

## **Regulatory Committee – 3 November 2020**

**Land at Ling Hall Quarry Landfill Site, Coalpit Lane,  
Lawford Heath, Rugby, CV23 9HH**

**Application seeks permission for the variation of  
condition 53 of planning permission R16/890805 in  
order to extend the life of both the landfill and  
associated waste management facilities for a further  
10 years until 14th May 2031**

### **RBC/20CM002**

Application No.: RBC/20CM002

Advertised date: 23 January 2020

Applicant: Mr Foster,  
Veolia ES Landfill Ltd  
The Old Paddocks  
New Works  
Telford  
Shropshire  
UK  
TF6 5BP

Agent: Mr Chris Lowden,  
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Bennerley Road  
Nottingham  
Nottinghamshire  
NG6 8WR

Registered by: The Strategic Director for Communities on 06 January  
2020

Proposal: Application seeks permission for the variation of  
condition 53 (Date upon which sand and gravel and  
waste operations must cease – the landfill must cease  
operation by 14th May 2021) of planning permission  
R16/890805 (the extraction of sand and gravel with  
restoration by landfill) in order to extend the life of the  
landfill for a further 10 years, resulting in a revised end  
date of 14th May 2031.

In addition, a number of waste management facilities (Street Sweeping Recycling Facility; Incineration Bottom Ash and an Open Windrow Green Waste Composting Facility) have planning permission to operate within the site, with their use limited to the duration of the landfill operations. These facilities would be retained on site for the extended life of the landfill, until 14th May 2031.

Site & location: Land at Ling Hall Quarry Landfill Site, Coalpit Lane, Lawford Heath, Rugby, CV23 9HH. [Grid ref: 444926.273496].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 53 to extend the life of the landfill and the associated waste management facilities, for a further 10 years until 14th May 2031, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

### **1. Application details**

- 1.1 Planning permission was granted at Ling Hall Quarry in 1991 for the extraction of sand and gravel and subsequent landfilling and restoration subject to condition 53 requiring the operation to cease by 14 May 2021 (Ref R16/890805). The landfill operation is not yet complete and as a result the current planning application seeks consent for variation of condition 53, to extend the life of the landfill and restoration operation for a further 10 years, until 14 May 2031.
- 1.2 Since the original planning consent for the quarry and landfill operation granted in 1991, planning permissions have also been granted for several additional waste management facilities on the Ling Hall site; a street sweepings recycling facility; Incinerator Bottom Ash processing facility and an open windrow composting of green waste facility. These approved uses are all subject to planning conditions requiring the operations to be removed from the site on the cessation of the landfill operations and restored in accordance with the provisions of the original planning consent R16/890805. The current planning application, if approved, would allow the continuation of those separately approved uses until the extended completion date.

- 1.3 In addition to the waste operations on the site, planning permission has been granted for the installation of and subsequently for the retention of a concrete batching plant and a roadstone coating plant; both located within the Ling Hall Quarry site.

The two plants are operated by Breedon Southern Limited, independently of the applicant. Planning conditions on the two operations require their removal within 5 years of the date of their permissions, therefore by September 2021. The current planning application does not include an extension of time for these two operations.

- 1.4 The applicant has undertaken an Environmental Impact Assessment (EIA) of the proposed extension of the time period for the operation of the landfilling and associated waste management use operations on the Ling Hall Landfill Site. The planning application is accompanied by an Environmental Statement (ES) which has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The ES provides the details of technical assessments set out in chapters relating to:

- Air Quality (including dust and odour);
- Landscape and Visual Impact;
- Transport;
- Noise;
- Water Environment;
- Ecology;
- Cultural Heritage.

## **2. Consultation**

- 2.1 **Rugby Borough Council – Planning:** The Local Planning Authority does not have any specific comments to make in relation to this application. It is recommended that Andy Walsh, Environment and Waste Services Senior Contract Officer is also consulted on this application.

- 2.2 **Rugby Borough Council – Environment and Waste Services:** No objection.

- 2.2 **Rugby Borough Council – Environmental Health:**

*In response to the initial consultation a response of no objection was received. At that time (February 2020) it was noted that existing controls are to be maintained with respect to odour, noise, dust, air quality and transport. There is no recent history of complaints and having regard to the documents supplied there are no recommendations for further conditions.*

*Following receipt of objections by WCC, and RBC further consultation with Rugby Borough Council Environmental Health was undertaken, as a result additional responses were received stating:*

Further to my memo of 5th February and 14th August 2020 I have concerns over this application however do not have evidence to support making objections.

Rugby Borough Council has received six complaints during 2020 (to the date of this memo – 18.08.20) that are considered likely to be related to operations at the landfill site, however confirmation of the source remains unconfirmed.

The complaints relate to smells that have been described variously as glue-like or some sort of chemical smell. They do not appear to be related to muck spreading or other similar agricultural activities and notifications of repeated observations of smells have been received since the complaints were first made. The frequency and nature of the odour appears to rule out farming related fertiliser or herbicide treatments. Only one resident has continued to allege the smells were from the landfill site. Officers have attended trying to witness the smell and trace it to the likely source but this has not been successful, particularly due to calls on officer time and redistribution of resources during the covid-19 pandemic.

The odours tend to occur during the late afternoon, early evening or are noted during the late evening / night which has made investigation harder. Weather data indicates a source to the west of Rugby but the variability of details received has not allowed me to back track and confirm the source, having regard to how odours travel, rise and fall (relative to ground level) and change in character over distance. Contact has been made with staff at Ling Hall landfill who deny being the likely source and have confirmed they cease working at 5pm. Residents have also been advised to contact the Environment Agency.

The complaints received are as follow:

Service request number 214465 received 1/5/20 area of Cawston  
Service request number 226450 received 2/7/20 area of Cawston  
Service request number 227322 received 3/7/20 area of Cawston  
Service request number 226969 received 13/7/20 area of Lawford Heath – specifically mentioned Ling Hall landfill site  
Service request number 227204 received 16/7/20 area of Cawston  
Service request number 228479 received 4/8/20 area of Lawford Heath

Having regard to my earlier comments about the noise assessment and now recommend noise limits based upon the site operational noise and relevant guidance. Following consideration of the submitted documents concerning noise, this has addressed areas I would otherwise have put

forward for conditions. If the following document can be accepted and written into the decision notice, this would be acceptable:

*With regard to noise control, the SLR assessment of noise provided as 'Noise' chapter 9, Ling Hall Landfill-Volume 2A, the following should apply. The derived noise limits for the landfill operations identified in table 9-11 should be adhered to (with consideration given to the notes accompanying table 9-12).*

*With regard to fixed plant installations and associated on-site traffic movements these were assessed and data provided in table 9-13 and 9-14. These indicate potential for impact at noise sensitive receptors therefore the General Noise Management recommendations detailed in 9.94 to 9.98 should be followed.*

*Any monitoring undertaken should be in accordance with the relevant methodologies identified in the SLR assessment.*

Notes:

I have noted the Environmental Permit Site Management System (section 11, nuisance management plan) for control of odour and dust generation. I have considered and accept the comments within the Air Quality chapter 6 of the Environmental Statement 'proposed extension of time to 14 May 2031 to allow completion of Landfilling Operations' submitted by Veolia, SLR (Ling Hall Landfill – Volume 2A) ref 402.00156.00215 rev Final, dated December 2019.

- 2.3 **Wolston Parish Council:** No objection subject to relevant and appropriate consultation. Councillors have however received complaints from local residents about quarry traffic coming through the village and wish to raise these concerns, and request that the applicants are reminded that large vehicles should not pass through Wolston village.
- 2.4 **Long Lawford Parish Council:** No comments received.
- 2.5 **Church Lawford Parish Council:** No comments received.
- 2.6 **Thurlaston Parish Council:** No comments received.
- 2.7 **Councillor Heather Timms:** No comments received
- 2.8 **Councillor Howard Roberts:** No comments received.
- 2.9 **Environment Agency:** No objection. The site operates under an Environmental Permit which remains in force until such time as it is surrendered, revoked or ceases to be in force due to the permit holder ceasing to be a legal entity and so will continue to be regulated in this way.

- 2.10 **WCC Equality and Diversity:** No comments received.
- 2.11 **WCC Flood Risk and Water Management:** No objection.
- 2.12 **Warwickshire Fire & Rescue Service:** No objection subject to the inclusion of an advisory note.
- 2.13 **WCC Environmental Landscape Services:** While there may be discrepancies in how the baseline has been determined this does not significantly alter the impact of the proposed development; no new workings or structures are proposed. The greatest visual effects are concentrated on a small number of views from nearby roads, but these views would be mitigated by a combination of existing and proposed vegetation and mounding.  
Since the landscape strategy places complete reliance on the screening that would be achieved by the restored land, vegetation around the site boundaries and the mitigation planting for the solar farm it would be prudent not to disturb any of the restored areas and to undertake the mitigation planting to assist in the screening.
- 2.15 **WCC Highways:** No objection.
- 2.16 **WCC Archaeology:** This site has a significant archaeological potential. Previous archaeological work across the application site in advance of quarrying has identified extensive archaeological features and finds, including Mesolithic flints, Bronze Age burial remains, pit and post hole alignments, Iron Age settlement and associated field systems, and Romano-British features.

New Proposal:

I would agree with Chapter 12 of the Environmental Statement that a programme of archaeological work should be undertaken to mitigate any impacts that the proposed development will have on any archaeological features which survive across the site. I do not, however, consider that an archaeological 'watching brief' will necessarily be appropriate as this may not provide adequate provision for the identifying and recording of any archaeological features present which may be disturbed or destroyed by this scheme.

