

## Regulatory Committee – 3 March 2020

### Proposed Road Sweepings Recycling Facility. At: Packington Landfill Site, Packington Lane, Little Packington, Meriden

#### NWB/19CM022

Application No.: NWB/19CM022

Advertised date: 24 October 2019

Applicant(s) Mr Niall Kelly  
Suez Recycling and Recovery UK Ltd  
North Tyneside Transfer Station  
Wallsend Road,  
North Shields  
NE29 7SH

Agent(s)

Registered by: The Strategic Director for Communities on 8 October  
2019

Proposal: Proposed Road Sweepings Recycling Facility.

Site & location: Packington Lane Landfill Site, Packington Lane, Little  
Packington, CV7 7HN. [Grid ref: 420846.285155].

**See plan in Appendix A**

#### Recommendation

That the Regulatory Committee refuses the grant of planning permission for a proposed road sweepings recycling facility for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

#### 1. Application details

- 1.1 The proposed development comprises a road sweepings recycling facility to process approximately 32,000 tonnes per annum. The applicant originally requested a permanent consent but has indicated that they would be willing to accept a temporary consent for a period of 10 years.

- 1.2 A formation layer comprising a polythene membrane, 150mm type 1 sub-base, 380mm 6F5 capping and geogrids would be overlain by a 300mm concrete pad across the site. Areas where significant loads are imposed will be thickened to accommodate this. The application site comprises the existing haul road running from the main site entrance to the north eastern corner of the site, close to the existing wood shredding facility.
- 1.3 The concrete pad would house the following; weighbridge; single storey office modular cabin of approximately 6m x 10m; processing plant (including screen, conveyor) of up to approximately 7.6m in height and approximately 55m in length; and concrete loading bays. The processing area would be flanked to the north and east by earth screening bunds. A green weldmesh fence is also proposed to encompass the yard perimeter, approximately 1.8m in height. The proposed development would require limited earthworks to form a level surface of approximately 1.2ha.
- 1.4 The proposed road sweeping recycling process would consist of sweepings being delivered to site before being loaded into bulk storage bays. They would then be taken to the screening unit which removes extraneous materials greater than 50mm. The material would then travel up a conveyor, where an over-band magnet removes ferrous metals. The material then arrives at the processing plant, which uses abrasion and rotation, with the addition of powerful water jets, to separate the sweepings into various fractions (Sand, Aggregates, Organics and a litter fraction). The respective materials would then be sold or moved off site to the appropriate market or recycling/disposal facility.
- 1.5 It is proposed that the processing facility will operate as follows: 0700-2000hrs Monday to Friday, 0700-1700hrs on Saturdays, 0730-1600hrs on Sundays and Public Holidays. The site would be gated and locked outside of the permitted operating hours. The proposed hours of operation are aligned with those permitted at the adjacent wood processing facility.
- 1.6 The construction of the proposed facility would take place over approximately 6 months. It would involve an initial period of site clearance, followed by the formation of the concrete pad and the installation of plant machinery. Construction of the facility would involve the use of plant such as excavators, bulldozers, concrete mixers, telehandlers and mobile cranes.
- 1.7 No change is proposed to the existing wider Packington complex site access by this planning application. Vehicles approaching the road sweepings recycling facility would utilise the same internal site route as the adjacent wood processing facility, existing composting facility and landfill restoration vehicles, joining the main access route through the Packington site and ultimately exiting the site onto the A446 highway.

Access onto the internal route through the Packington site would therefore be taken from the south western corner of the proposed development site. It is proposed that the site would be subject to 18 laden vehicles per day. This presents a total of approximately 36 HGV movements proposed per day (based on a Mon – Fri operation).

#### Applicant's Justification for Development

- 1.8 Packington Landfill site, when operational, was one of the largest and most strategically located waste management facilities in the UK. Although currently in the final stages of restoration, activity will continue on the site for the foreseeable future in the form of aftercare, ongoing monitoring associated with the former landfill, compost processing and activities associated with the existing wood processing facility, to the immediate west of the proposed development site.
- 1.9 In regards to the proposed road sweepings recycling facility, SUEZ Recycling and Recovery UK Ltd currently operate an existing facility at Coleshill. This facility is capable of processing 20m<sup>3</sup>/t per hour of grit and street sweepings and processes in the region of 25,000 tonnes of material per annum. The site is not considered to be easily accessible, with the entrance situated next to the Coleshill train station car park. It has an unmanned gate, which is not under SUEZ' control. Once access to the site has been granted, the SUEZ facility is then a further mile into the STW treatment works site.
- 1.10 The processing plant at Coleshill is approximately 10 years old and is still within the ownership of the landowner, which also limits the ability of SUEZ to update/upgrade the plant with the Best Available Technology (BAT). Any plant alterations, unless easily removable, will also become the property of the landowner at the end of the current contract, which is due to expire in 2020.
- 1.11 The contract restrictions and SUEZ' commitment to providing the best possible service to their customers, in terms of reliability and the highest levels of recycling are driving the need to re-locate the plant. Moving to the Packington site would allow SUEZ to invest in the latest technology and create a new, state-of-the-art facility, to ensuring that they are offering the highest standard of recycling of road sweepings available.
- 1.12 After initially applying for a permanent planning consent the applicant has amended the proposal to request a 10-year temporary permission. This is on the basis that the landfill is currently under restoration and it is anticipated that the restoration will take at least another 4 years to complete, the majority of the landfill will then be subject to a 5 year aftercare period which will involve a significant amount of activity on the landfill.

