

**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 the landfill and associated  
waste management facilities for a further 10 years  
until 14th May 2031.**

**RBC/20CM002**

**Warwickshire County Council**

**Decision**

The decision of the Regulatory Committee on 8<sup>th</sup> September 2020 to grant planning permission to vary condition 53 of planning permission R16/890805 to extend the life of the landfill for a further 10 years, resulting in a revised end date of 14th May 2031. In addition, the grant of planning permission would retain the Street Sweeping Recycling Facility; Incineration Bottom Ash and the Open Windrow Green Waste Composting Facility for the duration of the extended life of the landfill, until 14th May 2031, subject to conditions pursuant to Application RBC/20CM002 (“the Application”).

**Notice of Environmental Information**

In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 (“the GDPO”) and Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2017 (“the EIA Regulations”) notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information (“the Environmental Information”).

## **Statement under Regulation 21(1) of the EIA Regulations**

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

The following measures will be secured through planning conditions: -

- (1) Limit upon the timescale of the development.
- (2) A restriction on the hours of operation of the site.
- (3) Measures to ensure the cleanliness of the highway.
- (4) Measures to control dust.
- (5) Measures to prevent adverse noise impacts.
- (6) Measures to ensure biodiversity net gain.
- (7) Habitat and species protection measures.
- (8) A comprehensive restoration scheme.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 08 September 2020 (“the Report”) and in the Environmental Information.

## **Statement Under Regulation 21(1) of the EIA Regulations**

### **Summary Under Article 22(1)(a) of the GPDO**

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

The main considerations on which the decision was based were -

- The Policies of the development plan summarised below.
- The other material considerations identified in the following reasons and detailed in the Report.

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.

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.

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.

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.

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 of a well-designed landscape that would integrate into the surrounding area, to the long-term benefit of the area.

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.

## **Summary of the Development Plan Policies Relevant to the Decision**

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

- (i) Policy CS1 – Waste Management Capacity. This policy seeks to ensure that there is sufficient waste management capacity provided to manage the equivalent of waste arisings in Warwickshire.
- (ii) Policy CS2 – Spatial Waste Planning Strategy for Warwickshire. This policy gives preference to sites operating under an existing waste management use, active mineral sites or landfills and previously developed land.
- (iii) Policy CS3 – Strategy for Locating Large Scale Waste Sites. This policy states that large facilities (50,000 tonnes of waste per annum or more), will first be located within close proximity to primary settlements, including Rugby.
- (iv) Policy CS7 requires that proposals for landfilling of waste will not prejudice the management of waste further up the waste hierarchy.
- (v) Policy DM1 requires that new waste development should conserve and where possible enhance the natural and built environment.
- (vi) Policy DM2 requires proposals for waste development to demonstrate that they would not result in unacceptable adverse impacts on the local environment, economy or communities.
- (vii) Policy DM3 requires 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.
- (viii) Policy DM6 requires that waste management proposals will not be at risk of flooding or increase the likely risk of flooding elsewhere.
- (ix) Policy DM7 permission will not be granted for waste management proposals where it would cause an unacceptable hazard to aviation.
- (x) Policy DM8 requires planning permission for waste management sites and their associated uses to make satisfactory provision for high quality restoration and the long-term management of its after use.

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

- (i) Policy GP1 – Sustainable Development of the Rugby Local Plan.
- (ii) Policy NE1 – seeks to protect designated areas and deliver a net gain in biodiversity.
- (iii) Policy NE3 – requires development to contribute to landscape character.
- (iv) Policy SDC1 – requires all development to demonstrate high quality, inclusive and sustainable design with the aim to add to the overall quality of the areas in which they are located.
- (v) Policy SDC2 - Requires appropriate hard and soft landscaping to form an integral part of overall design.
- (vi) Policy SDC3 – seeks to protecting and enhance the historic environment.
- (vii) Policy SDC5 - Requires submission of a Flood Risk Assessment
- (viii) Policy SDC6 – requires an acceptable means of surface water disposal which does not increase the risk of flooding or give rise to environmental problems and improves on the current situation.
- (ix) Policy SDC7 - States that development will not be permitted where proposals have a negative impact on water quality
- (x) Policy D1- requires all large-scale developments which result in significant traffic movements, to be supported by a Transport Assessment and take measures to mitigate the adverse impacts of traffic.