I would envisage that across the majority of the areas in question (i.e. those which will have not been previously examined and which will be disturbed by this scheme), a programme of stripping of topsoil and subsoil (and/or any more modern layers) under archaeological control and the excavation and recording of any archaeological features present will be appropriate. However, it may be appropriate to vary this strategy across parts of the site dependent on the works proposed across the area in question, the level of past disturbance across that area and its archaeological potential. I would recommend that a condition be attached to any consent granted for this proposal,

securing the implementation of an appropriate programme of archaeological work to mitigate any impacts that this development may have on any archaeological features which survive across this site.

Condition 3 - Consent R16/890805:

I have the following comments on the status of the archaeological condition (3) attached to the original planning consent R16/890805 and this application for the variation of condition 53 attached to that consent. Planning consent R16/890805 for quarrying across the Ling Hall site was subject to a condition securing the implementation of a programme of archaeological work across the site. This read:

‘The development hereby permitted shall not be commenced until details of the funding, excavation and recording of any archaeological remains prior to the extraction of sand and gravel have been submitted to and agreed in writing by the mineral planning authority.

Following agreement, the development shall not take place except in accordance with those details and the operators shall give at least 3 months notice to the Mineral Planning Authority of their intention to commence topsoil or subsoil stripping from each phase of the site’.

In addition, I understand that a programme of archaeological work was also secured by the section 106 agreement made at the time.

A programme of archaeological work was agreed, which included archaeological fieldwork across those parts of the application site which were to be disturbed by the development, the subsequent analysis and reporting, and the deposition of the final archaeological archive. This was to be undertaken by the Warwickshire Museum Archaeology Projects Group (now Archaeology Warwickshire). Whilst the fieldwork component of this programme of work was undertaken across parts of the quarry site, the subsequent post-excavation analysis, reporting and archiving has not been. This is primarily due to the mineral operator not commissioning the later phases of work, despite having been approached on a number of occasions. In addition, it appears that parts of the site have been disturbed without having been subject to the required archaeological work.

As the programme of archaeological work previously agreed has not been completed, planning condition 3 of planning consent R16/890805 has not been satisfied.

I would therefore recommend that any new consent for this site secure the completion of the programme of archaeological work previously secured by condition 3 on planning consent R16/890805.

- 2.17 **WCC Ecology:** Requested a pre-determination BIA be carried out to determine the amount of biodiversity loss resulting from the changes to the original restoration plan so that the appropriate amount of compensation can be applied to an updated restoration plan. Conditions are recommended for a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

The CEMP should include pre-checks for badger; pre-checks for nesting bird; a method statement of works for reptiles; method statement for Great Crested Newts; EA Pollution Prevention Guidelines should be followed and should be part of the CEMP and a method statement for removal of New Zealand Pygmyweed. The LEMP should include an updated restoration plan and aftercare scheme.

- 2.18 **Highways England:** No objection.
- 2.19 **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 2.20 **Historic England:** No comments received.
- 2.21 **Secretary of State:** No comments received.
- 2.22 2 site notices were displayed on 20 January 2020, one at the entrance to the landfill site and the second at the playground at The Ryelands.
- 2.23 The application was publicised by way of a press notice in Rugby Advertiser on 23 January 2020.
- 2.24 86 nearest residential and business properties were individually notified on 20 January 2020

### 3. Representations

- 3.1 Nine letters and emails of representation were received in response to public consultation, raising objections to the planning application. The points of concern and objection were raised:
- I understand the original planning agreement was that the site would be available as a public amenity when the landfill finished operations, with the continuous development of the site this is becoming increasingly unlikely.

- I am opposed to the time extension at the quarry. I've lived at Lawford Heath 30 years. We were told the first quarry would be there for a certain time. Years ago, I was led to believe the site would soon be landscaped, like Ryton Pools.
- We have lived as neighbours to the landfill for 22 years and have put up with dust, smells and traffic, because of the expectation of an end date.
- I am not a NIMBY I accept that landfill is necessary but give us a break and use a different quarry.
- The original application was a 'temporary' measure. It has now been 'temporary' for more than 20 years. Over the years it has grown and extended enormously.
- The site does not and never has followed the rules correctly, hurting us directly and indirectly. Over the years we wrote to you about problems a number of times and only once has the WCC ever done anything – on that occasion the site operators simply denied illicit working over the weekend, the WCC effectively did nothing except insult us by implying that we lied. We eventually gave up complaining as it has proved to be an utter waste of time. It became obvious that WCC was not prepared to protect us at all.
- We were told many years ago that the site would 'soon' be turned into parkland, where we would be able to walk ourselves and our dog. Due to the past history of the almost yearly granting of 'creeping' planning applications (extra area, concrete batching, tarmac mixing, time extensions) that have been granted for this site, we are now so disillusioned as to now have absolutely no faith that your request for our representations and our writing to you about the matter is placatory, a political formality, and is a complete waste of time and money on both sides. We ask you to prove us wrong. Every single thing that the site operators ask for is granted, seemingly automatically. Why, is never explained.
- I feel that keeping the site open and the changes you are going to make to it will devalue the price of my property and make it less desirable if I were to sell it.
- I have been a neighbour to them for 12 years and the last 5-6 years have been incredibly unpleasant, costly and disruptive to my business and staff. There's no doubt that we were aware of Veolia's business when we purchased this site however hopefully the information below will give an impression as to how their practice has changed our expectations as neighbours. We were actually looking forward to them completing their work in 2021 so that our business and the health and welfare of our employees could improve.

- I manage the Listers Group business at this site and employ 140 members of staff who all agree that we need to make this representation. It's difficult to put into words how unpleasant they have made the environment here and also the disregard they have for laws and regulations.
- The works have already been extended previously and it is time that the land is rested and made more suitable for residents that have been waiting for this for around a generation.
- I call for the site to operate under the latest guidelines, rules and limits (not historic ones which don't address the up to date issues).

### 3.3 Dust /Air Quality/Odour

- Over the last 6 years that we have lived in this house the air quality around our home has reduced significantly. There was never a smell but now we have a constant smell of the landfill. We used to run around our estate and down Ling Lane, but we are no longer able to do so because of the smell coming from the landfill. At times it makes us gag. When it is hot in the summer, we cannot open our windows as the smell is not tolerable. Even driving past, we have to close the windows in our car and change the air to recirculate on the dashboard. This has impacted our quality of life. Another 10 years of this and possibly getting worse over time would be awful, even detrimental to our health. The council should be asking themselves what impact this has on our health.
- The smell of 'methane' in the past I traced back to specific methane collection 'chimneys' near us. It still hits us from time to time.
- The smell of tar that we have to live with when the wind happens to be blowing in the 'right' direction. We were informed at the time of approval that the system was enclosed, we would never smell it. Not true.
- We thought we would be in our home for many years but who would want to stay in a house near a landfill which has progressively got more and more smelly. Who would want to buy the house knowing that there is another 10 years of landfill activity going on?
- I do not want an incinerator set up on the site, daily having the smoke and smell of burning rubbish drifting over our house not to mention the ash from going all over our property and washing etc.
- During dryer periods the amount of dust that comes over from the site is unacceptable and unhealthy. Within minutes our cars are covered with a coating of dust and staff would be unhappy to work outside as this would result in them inhaling dust from landfill. We were told that

they had water cannons to suppress the dust, but I have never seen them being used (and our CCTV can see them).

- The odour that comes from the landfill is sometimes unbearable. As with many of our issues we totally accept that occasionally this will happen, but we have staff that are affected by the odours that the site produces. The odours have been described as smelling like rotten nappies, fish and vomit and are extremely pungent. We have had customers that visit complain about the smells which is really embarrassing for us, it also can't be healthy.
- The smell within the area from the landfill is getting more excessive during the summer months, which results in us homeowners spending more time in doors to avoid the smell.
- There had been and continues to be periodic discharges of highly offensive odour from the Ling Hall landfill site. Please could the planning authority make conditions that any new permission granted includes conditions to omit odour as well as a requirement to conduct bio aerosol, and any other, air quality testing to ensure the site is not adversely affecting the health of neighbouring residents.
- The operators of the site should be more transparent and make independent monitoring of air quality, bioaerosols and odour available to those residents living within 500m of the site boundary.

### 3.4 Litter

- Lorries either going to or leaving have litter flying off the lorries. Along Lawford Heath Lane, in particular the section between Coalpit Lane Junction and the A45 slip road, we have never seen anyone collecting litter. The litter on that part of the road is shocking, I am sure that at the very minimum Veolia or the council should be conducting weekly litter picks. It feels as though the council turns a blind eye to this community.
- The main problem I have is an environmental one, we are constantly having rubbish strewn along the verges and hedgerows. Recently a plastic bag caught in a tree in our garden which is probably 500 m from the road.
- Veolia do occasionally litter pick around the site but not frequently enough to prevent plastic and other waste being shredded by the weather and being absorbed by the environment.
- The other end of the lane is always filthy, you rarely see litter pickers.
- The council dustbin lorries regularly come up the road with the rubbish they are taking to the site blowing out the top and being deposited on the side of the road.

- No-one has ever done a litter pick along Lawford Heath Lane and it always looks a mess.
- Litter is also blown from the tip regularly into Ling Lane and normally once a month I go and litter pick about half a mile of the lane as no-one from the tip or the council come and litter pick. If I ring them, they do come and pick up the full bags – I don't really have time to do this.
- The amount of toilet paper waste within the trees in the area shows that drivers are using the trees as toilet facilities while staying overnight.
- Although a matter for the Environment Agency, I would seek the planning authority to place conditions on any renewal of planning permission to control litter into the surrounding countryside. (I can't believe the EA have 'no objections' to the application, there has been serious infringements and there should at least be comments lodged that this has occurred and needs addressing.
- No litter should exit the site and if it does the site should have a limit on time needed to address the issue – I really think detail arrangements of litter control (including material being blown off delivery trucks onto the verge) as an official condition.