- 1.13 Therefore, the facility will cease to be operational around the time that the landfill has finished its formal aftercare period. Whilst it is acknowledged that the site is located within Green Belt, Warwickshire County Council have previously granted planning permission for development within the Green Belt which extends beyond the life of the landfill.
- 1.14 The first example of this was the granting of planning permission for the leachate treatment facility (planning permission reference NW6/06CM015. This application was not time limited and is a permanent permission within the Green Belt. The area is similar in size to the proposed sweepings recycling facility. It is considered that this sets a precedent for permitted permanent infrastructure within the Green Belt, at this location.
- 1.15 In addition, planning permission in 2014 (application reference NWB12/CM001) allowed an Anaerobic Digestion Facility within the Green Belt for a period of 25 years from the commencement of the operation of development. If this permission had been developed in 2014, it would have been operational until 2039, which is significantly beyond the timescales proposed for this development.
- 1.16 SUEZ note the Council's concerns around the proximity of SUEZ's other road sweepings recycling facility at Coleshill, however it is envisaged that the proposed development would replace the existing operation. The Coleshill Road Sweepings Processing Plant is operated under a Concession Agreement with Severn Trent Water (STW) and is situated on the STW treatment works at Hams Hall. The site is not easily accessible with the entrance situated next to the Coleshill train station carpark.
- 1.17 It has an unmanned gate which is not under SUEZ control. Once access to the site has been granted the SUEZ facility is 1 mile further into the STW treatment works site following relocation due to HS2 which STW were obliged to provide as this was foreseen in the Concession Agreement. Under the Agreement SUEZ operate a STW "Grit" processing plant to treat road sweepings. Although not a dedicated road sweeping plant, it is capable of processing at 20m/t hour although not at the same recycling quality that would be produced at Packington. Under the agreement processing is restricted to (Monday to Friday), with the additional restriction of only being allowed to process from 07:30 to 20:00.

1.18 The current Concession Agreement between STW and SUEZ is due to expire in April 2020. The road sweeping recycling operation within the STW treatment works adds no value to STW's operation and is not their core business. Given that the land at the treatment works has been impacted on by the HS2 development, STW may require the land utilised by SUEZ for future development of the treatment works, therefore in order to safeguard the future of the facility and the Local Authority Contracts, a new facility has to be explored.

## **2. Consultation**

- 2.1 North Warwickshire Borough Council Planning – would support the application on a temporary basis provided end date coincides with existing temporary consents.
- 2.2 Environmental Health Officer – No comments received at time of writing.
- 2.3 HS2 Limited – No comments received at time of writing.
- 2.4 Flood Risk and Water Management – No objection subject to drainage strategy condition.
- 2.5 Clerk to Coleshill Town Council – No response received at time of writing.
- 2.6 Great & Little Packington Parish Council – No response received at time of writing.
- 2.7 Councillor Hayfield – No comments received at time of writing.
- 2.8 Ecology – No objection subject to conditions.
- 2.9 Site notices posted – 24<sup>th</sup> October 2019
- 2.10 Press notice posted on – 24<sup>th</sup> October 2019
- 2.11 No individual properties required to be notified.

## **3. Representations**

- 3.1 No representation received from local residents at time of writing.

