(3) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (EIA Regulations) notice is hereby given that the county Council in determining the above application has taken into consideration an environmental statement and environmental information (as defined by the EIA Regulations).

Regulatory Committee - 21 August 2007

Bubbenhall Landfill Site – Amendment to Profile and Restoration of Landfill (Revised Proposal)

Application No : W118/07CM013

Warwickshire County Council

Decision

The decision of the Regulatory Committee on 21 August 2007 to grant planning permission, subject to conditions and completion of a planning obligation, for an altered profile and restoration scheme at Bubbenhall Landfill Site pursuant to Application W118/07CM013 ("the Application").

Notice of Environmental Information

In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 ("the GDPO") and Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 ("the EIA Regulations") notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information ("the Environmental Information").

Statement under Regulation 21(1) of the EIA Regulations

Description of the Main Measures to Avoid, Reduce and Offset Major Adverse Effects

The following measures will be secured through planning conditions:

- (1) the visual impact of landfilling in the countryside and in the Green Belt, and the visual intrusion experienced by nearby residents, will be mitigated by the phasing of operations and by progressive landscaping and restoration;
- (2) the appearance in the landscape of the larger and steeper final landform will be mitigated by tree planting;
- (3) phasing and bunding will be used to reduce noise in the vicinity of the junction of Pit Hill and the A445 reversing alarms will be controlled;
- (4) standard measures including cleaning and damping of operational areas shall be used to control dust;

- (5) an odour management plan will be approved by the County Council;
- (6) a litter control plan including a litter fence and on- and off-site measures will be approved by the County Council;
- (7) the highway will be protected from mud and other debris by a wheel wash, maintenance of the access, securing of loads and cleaning; and
- (8) vermin and pests will be reduced by minimising the size of uncovered tipping areas.

Loss of enjoyment of the countryside will be offset by a £30,000 contribution, secured by a planning obligation, to the cost of improving the local footpath network and by the attractiveness and ecological value of tree planting, proposed as part of the restoration scheme, which will connect two ancient woods and their wildlife habitats.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 21st August 2007 ("the Report") and in the Environmental Information.

Statement under Regulation 21(1) of the EIA Regulations

Summary under Article 22(1)(a) of the GDPO

Statement of the Main Reasons and Considerations on Which the Decision is Based and Summary of Reasons for the Grant of Planning Permission

The main considerations on which the decision was based were:

- the policies PPS 10: Planning for Sustainable Waste Management and PPG2: Green Belt
- the policies of the development plan summarised below
- the other material considerations identified in the following reasons and detailed in the Report.

The application site is the site of former mineral workings located in the Green Belt and landfilling was originally permitted as a means of restoration. The overall thrust of national and development plan policies is that restoration by way of landfill should avoid or minimise environmental harm and be achieved as quickly as possible. In addition, landfill is capable of being appropriate in the Green Belt only if it is necessary to the satisfactory restoration of mineral workings.

The application will have the effect that continuous landfilling is likely to carry on for another 15 years (and possibly longer if the anticipated levels of annual input are not achieved) rather than the 9-10 years anticipated as necessary to create the previously approved landform. This will prolong the adverse effects described above. Although the adverse effects can be mitigated, they cannot be eliminated

and there will also be a modest increase in local HGV traffic because of the increased annual volume of landfill.

Landfill is an alien and unsightly use in the countryside and mitigation measures such as phasing and landscaping have only limited effect. In addition, the final landform, even post-settlement, will be less sympathetic with the landscape than the previously approved contours. Although landfill justified as restoration of mineral workings can be regarded as an appropriate use in the Green Belt, the temporary harm to the Green Belt during its course is as extensive as the harm which occurs when landfill is unrelated to restoration.

There is no need for additional landfill capacity in the County and an abundance of landfill will tend to disincentivise movement up the waste hierarchy.