### 3.5 Traffic / Highway Issues

- The verges and field gateways are being degraded by lorries parking on what was grass either to wait for the site to open or for their statutory breaks, often queuing in the morning is nose to tail from the A45 turn to the site entrance which is very hazardous to other motorists. The verges often smell of urine and worse where lorry drivers relieve themselves.
- The dangerous queue of lorries creating a hazard at the junction of Lawford Heath and Coalpit Lane most weekday mornings just before the site opens at 7:00. This queue sometimes starts the night before.
- The lorries which the site operators 'promised' us never would, travel north on Lawford Lane regularly. I personally came to a council meeting a few years ago with photos as proof of this and was simply ignored by the council and blanked by the operators. The WCC eventually told me that because that promise was never included in the permission, there was nothing that could be done. There was once a big sign, just before exiting the site, informing lorry drivers that they were not to turn left onto Lawford Lane. It has long since been removed, showing us their contempt for their promises.
- People were told that no quarry vehicles would use the lane from Long Lawford end, that isn't enforced.

- The road is nearly always muddy. My uncle lived in Brighton and ran tipper trucks at the site he used they had a wheel wash.
- When we bought our house seven years ago we were told that none of the tipper wagons that go into the site would only be allowed to drive down Lawford Heath Lane and had to go down the new bypass which had just been built. The lorries have total disregard for this rule and daily drive down the road exceeding the speed limit making it extremely dangerous to use the road, I often walk my dogs on the road during the winter making it extremely dangerous.
- It is quite common for the lane approaching the site to be blocked due to the volume of trucks waiting to access it. This causes traffic to drive on the wrong side of the road towards a blind bend which is clearly dangerous.
- The trucks coming and going regularly drop waste as well as cover the road with mud. Occasionally Veolia send out a road sweeper, but this seems to make the road worse. There are never any signs put out indicating that the road is muddy or hazardous.
- The large vehicles in the area are a nuisance with overnight parking on the corner of Coalpit Lane and Lawford Heath Lane, often stretching down the Lawford Heath Lane towards the A45 causing a danger to other motorists as it makes it a single lane, even though there is solid white lines to prevent these obstructions, meaning cars are having to drive on a blind bend. This has been reported to the police on several occasions.
- The debris and mud from the vehicles are left on the lane, causing a great deal of rubbish and mess within the area, including danger again to motorists. Sometimes this is objects in the road to be avoided and the road always has a covering of mud which at times becomes excessive, causing slippery roads and very dirty windscreens. Washing one's car is almost a pointless exercise as it will be immediately filthy upon the first drive.
- Despite signs being put up by the quarry saying do not turn left at the end of the road, HGVs are still coming down Lawford Heath Lane.

#### 3.4 Noise / Hours of operation

- We regularly hear evidence of Sunday working at the site, sometimes we are aware that it is JK Timber, just as often, I know that it is conveyors or mechanical shovels elsewhere on site. As a mechanical engineer, I am able to recognise the different noises.

### 3.5 Asbestos

- There are asbestos disposal cells next door which is acceptable providing they are being managed correctly. There have been a couple of occasions where we have witnessed and recorded them disregarding safety processes regarding this waste. We have reported this to the Environment Agency who did speak to the site regarding their bad practise. Their operators were unloading trucks of red bags (these are supposed to be sealed as they contain harmful asbestos types) and then proceeding to bash them into the cells with diggers which was splitting the bags. These should also be covered quickly with topsoil, but this rarely happened.

The compromise from next door was to move the cells further away from our perimeter but this just meant that we can't see them work on this hazardous material. Several of my staff complained about the potential harm caused by the airborne asbestos particles that they feel could have contaminated our space.

### 3.6 Vermin and Birds

- We are aware that landfill will attract vermin but recently we have had far more mice and rats coming into our building as well as cars and trucks on site. We have had electrical cables nibbled through which is incredible costly to replace as well as dangerous for our staff and customers.
- As with the vermin issue, birds are to be expected near landfill. However, the volume of gulls we've had flying over daily has been incredibly disruptive. They defecate on staff, visitors and the vehicles we have on site causing considerable damage to paintwork which is costly to our business. We've had bones, food and sanitary equipment dropped by the gulls on to staff cars which is disgusting. We have asked Veolia to address this and for a very short period of time they set off bangers and arranged for a bird of prey. This was clearly just to placate us as it stopped shortly after.

### 3.7 Water Management/Flooding

- Ling Hall Quarry and the landfill site continue to discharge large volumes of surface water to the north of the site across Ling Lane. This is both damaging for the highway and is flooding the surrounding agricultural fields and properties. I do not feel there is appropriate site drainage &/or attenuation to cope with the additional water that the site now produces and it desperately needs conditioning. Any extension to planning permission should officially require the adjacent site to manage water effectively and cease discharging excessively high volumes of water inappropriately into 'agricultural' drainage systems which were not intended & cannot deal with these high volumes. The historic outflow of water was to the south, which has been completely

tipped over and has nowhere to go. The landfill operator should either be enforced to provide a suitable onsite drainage system to prevent flooding its neighbours or pay for new drains to be constructed to deal with this problem.

- I think water management is a big issue; when the site was first approved this was on hypotheticals, we now are aware and have evidence of some fundamental rainwater run off problems which should be addressed with planning permission conditions.

#### **4. Background and Planning History**

- 4.1 The application site was formerly the site of RAF Church Lawford and subsequently Church Lawford Aerodrome. Sections of the runway remain within the central area of the application site.
- 4.2 Planning permission for the extraction of sand and gravel with restoration by landfill was granted in 1991 (Ref: R16/890805) subject to 57 conditions including conditions relating to archaeology, the control of hours of operation, noise and dust emissions, access, drainage, landscaping and restoration of the site and aftercare.
- 4.3 Condition 53 of the consent stated: 'No sand and gravel extraction shall take place later than the expiration of the period 25 years beginning with the date of this permission. No waste disposal operations shall take place later than the expiration of the period of 30 years beginning with the date of this permission' (dated 14<sup>th</sup> May 1991). The current consent expires on 14 May 2021.
- 4.4 Sand and gravel excavation began at the quarry in 1993 and was completed in 2009 with restoration of much of the area by landfill being undertaken in a phased operation to the present time. The landfill is divided into a number of cells and sub-cells each being developed separately and sized depending on waste input rates. Each cell is filled to the final levels which take account of the thickness of the capping and restoration materials to be placed together with the need to allow for settlement as the waste within the landfill site degrades. The landfill reached an elevation of 135 m above ordnance data (AOD) in the northern area of the landfill and 130 m AOD in the southern part. After settlement the landfill will reduce by some 4 to 7 metres to give a final level of 128 m in the northern area and 126 m in the southern. There are four cells which remain to be filled.
- 4.5 Restoration details in the restoration scheme agreed in the original planning application are for a wetland type restoration (including woodland planting) in the vicinity of the three ponds on the western boundary with the area of the landfill restored to agriculture.

- 4.6 Planning consent was granted for a concrete batching plant in 2004 (Ref R/03/CM022). The consent was renewed in 2011 (Ref: RBC/10CM017) after mineral extraction was completed in 2009 and renewed again in 2016 (Ref: RBC/16CM007) for a further 5-year period. A roadstone coating plant was granted consent in 2007 (Ref: R/05/CM035), renewed in 2011 (Ref: RBC/10CM018) and for a further 5 years in 2016 (Ref: RBC/16CM008). Both the concrete batching plant and the roadstone coating plant are operated by Breedon Southern Ltd and have consents which expire in 2021. The applicant advises that they will be removed at that time.
- 4.7 A number of planning consents have been granted for variation of conditions relating to hours of operation since the site began operating.
- 4.8 Planning consent was granted in 2014 for a frame mounted solar PV (panels) scheme (Ref: RBC/14CM029). The ground mounted photovoltaic panels are approved to be located in 3 parcels of land located on the northern boundary, south-eastern boundary and the south-western boundary. Work has started on site to implement this development but has not been completed. A landscaping scheme is required by condition to be implemented in the first planting season following the completion of the solar development in order to mitigate the impact of the solar farm. However, the landscaping scheme has not been planted as the solar development has not been completed. The solar installations are required by condition to be removed and the site restored by September 2040.
- 4.9 Additional waste management facilities have been granted planning consent on Ling Hall site. A plant for the processing of road sweepings and gully arisings was approved in January 2012 (Ref: RBC/11CM020) and open windrow composting was approved in April 2018 (Ref: RBC/17CM021). Both of these facilities are currently in operation. Planning consent was granted in 2013 for the installation of plant & equipment to recycle incinerator bottom ash (Ref: RBC/13CM003). This development has been commenced but not completed. The waste management facilities are all conditioned to be removed from the site on cessation of the landfill operations and for the site to be restored in accordance with the provisions of R16/890805 or any subsequently approved restoration scheme.
- 4.10 Provision of a landfill gas electricity generation plant was approved in May 1998 (Ref: R/98CM002) and an extension to the electricity generation plant approved in April 2010 (R/10CM003).

## **5. Assessment and Observations**

### **Location and Site Description**

- 5.1 Ling Hall landfill site is located some 5 km west south-west of Rugby town centre and approximately 13 km south-east of Coventry centre. The red line area of the planning application which covers an area of approximately 155 ha, corresponds to the red line area of the original planning application for the mineral extraction and landfill operation submitted in 1991. Some 35 ha of land within the total red line area was not intended to be developed as part of the original planning permission for mineral extraction or landfill. The land is predominantly outside of the control of the applicant and the applicant has confirmed that it will not be developed.
- 5.2 The triangular site is bounded by Ling Lane to the north; Coalpit Lane to the south-west and Lawford Heath Lane to the south-east. The site is accessed via an entrance off Coalpit Lane.
- 5.3 The area around the application site is predominantly agricultural land with associated farmhouses and farm buildings. To the east of the application site is the adjacent Lawford Heath Industrial Estate. There are residential dwellings close to or adjacent to the application site including those in the residential roads of The Crescent and The Ryelands.
- 5.4 The landfill site occupies an area of some 120 ha of land within the red line area. The area, formerly the Church Lawford airfield has been the site of a sand and gravel quarry. The mineral extraction operation has been completed and the void is being infilled and restored through the operation as a landfill site for household, commercial and industrial waste.
- 5.5 Along the northern boundary of the site landfill cells have been filled and restored by capping and seeding. The current active landfill cell is being developed on the north-eastern side of the landfill.
- 5.6 Completed phases of the landfill located in the southern area of the site form two domed landforms on either side of the former runway. The 'valley' between these two areas of restored landfill is occupied by the concrete batching plant and roadstone coating plant (neither of which are included in this application); the site weighbridge and wheel wash infrastructure. The landfill site offices are also located at the very southern end of the valley feature.
- 5.7 On the former runway are also sited the waste recycling facilities operated by the applicant which are included in this application: the road sweepings recycling plant; the site of the Incineration Bottom Ash Recycling (the construction of which has been started but not completed) and the composting operation. To the south of the road

sweeping plant is the leachate management facility, which comprises a bunded storage tank.