#### **4. Previous Planning History**

- 4.1 Packington has a long history of mineral working and waste disposal. Prior to the Second World War the Midland Gravel Co. began sand and gravel working on part of the site. Mineral working continued under a variety of operators after 1945, with waste infilling of the abandoned sand and gravel pits commencing in the 1960's. Various permissions were granted during the 1970's and 1980's. The planning history associated with the landfill site is lengthy and complex.
- 4.2 Planning consent was granted on the 2nd March 2001 under ref: NW9/97CM039 for a revision to the approved landform (to create 3.5 million m3 of additional capacity) alongside proposals for revised restoration and landscape schemes. The application also sought the development of a Materials Recycling Facility (MRF) for construction and demolition wastes on land to the north of the existing landfill site. The MRF was subsequently never developed. Landfilling at the site ceased in February 2015 and final capping and restoration is now under way in accordance with the approved landform and settlement plans.
- 4.3 The extant planning consent for the landfill site is NWB/16/CM016 granted on the April 2017 which sought to revise the approved restoration scheme and after use. Landfilling at the site ceased in February 2015 and final capping and restoration is now under way in accordance with the approved landform and settlement plans. However, pre-application discussion have been undertaken with a view to the submission of a further application seeking to amend the final restoration of the site.
- 4.4 The first Composting Pad NM6/02/CM020 was granted planning permission in 2002 and the consent expires upon cessation of the landfill activity. The Wood Shredding Facility (NW6/08/CM034) and second Composting Pad (NW6/08/CM035) were granted planning permission in November 2008. The consents were extended in 2013 and 2014 respectively for a period of five years. The consents were extended for a further 5 years in 2018 meaning that they are permitted to operate until the year 2023 while restoration of the wider landfill and its decommissioning is ongoing.

- 4.5 Planning permission ref: NW6/06CM015 permitted the provision of a leachate treatment facility and associated infrastructure in 2006. Although the consent does not have a time limit, and in effect is a permanent consent, it does have a condition that precludes the treatment of leachate arising from any site other than Packington Landfill. It is likely that no end date was specified as it is difficult to determine when a landfill will stop producing leachate. A condition renders the plant inoperable once leachate ceases to be produced on site, and in effect brings an end to the consent. The site would also be covered by the wider restoration scheme which could be enforced to ensure a satisfactory after-use.
- 4.6 In January 2014 consent was granted for the 'Construction of an Anaerobic Digestion Plant which will process organic waste to produce compost and renewable energy along with the provision of polytunnels for horticultural use'. The consent was granted for a temporary period of 25 years but was never implemented and has since lapsed.
- 4.7 Although this consent has lapsed, it is a material consideration given that it permitted an ongoing waste use beyond the operational life of the landfill. It is important to note that this consent was granted when the landfill site was still accepting municipal waste, which is no longer the case. There is policy support for a recycling operation within an active landfill site but in the case of this proposal there would be no overlap at all with the landfill use.
- 4.8 In addition, the proposal sought to produce renewable energy and offered community use of the horticultural elements. Given these benefits, and the considerable support from local residents, the planning balance was considered to be tipped in favour of the development and as such they amounted to 'very special circumstances' which allowed the development to be permitted within the Green Belt.
- 4.9 The current proposal has been made after the landfill has stopped accepting municipal waste and does not contain a renewable energy generation or community use facet.

## **5. Assessment and Observations**

### **Location**

- 5.1 The landfill site lies on the north-western edge of Warwickshire, to the south of the M6 and the eastern edge of the Birmingham conurbation. It is sited within Warwickshire, but on the boundary of the West Midlands metropolitan area at the convergence of the M6, M42, M6 Toll Road, A446 and A452 roads. Site access is from the A446 for all site and operational traffic. There is a second access off Packington Lane, the use of which is restricted to non-operational vehicles /HGV's etc.

- 5.2 The application site is located within the confines of Packington Landfill Site. The site is dominated by the large engineered hill which has been created by the large-scale landfilling of waste. The site itself is located to the north east of the elevated section of the landfill site close to the existing wood processing yard.
- 5.3 To put the site into a wider context, it is located in the open countryside just over a mile to the south of the market town of Coleshill, within the parish of Great and Little Packington, immediately to the west of the hamlet of Little Packington. Little Packington is a loose knit settlement consisting of little more than a collection of farms and cottages. The nearest dwelling to the development is Common Farm, approximately 500m metres to the south west of the application site. The landfill site and its surroundings are located within the West Midlands Green Belt.

### **Ongoing Operations**

- 5.4 Landfilling has now ceased and capping and restoration of the final worked areas is ongoing. Within the site are two Open Windrow composting operations, a wood processing facility (60,000 tpa) and a leachate treatment plant, treating leachate produced from the landfill and additional leachate imported from other Suez landfills when capacity exists. These operations have standalone planning permissions and are all temporary in nature with time limiting planning conditions. There is also an administrative office building accessed from Packington Lane.
- 5.5 The weighbridge and weighbridge offices are located at the site access from the A442. Their presence would continue to be required for a number of years to service restoration works, the composting and wood shredding facilities and the Leachate Treatment plant.
- 5.6 In addition, there is the Packington Gas Utilisation Plant to the east of Packington Lane which exports renewable electricity to the National Grid using the landfill gas generated from within Packington Landfill Site. The generating equipment consists of 7 Jenbacher Gas Engines with a total installed capacity of 7.46MW. Current estimates are that generation from the landfill gas will continue for a period in excess of 20 years (from the final waste entering the site i.e. 2035) as the volumes of generated gas follow a steady decline in line with the degradation of the waste.