Apart from the increase in HGV movements, these adverse effects are the same as those experienced as a result of existing operations. In addition, the number of residents whose amenity is directly affected by the landfill is small. However, these effects will be cumulative with the long period of mineral working and landfill already experienced by the local community at this site and (particularly given the footpaths in the vicinity of the site) the visual blight and loss of enjoyment of the countryside is experienced by the public at large.

These adverse effects are offset to a degree by the ecological value and visual appeal of the proposal to create woodland connecting two ancient woods. Although the previously approved scheme for restoration to agricultural use is considered to be satisfactory, the revised scheme proposed by this application is in these respects superior. However, this consideration alone cannot outweigh the adverse effects of the application proposal.

It has been concluded that the adverse effects are outweighed by the need to remedy the environmental threats presented by greater than anticipated settlement levels and by the inadequacy of the previously approved gradients. It has also been concluded that the application proposal represents the best balance between protection of the natural environment, the amenity of people and the needs of present and future generations. As the best environmental option reasonably obtainable, it is necessary for the satisfactory restoration of mineral workings and thus appropriate in the Green Belt.

The main environmental threats presented by settlement are that increased quantities of rainwater enter the body of the landfill and increase leachate generation and that the apparatus installed to control methane emissions is compromised. Inadequate drainage exacerbates water penetration because surface water is not efficiently drained. The application proposal is likely to remedy these problems in an enduring manner, minimising the level of intervention likely to be required in the future.

The fall back position under the existing permission is that the landfill will need to be re-opened for additional landfilling to restore the approved contours lost through settlement. Such re-opening and renewed landfilling brings with it adverse effects of the same kind as those which would be experienced from extended landfilling under the application proposal, as well as the potential for temporarily increasing methane

escape. The scale and frequency of intervention cannot be predicted with confidence but it might be required repeatedly over a long period of time. Restoration would be delayed and uncertainty for the local community would be prolonged.

The application proposal represents a significant reduction in the amount of waste proposed to be deposited, and a reduction in the period of extended landfill from about 10 to about 5 years, in comparison to the application refused in 2006. Although the time period proposed is not guaranteed, it is considered to be credible.

The benefits of the application proposal are considered to outweigh the objections because:

- the adverse effects are offset (although to an unknown degree) by the likely effects of post-closure tipping if the application is refused
- the proposal will achieve more effective protection against pollution of groundwater and the atmosphere
- the proposal is likely to achieve finality and certainty
- a more self-regulating site is a more sustainable one which will reduce the burden on future generations
- the woodland created as part of the restoration scheme is visually attractive and ecologically valuable.

It follows from this analysis that the proposal is the best environmental option reasonably obtainable and is thus necessary for the satisfactory restoration of mineral workings and appropriate development in the Green Belt. There are no other material considerations capable of justifying refusal of the application.

Summary under Article 22(1)(a) of the GDPO

Summary of Development Plan Policies Relevant to the Decision

Regional Spatial Strategy

Policy WD3 says that development plans should restrict new landfill sites to those necessary to restore damaged land, including mineral workings, or which are otherwise necessary to meet specific local circumstances.

Policy QE6 call on agencies to promote landscape character by means including identifying opportunities for the restoration of degraded landscapes.

Warwickshire Structure Plan

Policy ER4 looks to protect and enhance landscape character and quality.

Policy ER9 seeks a reduction in waste going to landfill by means which (so far as relevant) include limiting the extent of additional waste management facilities to those necessary for the restoration of mineral workings.

Warwick District Local Plan

Policy ENV3 requires proposals to have regard to landscape value, harmonise with their surrounding and to protect groundwater sources from pollution.

Policy C1 requires that the appearance and character of the rural landscape be conserved and enhanced.

Waste Local Plan

Policy 1 sets out the environmental considerations (including visual impact, odour, noise, dust, traffic and impact upon features of nature conservation) to be taken into account when considering all waste applications

Policy 3 allows for landfilling where the proposal would secure the restoration of a mineral working.