- 5.8 Between the two completed areas of landfill, to the north and south of the site, is the remaining area for the future landfill cells. To the east of the line of the former runway, in the central area of the site, there are a number of waterbodies which have been created following mineral extraction which will become areas for landfill. Some earthworks have been started in the northern part of this central area, but the specific engineering works to create the landfill cells have not yet commenced.
- 5.9 To the west of the former runway is an area with stockpiles and a series of amenity lakes/ponds. Between the stockpile area and ponds is a 'finger' of land not within the applicant's control which is in use as a plant nursery associated with a local garden centre.
- 5.10 In the north-western corner of the site is a small triangular pond and close to the north-eastern corner of the site is a 'tear-shaped' pond. Both ponds serve as part of the surface water drainage for the landfill.
- 5.11 The area immediately surrounding the application site is relatively flat, with ground levels around 110m AOD and generally falling away from the site. The completed landfill cells along the northern boundary of the site range in height between 127 and 130 metres AOD with ground levels dropping away to 112 m AOD along Ling Lane. Ground levels at the entrance to Ling Hall in the south-western area of the site and along the central 'valley' area of the site are approximately at 112 m AOD. The landfilled and restored areas to the west of the valley are some 123 m and to the east of the valley 125 m AOD. The lowest part of the site is approximately 106 m AOD where mineral extraction has been completed and the area not yet landfilled.
- 5.12 The site lies within the Green Belt and is designated as Flood Zone 1 by the Environment Agency.
- 5.13 No public rights of way run across the Ling Hall Quarry site.

### **Planning Legislation and Policy**

5.14 Section 73 application

A planning application submitted under section 73 of the Town and Country Planning Act 1990 allows for the variation of the planning conditions imposed on an existing permission, in this case the original consent granted in 1991 which required the cessation of the mineral extraction and landfill operation and the restoration of the application site by May 2021. A variation under section 73 takes effect as the grant of a new permission with different conditions and, once that new permission is implemented, the new conditions apply to any further development and use of the site.

- 5.15 The legislation at S73 (2) (a) states that the local planning authority on a section 73 application the local planning authority “shall consider only the question of the conditions subject to which planning permission should be granted” and has three choices:
- (a) grant permission unconditionally;
  - (b) grant permission subject to different conditions; and
  - (c) refuse the application.

The mineral extraction at the application site has long been completed and, as a result, many of the planning conditions attached to the original consent are no longer relevant. However, a number remain important and continue to meet the tests for the imposition of conditions. Any new planning consent granted would be subject to revised planning conditions, extending the time period as requested, in addition to conditions relevant to the satisfactory completion of the landfill operation and restoration of the site.

#### National Planning Policy

- 5.16 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’.
- 5.17 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
  - (b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
    - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - 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.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 5.18 **Paragraph 12** goes on to explain that 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 (including any neighbourhood plans that form part of the 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.
- 5.19 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework
- 5.20 In this case, there is an up to date development plan comprising the Warwickshire Waste Core Strategy, Adopted Local Plan (2013 – 2028) and the Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019). Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.
- 5.21 The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

#### National Planning Policy Framework

- 5.22 The application site is located within the Green Belt. Chapter 13 of the NPPF sets out the Government's Green Belt policies, **paragraph 143** stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. **Paragraph 144** continues 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.
- 5.23 **Paragraph 146** states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within

it. Such development includes mineral extraction and engineering operations.

- 5.24 **Paragraph 163** states that determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
- 5.25 **Chapter 15** of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.26 **Paragraph 183** states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

#### National Planning Policy for Waste (NPPW)

- 5.27 The Government published the NPPW in 2014 to be read in conjunction with the NPPF. The pivotal role of positive planning is emphasised in delivering the country's waste ambitions towards a more sustainable and efficient approach to resource use and management.
- 5.28 The NPPW expands on Article 13 of the Waste Framework Directive (which waste planning authorities must have regard to under Section 18 of the Waste (England and Wales) Regulations 2011) and requires that in determining planning applications waste planning authorities should:
- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW and the locational implications of any advice on health from the relevant health bodies;
  - Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
  - Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities

should work on the assumption that the relevant pollution control regime will be properly applied and enforced;

- 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.

In determining planning applications, waste planning authorities should consider the criteria in Appendix B:

- a) Protection of water quality and resources and flood risk management
- b) Land instability
- c) Landscape and visual impacts
- d) Nature conservation
- e) Conserving the historic environment
- f) Traffic and access
- g) Air emissions, including dust
- h) Odours
- i) Vermin and birds
- j) Noise, light and vibration
- k) Litter
- l) Potential land use conflict

Section 18 of the Waste (England and Wales) Regulations 2011 also states that planning authorities must have regard to Article 16(2) and (3) of the Waste Framework Directive, which refers to establishing an integrated and adequate network of waste disposal installations. The network shall be designed to enable member states to aim towards sufficient waste disposal, taking into account geographical circumstances or the need for specialised installations for certain types of waste. It also states that waste should be disposed of or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies to ensure high level of protection for the environment and public health.

Section 20(1) of The Waste (England and Wales) Regulations 2011 states planning authorities must not grant planning permission or development consent for a landfill unless it has taken into account the various requirements set by Council Directive 1993/31/EC on the Landfill of Waste.

Paragraph 1.1 of Annex I of the Landfill Directive says that the location of a landfill must take into consideration requirements relating to:

- a) The distances from the boundary of the site to residential and recreation 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 and hydrogeological conditions in the area
- d) The risk of flooding subsidence, landslides or avalanches on the site,
- e) The protection of the nature of cultural patrimony in the area

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

- 5.29 The Warwickshire Waste Core Strategy contains policies specific to directing future waste development including general development management policies which apply to all development proposals on waste sites. The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 5.30 **Policy CS1 – Waste Management Capacity:** states that the County Council will seek to ensure that there is sufficient waste management capacity provided to manage the equivalent of waste arisings in Warwickshire and, as a minimum, achieve the County's targets for recycling, composting, reuse and landfill diversion. The supporting text of the policy sets out the Government's requirement for an increasing percentage diversion of waste from landfill to recycled, composted or used for energy recovery over the Plan period, reaching at least 75% of waste diverted from landfill by 2025.
- 5.31 **Policy CS2 – Spatial Waste Planning Strategy for Warwickshire:** states that preference will be given to proposals for waste management facilities on sites listed within the policy including sites operating under an existing waste management use, active mineral sites or landfills and previously developed land.
- 5.32 **Policy CS3 – Strategy for Locating Large Scale Waste Sites:** states that facilities managing 50,000 tonnes of waste per annum or more, will first be located within close proximity to primary settlements, including Rugby.
- 5.33 **Policy CS7 – Proposals for disposal facilities:** requires applicants to demonstrate that proposals for a waste facility will not prejudice the management of waste further up the waste hierarchy. Proposals for landfilling of waste will not be acceptable unless it is demonstrated that:
- (i) The waste cannot be managed by alternative methods that are higher up the Waste Hierarchy;
  - (ii) There is an overriding need for waste to be disposed of through landfilling or land raising; and

- (iii) Significant environmental benefits would result from the proposal; and
  - (iv) It does not divert significant quantities of material away from the restoration of mineral workings or permitted landfill sites.
- Extensions to landfill operations will only be granted where criteria (i) – (iv) have been met.

- 5.34 **Policy DM1 – Protection and enhancement of the natural and built environment:** states that new waste development should conserve and where possible enhance the natural and built environment by ensuring that there are no adverse impacts on natural resources, biodiversity, geodiversity, archaeology, heritage and cultural assets and their settings, the quality and character of landscape, adjacent land uses or occupiers and the distinctive character and setting of the County's settlements and that the development satisfies Green Belt policies. Development is justified against the above criteria, proposals will only be permitted where the adverse impacts will be avoided, satisfactorily mitigated or adequately compensated or as a last resort offset.
- 5.35 **Policy DM2 – Managing Health and Amenity Impacts of Waste Development:** requires proposals to demonstrate that they would not result in unacceptable adverse impacts on the local environment, economy or communities through any of the following: noise, lighting/illumination, visual intrusion, vibration, odour, dust, emissions, contamination, water quality, water quantity, road traffic, loss of best and most versatile agricultural land or land instability. Proposals will only be permitted where the adverse impacts will be avoided or satisfactorily mitigated.
- 5.36 **Policy DM3 - Sustainable Transportation:** requires developers to demonstrate that where road is the only viable method of transportation, that there is no unacceptable adverse impact on the safety, capacity and use of the highway network.
- 5.37 **Policy DM6 – Flood Risk and Water Quality:** states that planning permission will not be granted where waste management proposals would be at risk of flooding or would be likely to increase the risk of flooding elsewhere; or where waste management proposals would have a detrimental effect on water quality or achieving the targets of the Water Framework Directive.
- 5.38 **Policy DM7 – Aviation Safeguarding:** states that planning permission will not be granted for waste management proposals where it would cause an unacceptable hazard to aviation.
- 5.39 **Policy DM8 – Reinstatement, restoration and aftercare:** states that planning permissions for waste management uses in the open, and development associated with such uses, will not be granted unless

satisfactory provision has been made for high quality reinstatement or restoration of the site and the long term management of its after use.

Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)

5.40 **Policy GP1 – Securing Sustainable Development:** Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.

5.41 **Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets:** The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity as set out below.

Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy below. Planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be:

- Avoided, and where this is not possible;
- Mitigated, and if it cannot be fully mitigated, as a last resort;
- Compensated for.

5.42 **Policy NE3: Landscape Protection and Enhancement:** New development which positively contributes to landscape character will be permitted. Requirements of development proposals include that they identify likely visual impacts on the local landscape and townscape and its immediate setting and undertake appropriate landscaping to reduce these impacts.

5.43 **Policy SDC1: Sustainable Design:** All development will demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are located.

5.44 **Policy SDC2: Landscaping:** The landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

5.45 **Policy SDC3: Protecting and Enhancing the Historic Environment:** Requires that development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.

- 5.46 **Policy SDC5: Flood Risk Management:**  
Requires submission of a Flood Risk Assessment to assess the flood risk from all sources and identify options to mitigate the flood risk to the development, site users and surrounding area.
- 5.47 **Policy SDC6: Sustainable Drainage:** Sustainable Drainage Systems (SuDS) are required in all major developments and all development in flood zones 2 and 3. An acceptable means of surface water disposal should be provided preferably on-site or, where this is not possible, close to the site, which does not increase the risk of flooding or give rise to environmental problems and improves on the current situation.
- 5.48 **Policy SDC7: Protection of the Water Environment and Water Supply:** States that development will not be permitted where proposals have a negative impact on water quality, either directly through pollution of surface or ground water, or directly through the overloading of Wastewater Treatment Works.
- 5.49 **Policy D1: Transport:** requires that all large-scale developments which result in significant traffic movements, should be supported by a Transport Assessment and where necessary a Travel Plan, to demonstrate practical and effective measures be taken to mitigate the adverse impacts of traffic.

## **Policy Considerations**

### **Need for the Development**

- 5.50 The original planning consent for Ling Hall was granted in 1991 for the extraction of sand and gravel with landfilling and restoration to be completed by May 2021. The mineral extraction was completed in 2009. Since that time the landfill has been in operation, with restoration works being progressively carried out as landfill cells are completed. While the approved completion date is May 2021, there remain landfill cells that have yet to be engineered, filled and capped. The completion and restoration of those areas could not be completed before the 2021 deadline.
- 5.51 Since the planning consent granted in 1991 there have been significant changes to waste disposal and waste recycling with progress on moving waste higher up the waste hierarchy. The cost of landfill tax has increased; rates of recycling have increased following the Government's introduction of tighter regulations; in addition to the improvements in the separation and recycling of municipal waste, including widespread kerbside recycling schemes which have all resulted in diverting waste away from landfill. Therefore, as a result of less waste is going to landfill, a longer period of time is needed to complete the landfill and restoration works.

- 5.52 At the time of submission of this application, a 4 million cubic metre void space remained at the landfill. The current input rates to the landfill are approximately 400,000 tonnes per annum, therefore requiring an additional 10 years to fill the remaining void and allow for the landfill restoration and profiling to be completed as agreed by the existing planning permission.
- 5.53 In order to minimise the visual impact of the mineral extraction and the landfill operation, the landfill has been designed and operated to ensure that the outside slopes to the north and south were completed and landscaped before the central area of the site was filled. As a result, if the landfill operation were not to be completed and the central area not infilled, an incongruous landform would remain with a large central waterbody which would result in problems with the control of landfill gas and leachate due to water ingress. The effective after-use of the site would be reduced if the landfilling and restoration were left incomplete. In addition, if the operation were not completed as previously approved it would be necessary to redesign areas of the landfill to cap and restore the site in an alternative form. Such works would involve moving significant quantities of the already deposited waste which would lead to problems with landfill gas and leachate control, a visual impact and likely odour impact.
- 5.54 In order to ensure sufficient time for the landfill and restoration operation to be completed in accordance with the original planning permission, the application seeks consent for the variation of condition 53 to extend the time period for completion until 14 May 2031.
- 5.55 Policy CS1 of the Warwickshire Waste Core Strategy seeks to ensure that there is sufficient capacity provided to manage the equivalent of waste arisings in Warwickshire. While Policy CS2 gives preference to sites used for existing waste management use. The applicant advises that Ling Hall is one of the few landfill facilities operating in the wider region of the West Midlands (and also the neighbouring East Midlands). As a result, the Ling Hall site is of strategic importance, performing a regional function in terms of managing residual waste. The continued use of Ling Hall as a landfill site in Warwickshire is in accord with policies CS1 and CS2 of the Waste Core Strategy.

### **Green Belt**

- 5.56 The application site is located in the Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. The NPPF states that certain forms of development, including mineral extraction and engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The original consent for the mineral extraction of sand and gravel from the quarry was granted as a temporary land use which would not be inappropriate in the Green Belt. The quarry

would be progressively restored to predominantly agricultural land by landfilling, which is an engineering operation, and would in the long term not impact on the openness of the Green Belt. The continuing landfill operation albeit for a longer time period, is part of the restoration element of the original planning consent and as such would continue to be regarded as not an inappropriate form of development in the Green Belt.

### **Amenity Issues**

- 5.57 While the application site is located in predominantly agricultural land, there are residential dwellings located close to the site boundary. The closest houses at The Crescent are within 50 metres and at The Ryelands within 200 metres of the perimeter of the application site. There are isolated dwellings and farmhouses bordering the application site including, Lawford Lodge Farm complex some 80 metres to the north; Lawford Heath Farm some 300 metres to the east, Blue Boar Farm approximately 150 metres to the south, South Lodge Farm 200 metres to the south-west, North Lodge Farm some 200 metres to the west and Manor Farm over 300 metres to the west. To the east of the Ling Hall site is the Lawford Heath Industrial Estate which is occupied by several companies and the adjacent Satellite services company both positioned in close proximity to the eastern boundary.

### **Visual/Landscape Impact**

- 5.58 The application site lies within an area characterised by gently rolling farmland with few roads. The site was formerly an airfield prior to the sand and gravel excavation. The surrounding commercial and residential areas together with the current landfill use all contribute to the appearance of the area in contrast to the rural appearance of the surrounding farmland.
- 5.59 The area is within the Green Belt but not within a National Park or an Area of Outstanding Natural Beauty (AONB).
- 5.60 The application site is well established. A restoration scheme was approved in the original planning consent in 1991 and remains to date as the Landscape Masterplan to which the site is being restored. The mineral extraction was completed over 10 years ago and landfilling and restoration has been completed over the peripheral sections of the site. The landfill cells on the northern boundary close to Ling Lane have been restored and seeded. In the southern area of the site the two domed landforms on either side of the runway are also completed phases of the landfill. These areas are now grassland with sheep grazing. These completed elements of the restored site conceal the central area of the site with the current active landfill cells; the area for the further landfill cells which are not yet commenced and the other waste management operations.

- 5.61 There are restricted views into the application site, particularly when viewed from the roads closest to the site boundary and the site entrance. The area of tipping would change over the proposed extended time period as landfill cells are progressively tipped and restored with the result that the limited views into the site would change over time. The active landfill cells would move westwards from the current tipping area and then southwards along the line of the former runway towards the southern section of the application site. The previously restored areas will serve to reduce the visual impact of the landfill operation although not screen it entirely.
- 5.62 If the landfill operation were to cease when the current consent expires in 2021, the restoration of the site would be unfinished, resulting an incongruous landscape which would not conform to the approved scheme and would not be available or suitable for the future use as agricultural land and open space. The steep slopes on the internal flanks of the landfill, would be likely to have stability and containment issues unless additional material were to be buttressed against them and there could be issues with the landfill gas collection and leachate management infrastructure. Steep slopes would also cause issues for surface water drainage, which would require changes to the approved scheme to attenuate flow. Drainage within the central low-lying area would be difficult if left unfilled and would be likely to result in water bodies or wet areas forming. The creation of waterbodies close to the toe of any landfill slope is not advisable as it can cause instability. In order to enable restoration and ensure stability, the import of significant quantities of inert materials would be required.
- 5.63 The completion of the landfill operation and the restoration of the site would see the removal of the central valley area between the two domes of the existing restored area. The landscape of lakes, ponds, woodland and grassland slopes would continue to establish and mature and integrate into the surroundings. This accords with policies of the Development Plan which seek to ensure that developments are well designed to not be incongruous within the landscape and where possible positively contribute to the character of the area. Subject to conditions to secure an updated restoration and planting scheme the proposed extension to the life of the landfill is acceptable in landscape terms.

### **Noise**

- 5.64 The planning application proposes the Ling Hall Landfill and other waste management facilities continuing their current operations, using the same methods and working practices for a further 10 years together with the potential addition of the Incinerator Bottom Ash (IBA) facility which has not yet been built or brought into operation.