## **Environmental Issues**

### Ecology

- 5.7 The site is not located within any European or Nationally Designated sites, however the Coleshill and Bannerly Pools SSSI and the River Blythe SSSI are located to the North and East of the site. It is not considered that there would be any adverse effects on the above designations as a result of the proposed development.
- 5.8 The application site is previously restored land and is of limited ecological value. Appropriate surveys have been undertaken for Great Crested Newts as well as for reptiles and concluded that none were present, and the development would not have an impact on either species. Pre-commencement checks would be conducted, and a toolbox talk undertaken prior to development if Members are minded to approve the proposal. The County Ecologist has requested conditions be appended to any potential approval requiring the submission and approval of a CEMP and a LEMP.
- 5.9 The County Ecologist has also requested a BIA using the approved Defra metric calculator be completed to determine whether the development proposal would have a net impact upon biodiversity. The applicant is yet to provide the requested BIA calculation, but it is considered that it could be provided via planning condition should Members be minded to approve the application. This is on the basis that the applicant owns a significant landholding, namely the wider landfill site, upon which they could provide any necessary biodiversity offsetting that may be required. Such biodiversity offsetting would be secured via a planning condition should members be minded to approve the application.

### Flood Risk and Drainage

- 5.10 The existing surface water and site drainage system would be largely unaffected by the proposed development. It is proposed that site drainage would be maintained as existing, with drainage to the River Blythe, to mimic natural flow as closely as possible, in addition to managing flood risk and to protect water quality. The site office would include welfare facilities and a package plant would be installed to manage foul drainage requirements.
- 5.11 Surface runoff from the development area would be discharged into the existing drainage ditch along the north eastern site boundary. Process water from the recycling operation would be kept separate from the surface runoff within a contained drainage system and recirculated as necessary. Clean water entering the drainage ditch would continue to discharge into existing site lagoons, as per the current situation. In order to allow for additional capacity to carry increased discharge, it is proposed to add an additional two culvert pipes, both of 275mm

diameter, to increase the carrying capacity of the existing culvert during higher flows.

- 5.12 The existing drainage system includes three SuDS lagoons and no changes are proposed to these lagoons. The drainage strategy for the site aims to promote attenuation, to mitigate any additional surface water runoff generated as a result of the development, particularly during 1-100 year storm events. The Flood Risk Assessment (FRA) and Drainage Strategy submitted in support of the application concludes that the existing Packington lagoon system provides sufficient capacity to manage and attenuate the additional flows that may arise from the proposed development, taking into account climate change allowance.
- 5.13 The Flood Risk Management team has accepted the results of the FRA, Drainage Strategy and subsequent clarification provided by the applicant. However, it has been requested that a detailed drainage strategy and maintenance strategy be submitted for approval via planning condition should Members be minded to grant consent.

### **Amenity**

#### **Noise**

- 5.14 The proposed recycling process has the potential to generate noise, by way of grit processing, loading and unloading and due to vehicle movements and manoeuvres. As such a noise assessment has been undertaken and submitted to support the application which assesses the potential impact upon the nearest sensitive receptors (NSRs).
- 5.15 The application site is bounded to the east by Packington Lane and to the west by the A446 and A452, with the M6 located approximately 1km north of the site. The nearest sensitive receptors subject to the assessment and their distances from the application site are as follows; Brooks Farm 725m, Woodbine Cottage 850m, The Old Rectory 1080m, Bogs Farm 650m (currently unoccupied) and Fishers Hall Farm 870m.
- 5.16 The assessment of the sound levels measured at each of the NSRs indicates that any industrial sound from the proposed site is likely to have a 'low impact' at all of the NSRs. As such, additional mitigation measures are considered unlikely to be required.

## Visual Impact

- 5.17 Given the application site's location within the green belt, the open countryside and upon an engineered landform, its visual impact on the locality is one of the most important factors to consider when determining the application. A landscape and visual impact assessment has been conducted by the applicant which defines the impact of the proposal by its magnitude, significance and whether the impact would be beneficial or adverse. The assessment concluded that the impact on landscape character would be slight in magnitude, minor in significance and adverse. The assessment went on to conclude that impact upon visual receptors would be negligible in magnitude, minor in significance and neutral.
- 5.18 The application site lies within an area of the former landfill which has been restored to grass pasture with a margin of semi-improved grassland and pockets of scattered scrub on the northern, eastern, and western boundaries. It would be adjacent to a wood processing facility and open windrow (green waste) composting operation. The existing land slopes from approximately 105m to 94m in an easterly direction and is located on the northern aspect of the engineered hill. The former landfill has been partially restored to grassland with smooth slopes. Agricultural land surrounds the site to the north, east and south, with the outskirts of Birmingham to the west. In paragraph 7.15 of North Warwickshire's Local Plan submission (dated 2018) it is stated that the "maintenance of the Green Belt is seen as a vital component in protecting and enhancing the borough as an area of pleasant countryside, especially by preventing the incursion of nearby urban areas". The Local Plan is currently considered to be 'emerging' having been through examination. The Borough are currently working on responses to questions raised by the inspector and as such the plan can only be given limited weight.
- 5.19 The proposed development comprises levelling across the site, building the land up to match the current highest point and incorporating a slight gradient. The gradient of the proposed slope around the perimeter would be 1:2 with level changes of up to approximately 3m. A large concrete pad would then be constructed, covering the majority of the field's surface to hold: a weighbridge; a single storey office; a processing plant; and concrete loading bays. The perimeter to the yard will be defined by a 1.8m high green weldmesh fence. The height of the proposed plant and machinery would be approximately 7.6m high.

- 5.20 A linear block of mixed woodland planting would be planted along the eastern edge of the development (outside the proposed fence line). It is intended to plant the woodland mix as transplants; 30-40cm high (for the holly) and 40-60cm high for all other plants with a small number of 150-175cm high feathered trees. The plants are to be planted into approximately 1m depth of restoration soils on the 1:2 slope. Outside the development area a reno mattress is proposed along the eastern edge, along an existing drainage ditch which feeds into the adjacent pond.
- 5.21 The site would operate daily. Vehicles approaching the road sweepings recycling facility will use the same internal site route for the adjacent wood processing facility, existing composting facility and ongoing landfill restoration works. The applicant anticipates that there will be approximately 36 additional vehicle movements per day along this site route.
- 5.22 25 no. 8m high lighting columns are proposed around the perimeter of the site to provide lighting to the general area. These do not appear on the proposed plans and details would be required by condition should Members be minded to grant approval. In addition, task lighting and emergency lighting would be located on the plant to ensure that maintenance and operations could be undertaken throughout operational hours.
- 5.23 When assessing the impact of the development it is important to consider the potential cumulative effects created by existing schemes and those which are proposed. As such, it is important to consider that the landscape is already impacted by the adjacent wood processing facility which has a temporary consent until 2023. The proposed construction of HS2 and the associated realignment of the highway network to the south and west of the site should also be considered. The new rail line would run immediately to the west of the wider landfill site, and associated works to realign the A446 and A452 will be required. In addition, the HS2 Birmingham Interchange is proposed just to the south which would see the creation of a new railway station. Work is likely to be ongoing for a period of 5 to 10 years in this location and its impact upon the landscape is assessed later in this report.
- 5.24 Although the wood processing facility urbanises the landscape, it is of a temporary nature and is due to be restored upon its cessation in 2023. It is considered allowing further development in close proximity would create a further negative impact on landscape character and the Green Belt. It is also considered that the impacts of HS2 and the road realignment would be further exacerbated by the approval of this application. At present there is some scarring of the northern slope of the landform visible in views from the bridge embankment over the M6 Toll Road and this area of bare / disturbed ground appears to form part of the ongoing land restoration works.

- 5.25 Urban influences are especially dominant in central Arden between Birmingham and Coventry and they have created a suburban character on the landscape. To help control their expansion most of Arden was designated as Green Belt after approval of the original County Structure Plan in 1973. Since that date most of this area has continued to be designated as Green Belt.
- 5.26 Packington Landfill site is located within an 'enhancement zone' for the Arden Parklands landscape. Although the structure and the character of the landscape is in decline this is regarded as a priority area where resources for landscape and habitat restoration should be targeted. The application site is on an engineered hillside, part of the former landfill site, surrounded by a gently rolling to almost flat topography with a heavily wooded appearance. To the north east are ancient woodlands and scrub at Todds Rough and Bannerley Rough. The site and wider landfill area are described as non-agricultural although recent restoration has created an appearance of rural land with grass slopes and two narrow belts of trees. East of the site Packington Lane functions as a relatively quiet recreational route utilised by runners and cyclists.
- 5.27 The 2010 North Warwickshire Borough Council Landscape Character Assessment identifies the local area as Blythe Valley - Parkland Farmlands with the immediate area to the site indicated on plan as 'industrial' land. The local landscape is described as heathy vegetation with groups of birch and oak, fields are generally hedged with many hedgerow trees and scattered field trees. The landscape management strategies include: conserving rural character by restricting changes in the use of rural land; conserving and enhancing tree cover through natural regeneration of hedgerow oaks; and safeguarding LP27, a former rail route. Further to the east is Packington Hall, a former deer park estate with significant areas of wood pasture.
- 5.28 The application site has only recently been restored to amenity grassland with perimeter areas of scattered scrub and has yet to be put to productive agricultural use. However, it forms part of the wider rural gap between Coleshill and nearby towns and settlements and its future use should reflect the local landscape character. The proposed development would alter part of the profile of the slope on the north eastern aspect of the landfill and create a built-up level platform. The applicant states that the development proposal would be reversible if decommissioned, and it can be confirmed that in theory this would be possible.
- 5.29 Potential views are restricted to the north and east because of the landform and the combination of tree belts and woodland cover. There are a small number of farm dwellings within a kilometre radius and these tend to be screened by intervening vegetation along road corridors, the dismantled railway line and the River Blythe.