- 5.65 A noise assessment was submitted with the planning application. The methodology of the noise survey was agreed with the Rugby Borough Council Environmental Health Officer (RBC EHO). Sound surveys were undertaken at seven noise sensitive receptors around the Ling Hall site. A baseline survey was undertaken on a Sunday daytime when no activities on the site were in operation and an operational survey undertaken when the landfill site and associated facilities were working normally. As the IBA facility is not yet operational, the potential cumulative noise impact from this facility was considered using the noise assessment undertaken for the IBA facility planning application in 2013.
- 5.66 The assessment stated that it had not been possible to measure the noise level being generated by the fixed plant installations and the landfill operations independently, so a cumulative assessment in conjunction with PPG guidance was undertaken which represents a worst-case scenario. The assessment showed that at worst there is a minor impact at the nearest noise sensitive receptors from the cumulative noise being generated by the fixed plant and the landfill operations. The noise assessment states that there is not a history of noise complaints or issues associated with the site and for this reason it is considered that site specific mitigation measures are not necessary, and the site would be able to continue to operate in the current manner. The noise assessment outlines a number of general noise management procedures and actions to reduce the possibility of the site having adverse noise impacts for example limiting the use of noisy plant (not early in the morning), limiting the number of plant items in use at one time; ensuring tailgates are shut and locked before vehicles leave the tipping area; reduce speed of vehicles; avoid reversing where possible; regular and effective maintenance of plant.
- 5.67 Rugby Borough Council have raised no objection to the proposed extension of time for the landfill, subject to a suitably worded noise control condition to tie into the details of noise limits and General Noise Management Measures set out in the Noise Assessment.
- 5.68 Hours of operation for the landfill and other waste management facilities on the Ling Hall site are currently controlled by planning conditions, varied from the original planning consent. The application proposes that the landfill would continue to operate in accordance with the approved hours of 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 Saturday with no operations on Sundays or Public Holidays. No activity is permitted to take place within 200 metres of any residential property before 08:00. A condition is recommended for the existing hours of operation to continue.

## **Air Quality / Dust and Odour**

- 5.69 The operation of the existing landfill and the associated waste management facilities have the potential to generate dust and odours as a result of the tipping of waste; vehicles moving around the site; sorting and handling of materials and operations to restore the site.
- 5.70 The Air Quality Assessment (AQA) submitted as part of the Environmental Statement addresses air quality relating to odour and dust. The assessment of both is made on the impact on 'sensitive receptors', which include any person, location or system that may be susceptible to changes as a consequence of the proposed development. In this case the sensitive receptors are identified as those properties located within 1 km of the application site.

### **Dust**

- 5.71 The AQA assessed the effects of dust on amenity as a result of the continued landfilling and composting, IBA processing and the street sweeping recycling facility over the proposed 10-year period.
- 5.72 The waste operations have the potential to produce both fine and coarse particulates.
- 5.73 The existing fine particle concentrations in the area have been monitored to be acceptable. On the basis that the proposed extension of the operation of the landfill for 10 years would be a continuation of the existing activities, the particle concentrations in the local area would not be expected to increase.
- 5.74 In relation to dust emission and dust soiling by larger particles, the main source would be from the landfill activities, particularly dust generated by vehicle movements within the site; active waste infilling and during the restoration phase.
- 5.75 In relation to the associated waste operations on the site, the compost operation is over 250 m from any offsite receptors and would not result in dust emissions beyond the site. The street sweepings recycling operation is a wet process as the waste material has a high moisture content and would not therefore be a source of dust however, the haulage of the sorted materials within the site could be a potential source of dust. The Incineration Bottom Ash (IBA) recycling facility is not yet in operation. When the facility is completed and in operation, the plant would accept imported bottom ash, graded and stockpiled. The process would be carried out within a building and would not present a source of dust, except for dust caused by haulage within the application site. The street sweeping and IBA facilities are within 250 m of the closest offsite receptors and would be expected to have a minimal impact by potential dust in the absence of any dust mitigation measures.

- 5.76 Dust management and control measures are currently used on site and would continue for the extended period if approved. Dust mitigation measures are set out in the Air Quality chapter of the Environmental Statement (table 6-9) and include the use of water bowsers to spray working areas; waste with a high dust potential is not deposited during windy/dry weather conditions; the landfill is covered daily, and restored areas are seeded/planted. It would be appropriate to ensure that adequate dust control is provided across the site by means of a suitably worded condition.
- 5.77 The landfill activity would continue to include the infilling of asbestos in designated cells on the site. Monitoring is undertaken in accordance with the Environmental Permit, the results of which show the risk of asbestos fibres being present in any dust emissions is negligible. Monitoring is undertaken twice per year, in prescribed upwind and downwind locations. This monitoring would continue throughout the proposed extended 10-year period.
- 5.78 Objections were received in relation to dust and one comment relating to asbestos. In a statement submitted in October 2020 the applicant advised that there had been one complaint reported to Rugby Borough Council regarding dust emissions in the three-year period prior to the preparation of the Environmental Statement. In addition, two complaints had been received by the EA from Lawford Heath Industrial Estate, both during 2019. The first of these was substantiated by the EA, in relation to asbestos waste placement and cover. Veolia advises that suitable operator replacements were subsequently made with additional monitoring and supervision undertaken. The second complaint was unsubstantiated by the EA who identified that the appropriate procedures for asbestos placement were being followed.

### **Odour**

- 5.79 The operations on the site that generate odour emissions include the landfill operation with the delivery and disposal of municipal solid waste and commercial and industrial waste, and the compost operation with the delivery, handling, shredding and turning of green waste. The street sweeping operation is not a significant source of odour as more than 80% of the material produced by the recycling process is mineral (aggregate, sand and silt).
- 5.80 The AQA submitted with the application assessed the potential effects of odour on amenity of continued landfilling and green waste composting over the proposed further 10-year period.

- 5.81 The disposal of non-hazardous waste at the landfill is controlled by the Environmental Permit controlled by the EA. The landfill site operates by the delivery of waste to the site by enclosed waste carrying vehicles to the tipping face where it is emptied into the landfill cell and compacted. The waste is capped either daily with a temporary covering or on completion of the landfill cell a permanent capping is applied. Leachate and landfill gas produced by the landfill is managed and controlled by the requirements of the Environmental Permit. The working methods of receiving waste and the rate of infilling would continue for the further proposed 10-year period in accordance with the Environmental Permit.
- 5.82 The composting operation processes imported green waste, wood and leaves from the road sweeping recycling operation. Green waste is shredded on arrival, stored on site in windrows to compost and screened using a mobile trommel to produce a soil improver for use in the restoration of the Ling Hall site or sold off site as compost. Wood waste is shredded or chopped on arrival and used either onsite for topping the haul routes or is sold offsite. Odour from the composting operation is potentially generated during the delivery and handling of waste; during the composting process or as a result of management of runoff from the compost pad. The Odour Assessment considered as part of the planning application for the composting operation approved in 2017 concluded that the resulting odour exposure would be insignificant. The composting installation is regulated by the Environmental Permit.
- 5.83 The Odour Assessment submitted with the current planning application looked at a worst-case scenario, assuming that the entire area remaining for infilling (cells 11,12 and 13) were in operation simultaneously. The conclusion was for a negligible impact on all sensitive receptors, with the exception of the closest receptor, Lawford Heath Industrial Estate, which was considered to have a slight adverse effect due to the proximity to the eastern boundary of the landfill. Infilling would however in reality continue to be phased, with a smaller area of the site in operation at one time with daily capping and progressive permanent capping to significantly reduce odour potential.
- 5.84 The AQA concluded that the proposed 10-year time extension of the current landfilling operations and associated waste recycling facilities at Ling Hall would result in a negligible effect with regard to odour and dust impacts on local receptors.
- 5.85 Consultation with the Environment Agency (EA), provided a response of no objection. The EA Officer clarified that the site operates under an Environmental Permit which remains in force until such time as it is surrendered, revoked or ceases to be in force due to the permit holder ceasing to be a legal entity. The site would continue to be regulated in this way.

- 5.86 Consultation with Rugby Borough Council Environmental Health Officer (RBC EHO) noted that the existing controls on odour, dust and air quality are to be maintained. The first consultation response from RBC EHO in February 2020 advised that there had been no recent history of complaints and raised no objection to the proposed extension of time for the landfill operation.
- 5.87 Objections were received in response to the consultation on the current planning application from local residents and a neighbouring business on the Lawford Heath Industrial Estate in relation to smell from the landfill site; dust from the site covering cars and washing, and occasional smell from the methane collection chimneys. In addition, a request was made by an objector that planning conditions should be included on any new permission granted to control odour, including a condition requiring air quality testing to ensure the site is not adversely affecting the health of neighbouring residents.
- 5.88 In July 2020 complaints of odours from the landfill site were received by Warwickshire County Council Waste Management and also by Rugby Borough Council Environmental Health and the Environment Agency. Perimeter odour inspections were carried out by the Veolia Manager on site at Ling Hall Landfill. At that time the manager advised there was a faint odour from the tipping area as expected but the area was being progressively covered up as normal practice and the odour was not detected off site. There was some odour detected around the leachate wells in the area currently being restored. Additional sealing was applied to the wells to address the issue; however, this odour was not detected off site in the odour assessment.
- 5.89 In the light of the recent odour complaints, further consultation was carried out with both RBC EHO and the EA.
- 5.90 The EA advised that while there have been an increased number of complaints, only one of these had been substantiated by the applicant. In relation to the remainder, Veolia had stated that no odour was detected. There have been some odour descriptions that would not necessarily point to the landfill for example, a claggy oily smell. There may be other potential sources of odours in the area such as land spreading.
- 5.91 The RBC EHO advised that by August 2020 there had been 6 odour complaints received describing variously a glue-like or chemical smell. The source of the odour had not been confirmed to date. The odour did not appear to be related to agricultural activities, and only one of the complainants maintained that the smells were from the landfill site. The odours tend to occur during the late afternoon or early evening. Staff at Ling Hall landfill had been contacted by RBC EHO who confirmed that they cease work at 5 pm and denied that they were the likely source. In the updated response, the RBC EHO stated they had regard to the existing controls to be maintained with respect to odour, noise, dust, air

quality, transport and the relevant guidance within the NPPF etc concerning use of planning conditions where other regulatory frameworks exist to control operations. There were considered to be insufficient grounds to object to this application.