- 5.30 The landfill site is therefore a prominent feature in the local landscape and the brow and high sided vehicles travelling along internal access routes can be seen above the woodland in middle to long distance views at intervals along Packington Lane, (including from the bridge embankment over the M6 Toll Road), from the southern edge of the village of Maxstoke, public right of way PRow M94 (off Arnolds Lane) and from elevated sections of the A446 Coleshill Road. The base of this new landform, including the site area is screened by mature woodland and scrub during the summer months.
- 5.31 The proposed plant would be 7.6m high on a raised platform which would include external lighting columns. Plant and lighting would be potentially visible in middle to long distance views after leaf fall and at dusk. Lighting and increased traffic would further urbanise the view.
- 5.32 The current 'scarring' above the site may draw the eye towards these new elements in the landscape. While in the main views towards the application site are from urban locations it would still be a change in what the viewer would experience. It is accepted that the site office and vehicles within the compound area are likely to be screened by the existing bunds. Although it is unlikely that the tipper trucks and other high sided vehicles would be visible when within the application site, they would be seen traversing the internal haul roads and entering / leaving the site.
- 5.33 The site is defined in part by a scrub planted bund along the north western edge that forms part of the boundary to the wood processing facility. The remainder of the site is largely open save for scattered scrub that occurs along the south west edge and on a low bund outside the north east boundary. The proposed planting would help to enclose the north-east and south-east perimeters and would be planted to tie in with the scrub planting along the existing bund to the wood processing facility.
- 5.34 The taller plants are to be planted at the bottom of the slope so noting the height of the processing plant and any external lighting located on the compound it would be at least 15 years before the planting starts to provide any screening effect. Until the planting becomes established it is likely that there would be views of the top of the plant and the new lighting from intervals along Packington Lane and other roads nearby. There is a reliance on the screening effect provided by existing vegetation.

- 5.35 However, given that the applicant is now proposing a temporary consent for a period of 10 years, this planting would have no effect in screening the development and its operation during the life of the development. With this in mind, and the conclusion that both the development and its operation would be visible from urban areas and receptor points it is considered that the proposal would have a negative impact on the landscape character and consequently the Green Belt. Having a detrimental impact upon the Green Belt in this way would compromise its openness, and as such conflicts with local and national planning policy.

### **Planning Policy**

#### Warwickshire Waste Core Strategy (Adopted Local Plan) 2013 –2028

- 5.36 Objective 1 of the Waste Core Strategy seeks to deliver waste management by managing waste as a resource and moving it up the waste hierarchy. The proposal would accord with this objective by recycling road sweepings and separating organic matter before producing a product in the form of composite blocks.
- 5.37 Objective 3 seeks to ensure new waste development is located in the most sustainable and accessible locations in proximity to waste arisings. The proposal accords with this objective to some extent given that the waste to be processed arising predominantly in Warwickshire, with some arriving from counties to the north and the south, in addition the transport links are good and the proposal would not be detrimental on the highway network. However, it is not considered that the location is the most sustainable available given its location in the Green Belt and the open countryside.
- 5.38 Core Strategy Policy 2 sets out the spatial waste plan for Warwickshire, which stipulates the broad locations where new waste developments will be located. The locations include general industrial land, operating waste sites, land within or adjoining a sewage works and active mineral sites or landfills. The application site is within the wider landfill site that is currently undergoing restoration and aftercare. The site is no longer accepting municipal waste and as such is not considered 'active'. Therefore, the proposal no longer accords with the policy.
- 5.39 Policy DM1 seeks to protect and enhance the natural and built environment, including by ensuring there are no unacceptable adverse impacts upon the quality and character of the landscape, and that development satisfies Green Belt policies. This report has concluded that there would be a negative impact upon landscape character and as such the proposal is contrary to policy. It is also concluded later in this report that the proposal does not comply with Green Belt Policy.

- 5.40 Policy DM4 states that the design of new waste management facilities will be required to: retain and enhance landscape features where possible and provide a minimum of 10% of the energy needs of new buildings through on site renewable technology. Although the proposal includes landscaping and planting in an effort to screen the development, its location on a raised platform and prominence in the context of the engineered landform results in a detrimental impact on the landscape. In addition, there is no provision for renewable energy generation proposed to power the buildings, although it is accepted they are ancillary and small scale.

North Warwickshire Core Strategy (Adopted October 2014)

- 5.41 NW1: Sustainable Development – states that planning applications which accord with the policies in the Core Strategy will be approved without delay. Where there are no relevant policies or policies are out of date, permission will be granted unless material considerations outweigh the benefits of the proposal, these include national planning policy. As discussed below, the proposal does not accord with the policies of the Core Strategy as a whole.
- 5.42 NW3: Green Belt – the application site and the wider landfill falls within the West Midlands Green Belt and as such national restrictions as defined by the NPPF apply.
- 5.43 NW13: Natural Environment – The proposal is contrary to the policy as it would create a negative impact upon the Arden landscape within which it sits.

North Warwickshire Local Plan 2006 (Saved Policies)

- 5.44 Policy ENV1 – Protection and Enhancement of Natural Landscape states that development which neither protects nor enhances the existing landscape character will be refused. As previously demonstrated the proposal would have a negative impact upon landscape character and as such is contrary to the policy.

National Planning Policy for Waste

- 5.45 Section 7 states that: *'When determining waste planning applications, waste planning authorities should: ... ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.'*
- 5.46 Given that the proposed application site has already been restored and is ready to enter its aftercare period, allowing its redevelopment would not contribute to securing its restoration at the earliest opportunity.



## National Planning Policy Framework

5.47 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.48 In this case, there are relevant development plan policies and they are considered to be up-to-date and the proposal does not accord with those policies (or indeed the Green Belt policies contained within the NPPF). Therefore, the presumption does not apply and the applicable approach is that affirmed in paragraph 12 of the NPPF:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

5.49 Given that the application site lies within the West Midlands Green Belt it is necessary to assess the proposal in the context of Section 13 of the NPPF ‘Protecting Green Belt Land’. Paragraph 133 states that ‘*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belts and their openness and their permanence.*’

5.50 Paragraph 134 states that:

*‘The Green Belt serves five purposes:*

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

- 5.51 It is considered that the proposal conflicts with purposes of the Green Belt given that allowing the development would contribute to the increased sprawl of the West Midlands conurbation into the open countryside. This assumption is made on the basis of the close proximity of the site to the urban area in addition to the proposed HS2 development and the associated realignment of the A452. Further development to the east of these schemes would serve to extend the urban appearance of the area and compromise the appearance and purpose of the Green Belt. In addition, it is felt that despite the alternative site assessment (discussed later in this report), it is possible to find suitable sites within urban areas. Locating the facility within the Green Belt would not be a means of encouraging the recycling of derelict or other urban land.
- 5.52 Paragraph 143 states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*
- 5.53 Paragraph 144 states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*
- 5.54 The applicant contends that 'very special circumstances' exist given that their current agreement with STW where the existing facility is located is due to expire and an Alternative Site Assessment has been undertaken which has demonstrated that there are no suitable alternative locations for the facility. In addition, the following very special circumstances are also contended to apply:
- 5.55 VSC1 – Co-location of waste management facilities: The wider landfill site has had a long history of mineral extraction and subsequent waste disposal. The co-location of the temporary road sweepings recycling facility at the landfill site has provided sustainable benefits in diverting waste from landfill. The operation would continue to utilise existing site infrastructure (haul roads, weighbridges etc) that will remain on site for the completion of restoration and beyond.
- 5.56 VSC2 –The absence of impact upon sensitive receptors: The other facilities at Packington have operated for many years without any complaint from neighbouring landowners or occupiers of residential properties in the locality.
- 5.57 VSC3 – Site Location close to waste arisings and the absence of more suitable sites for location of the facility: the application site is located in close proximity to the West Midlands conurbation. The facility is primarily designed to serve this local resident population.