- 5.92 In October 2020 the applicant submitted a further document in response to the complaints received in relation various issues including odour. The applicant clarified that as part of the day to day management of the landfill site, site personnel carry out (as required by the permit) daily odour checks both internally and externally. In addition, the measures taken to minimise the effects or occurrences of odour include waste brought onto site with noticeable high odour are immediately covered with other waste or soils; phased infilling to minimise exposed areas of waste; waste transferred to tipping face in enclosed vehicles, progressive capping of completed areas; leachate chambers and monitoring points are covered and sealed, landfill gas extraction systems are installed in all capped areas and monitoring of meteorological conditions. In relation to the complaints of odour virtually all have been unsubstantiated, with odours being identified from other sources in the area, mainly associated with agricultural operations and not the landfill. On one occasion this year site management undertook numerous checks and given the wind direction confirmed the source of odour to be piles of manure on a nearby farm.
- 5.93 While it is acknowledged that there have recently been complaints of odour in the vicinity of the application area, they are not confirmed to be as a result of the landfill operation. The relevant authorities are aware of the issues and are investigating. The waste management processes at the site would continue to be controlled by the EA through the Environmental Permit. Neither the EA or RBC EHO have raised an objection to the planning application despite the complaints or recommended additional planning conditions (with the exception of a noise condition to ensure the noise levels comply with the limits and management measures in the Noise Assessment).

### **Litter**

- 5.94 Comments and objections have been received from local residents and businesses raising litter as a problem. In particular there have been a couple of storms during this year which have resulted in waste for example, light plastic, to blow out of the site and across the surrounding countryside. An opinion was expressed that there was adequate time to prepare for the storm and that tipping should have ceased and the active waste area covered to prevent the spread of litter that resulted from the storm.
- 5.95 Litter is controlled by the environmental permit for the landfill site and regulated by the EA. The applicant acknowledged in February this year that there had been problems as a result of Storm Ciara but explained that a team of litter pickers had been dispatched to clean the affected

areas of the site. In October 2020 the further document submitted by applicant clarified that the storm earlier in the year had damaged the site's litter fencing resulting in the release of litter from the site. The company advised that the issue of litter is taken seriously by the operators and results on occasions in the closure of the site. During the storm periods in the earlier part of this year the landfill site was closed for 20 days in January, 17 days in February and for 4 days in March in order to prevent the problem occurring. The EA in their consultation response raised no objection to the continuation of the landfill operation and confirmed that control of the site would continue by means of the Environmental Permit.

### **Transport / Highway Issues**

- 5.96 The Ling Hall Landfill site is accessed via the A45 London Road; the southern section of Lawford Heath Lane and the entrance to the site on Coalpit Lane. The Transport Statement submitted with the application advises that the Landfill currently generates 102 trips (204 movements), the Road Sweepings Facility 11 trips (22 movements), Composting 11 trips (22 movements), Concrete Batching and Roadstone Coating combined 39 trips (78 movements) giving a daily total of 163 operational trips (326 movements). The two facilities on the site which are not yet operating are the IBA facility and the Solar Farm, the former would generate 22 trips (44 movements) and the latter a negligible daily number of trips. The addition of these facilities would bring the daily total of operational movements to 185 trips (370 movements). The level of traffic movements associated with the Ling Hall site is currently lower than the historic level prior to 2009 when the quarry was active.
- 5.97 The application states that the proposals do not seek to increase or alter the patterns of vehicular trip generation of the site and the Transport Statement concludes that the residual impact of the proposed operation of the site would be negligible and would not result in an unacceptable impact on road or junction capacity, driver delay, road safety or amenity and is acceptable in traffic and transport terms. WCC Highways raised no objection to the proposed development on highway grounds. Highways England also raised no objection to the proposed development.
- 5.98 A Section 106 agreement is in place on the Ling Hall Landfill site to control the routing of vehicles to and from the site. Vehicles are permitted to enter the site from Coalpit Lane and to leave only by turning left out of the site onto Coalpit Lane and to travel directly to the junction of the A46/A4071 on the southern stretch of Lawford Heath Lane. Vehicles are not permitted to turn left at the junction of Coalpit Lane and Lawford Heath Lane and travel north-east towards Lawford Heath. A new S106 agreement would be required for any new planning consent on the Ling Hall Landfill site to control vehicle movements for the duration of the use and restoration of the site.

- 5.99 Objections have been received from local residents and businesses stating that vehicles from the landfill operation are travelling along the northern section of Lawford Heath Lane towards Lawford Heath, contrary to the agreed routing for vehicles. The S106 agreement does allow for vehicles carrying waste derived from the local area to be able to travel along this section of Lawford Heath Lane. The route is however used by other companies and vehicle operators in the area and it is likely that some of the vehicles subject of complaint are not associated with the landfill operation. It is considered that the renewed S106 agreement would be appropriate to control the routing of vehicles to and from the site. The S106 agreement does include the requirement for the erection of a sign or signs within the application site notifying drivers of HGV of the requirement to use the approved routes only. *This signage has historically been provided within the site, at the exit onto Coalpit Lane. The current condition of the sign should be reviewed, and the sign replaced / maintained as necessary as part of the S106.*
- 5.100 Objections have been raised to the queuing of trucks on the highway between the A45 junction with Lawford Heath Lane, up to the entrance to the Ling Hall Landfill entrance in Coalpit Lane prior to the site opening at 7:00 am. The result is reduced visibility for other road users; a deterioration of the highway verges and the fouling of the area as a result of the absence of facilities for drivers. This situation is however unfortunately common at waste and mineral sites where HGV's arrive early to a site before it opens. The applicant has advised that many of the HGVs visiting the site are operated by third parties and so not under the control of Veolia or able to take disciplinary action. The company has recognised the problem and tried to address it. Veolia advises that all customers have been written to in order to advise them that HGVs should not arrive at the site before it opens and should not park on the public highway outside the gates. In addition, the company erected 'No Parking' signs in March 2020 on the highway verge adjacent to the landfill site entrance to discourage drivers from parking there.
- 5.101 Objections have also been received relating to mud on the road in the vicinity application site. The Ling Hall Landfill does have an operating wheel wash and road sweepers are used on and around the application site as part of the current operation. There is a distance of over 200 m of hard surfaced internal access road between the wheel wash and the entrance to the site. The applicant advised that a road sweeper is hired to clean the site and the adjacent highway three days per week. Twice each week the road sweeper runs from the weighbridge as far as the A45 (some 750 m). During periods of bad weather, the frequency of road sweeping is increased. Planning conditions are recommended to ensure that the wheel washing facilities are retained and maintained during the extended life of the landfill.

## Ecology

- 5.102 The Ling Hall Landfill has been in operation since the completion of the mineral extraction. The subsequent site restoration has been completed / partially completed across a significant proportion of the application site. The northern area of the site towards Ling Lane and the southern section of the site on either side of the central operational area have both been restored to grassland and are maintained by sheep grazing.
- 5.103 The Landscape Masterplan produced by David Tyldesley and Associates in 1991 (Ref no: 483/14B) was accepted in 1991 to discharge the pre-commencement conditions for the original planning consent relating to restoration levels and landscaping and remains the approved restoration plan currently in use by the applicant.
- 5.104 The Ecological Impact Assessment (EclA) submitted with the application examined the impact of the landfill and restoration activities on the land within the application site that would in the future be subject to extensive works to remove vegetation and engineering works to prepare the area for use as a landfill cell. The EclA did not focus on the areas of the site that have been previously restored; those which have been recently tipped and are awaiting imminent restoration; areas of the site which are currently used for ancillary activities or on the current active operational areas as these areas would not impact ecological interests.
- 5.105 The main area of study for the EclA was the area for future tipping in the southern part of the central area of the application site that has been left largely undisturbed for some ten years and as a result has developed a mosaic of habitats with an ecological interest. There are two lagoons which are operational features which will be removed in the course of the landfill operation. To the south of the lagoons is an undulating area of some 4 hectares of deposited overburden 'tailings' which have been colonised by grassland, young trees and reeds. In addition, there are areas of low-lying land occupied by a semi-permanent pond and ditch with a mixed habitat of willow scrub, reedbed, brambles and grassland. While the adjacent bank adjoining the previous landfill, cell is a habitat of tall ruderal vegetation.
- 5.106 The EclA explains that surveys were undertaken at the application site for amphibians, bats, badgers, reptiles and nesting birds. The surveys did not record the presence of reptiles and the potential for the presence of large or diverse populations of amphibians including great crested newt was considered to be low. Birds were found to use the habitat for nesting, although the number of species of conservation concern recorded was low. A stockpile is in use by sand martins on site. There is habitat potentially for little ringed plover on the margins of the lagoon, although they have not been recorded to be breeding in surveys undertaken in 2014 or 2019. No badgers were recorded to be

present. A small number of bats were found to be active but no buildings or trees with the potential to support bat roosts were recorded. The EclA concluded that habitats valued at a site level of importance have developed in the area of the site for the remaining landfill cells and that the habitat would be lost when landfill activities are completed. To compensate for the loss, the assessment states that the restoration scheme would be revised to ensure that replacement habitats of a greater extent are provided through restoration to ensure a biodiversity increase.

- 5.107 The County Ecologist required a Biodiversity Impact Assessment (BIA) to be undertaken prior to determination of the application in the light of the loss of the two lagoons and other habitat that has established over recent years within the area of future landfill in order that an appropriate amount of compensation can be applied to an updated restoration plan.
- 5.108 The applicant has clarified that had landfilling progressed as originally planned the water features and open mosaic habitat which established as a result of lack of management of the areas, would have been lost. However, in view of the loss of this habitat, enhancements to the restoration scheme have been put forward in the application to provide 6 hectares of higher quality habitats, including the creation of 4 hectares of lowland calcareous grassland and scrub; 1 hectare of reedbed/marsh; 1 hectare of carr woodland (waterlogged woodland of willow and alder) and two sand martin banks, over 50 metres in length. The special habitat proposed to be created in addition to the previously approved restoration masterplan was included in the BIA and demonstrated the revised scheme would give a biodiversity gain of 7.96 units on completion of restoration across the landfill site. The County Ecologist accepted the BIA calculations and recommended conditions to ensure the biodiversity gains are secured at the restored site. In addition, suitably worded conditions are recommended to ensure that species and habitats are protected during working and restoration of the Landfill site.