- 5.58 VSC4 – The proposals will also see waste move up the waste hierarchy by being reused as Lego Blocks to construct bays to hold waste and processed materials rather than being sent to landfill.
- 5.59 VSC5 – it should be noted that the proposed operations are very similar to an agricultural/forestry processes which are carried out in the open air, without any permanent fixtures and which are acceptable in Green Belt Locations
- 5.60 While it is accepted that the collocation of waste management facilities within the wider landfill site is sustainable in so far as it utilises existing site infrastructure and diverts waste from landfill, it is not accepted as a 'very special circumstance'. The provision of the facility does not require specialist infrastructure that cannot be located anywhere other than the landfill site. In addition, the process would divert waste from landfill regardless of where it is located.
- 5.61 The absence of nearby sensitive receptors weighs in favour of the proposal; however, it does not mean this is the only location that could be developed without adverse impact on amenity. The proposed development is not particularly noisy, dusty or odorous and as such could be satisfactorily located within an urban industrial area. Likewise, there are other locations within the West Midlands area that could be suitable for this type of development outside of the Green Belt where it would still serve the local area.
- 5.62 The proposed operation is not considered to be similar to that of agriculture and/or forestry and is more comparable to an industrial process. Even if it were comparable, forestry and agriculture are not considered inappropriate development in the Green Belt is primarily because of their nature. It is expected that forestry and agricultural processes will take place in the open countryside and consequently the Green Belt. Their presence within the Green Belt is therefore unavoidable, whereas this proposal does not have to be located in the countryside in order to perform its function.

#### Alternative Site Assessment

- 5.63 An alternative site assessment (ASA) has been conducted by the applicant to ascertain if alternative suitable sites outside of the Green Belt are available. The criteria for this search are based upon the particulars of an operational road sweepings recycling facility operated by SUEZ in Wolverhampton. The site is approximately 1 acre in size has a water supply of 2 litres per second and a power supply of 325kVa. SUEZ have also stated that the process could be conducted within an industrial building provided it has a floor area of 10,000 sq ft. As such, these parameters have been used to define the alternative site search, in addition to a search area that starts in central Birmingham running eastwards to the east of Coventry and from just south of Kenilworth to just north of Nuneaton.

- 5.64 The alternative site assessment concluded that there were currently no suitable sites available in the defined area where the development could be located. However, after scrutiny of the ASA it is considered that a number of sites would have been suitable or could have at least been pursued further before they were discounted.
- 5.65 Site 4 at Prologis Park, Birmingham Interchange was discounted as the site area was too big. However, no enquiries were made as to whether it could have been possible to subdivide the plots or share an area with another developer.
- 5.66 Site 5 at the Elmdon Trading Estate, Solihull was deemed inappropriate as the quoted rent was considered too high which subsequently made the site unviable. Green Belt policy is likely to be undermined if the fact that land is more expensive elsewhere were given any significant weight in the assessment of very special circumstances.
- 5.67 Site 8 Marsh Lane, Water Orton was also deemed unviable due to the high rent charge. In addition, it was stated that the site is within Flood Zone 3 which makes it unsuitable. The ASA also states that flood defences exist in this location. It is not inconceivable that the site could be made fit for the proposed use if suitable mitigation was provided.
- 5.68 Site 9 at Haunchwood Park, Bermuda Road Nuneaton was discounted given the site was within 200m of a residential area which would consequently give rise to an adverse impact on amenity. This site is located within an industrial area built on a former coal mine site that supports predominantly B2 general industrial uses. The residential units have been built relatively recently, post development of the industrial units. As such, it is reasonable to believe that the impact of B2 uses was assessed when the residential units were proposed and it was deemed the uses could coexist. The potential impact of the road sweepings facility on the residential units could be tested at planning application stage to determine whether the site is legitimately discounted.
- 5.69 Taking into consideration the above, it is apparent that there is a number of sites within the search area that have the potential to adequately facilitate the proposed development. A number of the sites have been discounted without further investigation and for reasons that are not fully justified. As such, none of the reasons given are considered to constitute the 'very special circumstances' needed to justify the location of this development within the Green Belt.

5.70 In addition, the ASA demonstrates that there are suitable sites within the search area (Site 3 Prologis Park, Hams Hall, Coleshill) to accommodate the development but they are under offer from other businesses. It is considered that such sites may come available in the future or might have been available had the applicant conducted their site search at an earlier date.

## 6. Conclusions

6.1 The application proposes the temporary location of a new road sweepings recycling facility on Packington Landfill site for a period of 10 years. The application has some merits in that it is well located to the waste market, would coexist with other waste activities on site, is well serviced by the highway network and is located away from residential receptors.

6.2 However, the site does not benefit from policy support given that the wider landfill site is no longer considered 'active'. In addition the site is located within the West Midlands Green Belt and constitutes inappropriate development. The applicant has put forward a number of contended 'very special circumstances', supported by an alternative site assessment. These have been assessed in this report and are not considered to be sufficient to constitute very special circumstances.

6.3 The proposed development would have a negative impact on landscape character and would occupy a prominent location on the side of the restored landfill site and would be visible from urban areas to the west and various local vantage points. Allowing the development even for a temporary period would compromise the openness of the Green Belt and potentially compromise the prompt restoration of the wider landfill site which is considered a priority by the County Planning Authority. It is for these reasons that the application is recommended for refusal.

## 7. Supporting Documents

7.1 Appendix A – Map of site and location.

7.2 Appendix B – Reasons for refusal.

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