### **Drainage and Flood Risk**

- 5.109 A Flood Risk Assessment (FRA) was submitted with the planning application, as part of the Environmental Statement supporting the application. The site is located within Flood Zone 1. The risk of flooding from fluvial sources is low.
- 5.110 The topography of the site has been regularly altered as a result of the ongoing landfill and restoration. The FRA advises that in relation to surface water flooding, surface water is managed at the site in line with the Surface Water Management Plan (SWMP) prepared as part of the requirements under the Environmental Permit for the site. Surface water is routed to 5 surface water ponds located across the site. For example, along the northern edge of the Ling Hall site is Swale A which

runs along the line of the restored landfill, parallel with Ling Lane to the north. The swale directs water from west to east channelling surface water to an area of wetland on the eastern side of the site. A pipe links the area of wetland to the large triangular shaped pond 'A'. The water attenuates here and discharges to ground. The ponds across the site have been designed to contain all surface water produced from runoff at the site for up to and including the 1% Annual Exceedance Probability (AEP) allowing for a 40% increase in peak rainfall as a result of climate change. The FRA advises that no surface water is discharged from the site.

- 5.111 The proposal is for the extension of the landfill operation for an additional 10 years during which time the site would continue to be operated, managed and regulated in accordance with the site-specific Environmental Permit which is regulated by the EA.
- 5.112 Objections have been received from a neighbouring landowner stating that large volumes of surface water have discharged from the landfill site, across Ling Lane resulting in damage to the highway and surrounding agricultural land. It is suggested that planning conditions relating to site drainage should be imposed.
- 5.113 At the time of the Officer's site visit in January 2020, Ling Lane did have areas of standing water and the roadside ditches were full of water. However, this was at a time when there had been abnormally high rainfall episodes during the winter of 2019/2020 when large areas of the County and indeed the Country had experienced flooding issues.
- 5.114 In correspondence, the EA advised that during the very wet weather there was some localised flooding on Ling Lane as a result of water from the farm fields and surrounding ditches and not surface water from the landfill, the latter being intercepted by a system of balancing pools. The drainage of the site is controlled by the Environmental Permit for the site (including the approved SWMP) and could be enforced by the EA if problems were to arise. The EA have stated that they have no objection to the planning application for the extension of time for the operation of the landfill site and confirmed that they would take enforcement action if it was required. The Local Lead Flood Authority (LLFA) has no objection to the development proposals in relation to drainage and surface water management.
- 5.115 In October 2020 the applicant submitted a response to the complaints in relation to flooding and surface water drainage. The document reiterated that the surface water management scheme approved by the EA under the Environmental Permit in 2017 has been implemented in full for the developed areas of the landfill site. The high levels of rainfall experienced during the winter of 2019/2020 saw large tracts of land across the UK underwater. Some localised flooding of land to the north of the landfill site occurred. The site management met with a local landowner to discuss the flooding of the land to the north, including

Ling Lane. The water was flowing towards the landfill site from an overtopped agricultural drainage ditch and from the agricultural land. The water level in the landfill drainage swale was at that time lower than the drainage ditch adjacent to the highway and the swale was coping adequately with the surface water flows. The applicant advised that in the spirit of goodwill, an excavator was hired to clean and increase the capacity of the existing road drain along the perimeter hedge to help drain Ling Lane. The applicant states that at that time the landowner also hired an excavator to clear his blocked ditches. There was heavy rainfall in August 2020 and no flooding or complaints were made at that time.

### **Archaeology/Historic Environment**

- 5.116 The Ling Hall site has been in operation since 1993 and was the subject of a programme of ongoing archaeological site investigations from 1992, both prior to and during the development of the quarry. The archaeological investigations in the landfill cells in the northern and southern areas of the site have been completed and the land restored. Archaeological investigations have been undertaken and sand and gravel excavated from the area of landfill cells currently being infilled with the exception of the line of the former runway of RAF Church Lawford.
- 5.117 A Cultural Heritage Assessment submitted with the application detailed that the assessment had studied two areas; an Inner Study Area which comprised all land within the application site boundary and an Outer Study Area which extended up to 2 km beyond the Inner Study Area.
- 5.118 There are no world heritage sites, registered battlefields, registered parks and gardens or conservation areas within the Outer Study Area.
- 5.119 There are seven listed buildings within the vicinity of the application site, the closest being the Grade II listed Lawford Lodge Farm and attached barn 160 metres to the north of the northern edge of the application site; Grade II listed Manor Farmhouse and attached wall a gateway some 400 metres to the west of the application site and Grade II listed Park Farmhouse some 450 metres to the south-west of the application site. The Cultural Heritage Assessment considers the magnitude and significance of the impact on these listed buildings to be nil.
- 5.120 There is a scheduled monument immediately to the south of the application site, Lawford Heath (1020937), a prehistoric pit alignment and associated features. Cropmarks previously showed that the pit alignment extended into parts of the application site and excavations carried out in 1999 and 2000 indicated that settlement extending several time periods had occupied part of the application site. The features excavated from the landfill site have been removed and have an archaeological record. The scheduled monument remains intact.

The landfill is already complete and restored in the area adjacent to the scheduled monument and the continuation of the landfill operation would have no effect on the monument.

- 5.121 The Cultural Heritage Assessment concludes that there are no identified effects upon the setting of designated heritage assets in the Study Areas and that no mitigation measures are required with regard to impacts on setting. *There is the potential for archaeological features to be found beneath the surface of the former RAF Church Lawford runway when it is excavated for the final landfill cells, although any archaeological remains could have been affected by the construction of the runway.* The Assessment concludes that a programme of archaeological watching brief should be required prior to any ground-breaking activities in the area of the former runway in order to identify and record any archaeological remains.
- 5.122 The County Archaeologist agreed with the Cultural Heritage Assessment that a programme of archaeological work should be undertaken to mitigate any impacts that the proposed development would have on any archaeological features which survive across the site, however, recommended that a programme of stripping of topsoil and subsoil (and/or any more modern layers) under archaeological control and the excavation and recording of any archaeological features present would be appropriate rather than a 'watching brief'. It may however be appropriate to vary this strategy across parts of the site dependent on the works proposed across the area in question, the level of past disturbance across that area and its archaeological potential. This is considered appropriate and a suitably worded condition is recommended.
- 5.123 The County Archaeologist also advised that the requirements of condition 3 relating to a programme of archaeological work attached to the original planning consent for Ling Hall Quarry R16/890805 had not been completed. While some of the fieldwork had been undertaken across parts of the quarry site, the subsequent post-excavation analysis, reporting and archiving had not been. It is recommended that any new consent for this site should secure the completion of the programme of archaeological work as secured by condition in the original consent.
- 5.124 It is considered that while the ownership of the Ling Hall Landfill site has changed since the original planning permission for the mineral extraction was granted in 1991, it remains appropriate that the previous requirements for the analysis, reporting and archiving of the archaeological works should be completed by the current site operators. For this reason, a suitably worded condition is recommended to ensure the requirements of condition 3 of R16/890805 are met.

## **6. Conclusions**

- 6.1 The Ling Hall landfill site is a modern landfill facility of strategic importance, permitted by the Environment Agency to accept a range of non-hazardous waste types, providing Warwickshire and the wider region with facilities to manage residual waste that cannot be managed by other facilities higher up the waste hierarchy.
- 6.2 As a result of a reduction in landfill rates due to increased recycling and to economic changes, there remains a 4 Million cubic metre void space at the Ling Hall Landfill. Given the current input rates of 400,000 tonnes of waste per annum, the planning application is seeking to extend the life of the landfill for an additional 10 years to comply with the landfill restoration and profiling agreed by the original planning consent in 1991. The proposals are considered to accord with the NPPF and the Development Plan in continuing to help meet the waste management needs of Warwickshire at an existing waste management site.
- 6.3 The NPPF and policies of the Development Plan seek to manage the impact of development proposals on the amenity of local residents and to protect the natural and built environment from adverse impacts. The proposed development is an extension of time for the existing landfill operation which would not result in an increase in operating hours or changes to the current operating practices of the waste operations on the Ling Hall site. The site is controlled by an Environmental Permit, which would continue to be monitored by the Environment Agency for the extended life of the operation. Subject to the imposition of suitably worded conditions it is considered that the continued operation of the landfill would be carried out in broad accordance with the aims of the policy framework and would not result in unacceptable impacts on the environment and local amenity. It is, therefore, suggested that the application can be regarded as consistent with the development plan overall.
- 6.4 The application site is located in the Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. Mineral extraction is regarded in the NPPF and at the time of the original planning consent for mineral extraction and restoration by landfilling, by PPG2 (Green Belts), as a not inappropriate form of development in the Green Belt provided that openness is preserved. The development was approved in 1991 on the grounds that the openness of the Green Belt would be preserved following the completion of the temporary mineral extraction and restoration of the site. The proposed extension of time for the landfill would delay the restoration of the site but would not alter the impact on the openness of the Green Belt and for this reason remains acceptable in this Green Belt location in accordance with the Development Plan.

- 6.5 If the landfill operation at the Ling Hall site were to cease in May 2021, in accordance with the currently permitted timetable, the site would not be suitable for agriculture or for access by the public and would not conform to the approved restoration masterplan with ponds, wooded areas and grazing land, but would retain a large central void. Continuation of the landfilling operation to achieve the approved restoration levels and the implementation of a suitably amended restoration scheme would accord with the aims of the Development Plan requiring development to positively contribute to the character of the area and would ensure the creation a well-designed landscape integrated into the surrounding area, to the long-term benefit of the area.
- 6.6 It is considered that the proposed development to extend the operation of the landfill for a further 10 years, when assessed against the policies of the Development Plan and the NPPF would not have an adverse impact that would outweigh the benefits of the completion of the landfilling operation and restoration of the application site. The application is recommended for approval subject to conditions.

## 7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference RBC/20CM002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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