Regulatory Committee  
22 November 2011  
Ling Hall Landfill Site  
Road Sweepings Processing Plant

Application No: RBC/11CM020

Advertised Date: 8/9/2011

Applicant: Mr Adrian Foster, Veolia ES Landfill Limited, The Old Paddocks, New Works, Telford, Shropshire, TF6 5BP.

Received by County: 30/8/2011

The proposal: The installation of plant for the processing of road sweepings and gully arisings to recover materials suitable for use in landfill restoration

Site and location: Ling Hall Landfill Site, Coalpit Lane, Lawford Heath, Rugby.

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the installation of plant for the processing of road sweepings and gully arisings to recover materials suitable for use in landfill restoration at Ling Hall Landfill Site, Coal Pit Lane, Lawford Heath, Rugby, subject to the signing of a Section 106 Agreement covering vehicle routing and the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Communities.

1. Application Details

1.1 The application proposes the development of a facility for the processing of road sweepings and gully arisings at Ling Hall Landfill. The facility would enable these materials to be recovered by removing contaminants so that the soils and aggregates contained within road sweepings and gully arisings may be used as part of the restoration of the landfill rather than disposed of as waste into the landfill as currently happens.

1.2 The facility would consist of an impermeable concrete pad measuring 115 metres by 70 metres surrounded by a concrete wall measuring 2.5 metres in height. A series of concrete push walls would segregate the pad into separate working and storage areas. The facility would incorporate a series of mobile and fixed processing plant. This would include a mobile screen, washing plant, storage container and water tank.
1.3 The facility would operate as follows: Upon arrival on site the street sweepings and gully waste would be discharged into a reception bay from where it would be fed into the processing system using a wheeled loading shovel. Initial screening of the material would remove any large objects before the material is passed into the washing system. The washing system would contain a number of phases. The main washing unit would consist of rotating paddles which generate forces of friction and attrition imparting a scrubbing action on the material which would separate contaminants. The majority of the contaminants would leave the system in the process water. The washed materials would then be screened further and separated out into organic material and litter, aggregates and sand. Process water would be recycled back into the washing system. Contaminants washed from the road sweepings, including petroleum hydrocarbon and metals contamination, would be removed from the washing waters by filters. The filters would be removed from the site for disposal at an appropriate facility. Once the materials have passed through the recovery process it would stand for a short period of time on the concrete pad to allow moisture to drain. Processed and cleaned materials would then be transferred to the landfill for use in restoration.

1.4 It is anticipated that 97% of the material would be graded and washed sufficiently for it to be used in landfill restoration.

1.5 The facility would be capable of handling around 80,000 tonnes of road sweepings and gully arisings per annum. However, the applicant anticipates that actual throughput of the plant is likely to be around 50,000 tonnes per annum. Road sweepings and gully arisings would be sourced from Warwickshire and neighbouring county areas.

1.6 Waste materials would be delivered to the site in tipper type vehicles with an average carrying capacity of 20 tonnes. Access would be gained to the site via the existing landfill access on to Coal Pit Lane. Vehicles accessing the facility would utilise the existing landfill wheel wash and weighbridge facilities.

1.7 The hours of operation of the facility would be the same as those permitted for the landfill; 0700 – 1800 hours Monday to Friday and 0700 – 1300 hours Saturdays with no working on Sundays, bank and other public holidays.

1.8 It is anticipated that the facility would provide two additional full-time employment opportunities on the site.

1.9 Lighting would be installed at the facility for use during the winter months.

1.10 The application states that the proposed facility would be linked to restoration of the landfill site. When restoration has been completed the processing equipment would be removed and the site restored in accordance with the landfill planning permission.

1.11 The application states that proposed development seeks to move waste up the Waste Hierarchy by recovering material suitable for restoration of the landfill. It goes on to state that there is a demand from local authorities and other operators for an affective solution to the disposal of their street sweeping and gully arising wastes which the proposal aims to address.
2. Consultation

Rugby Borough Council (Planning) – no comments received.

Rugby Borough Council (EHO) – make the following observations:-

(i) Recommend that a condition be attached limiting the hours of operation to mirror the existing landfill operation.
(ii) Full details of lighting should be submitted prior to approval and lighting should be switched off outside of operating hours.
(iii) The submitted noise assessment concludes predicted worse case operational noise levels from the proposed plant will fall below the existing background noise levels. This is accepted and no mitigation or further assessment is required.
(iv) Predicted noise levels for the proposed development will not breach the noise level restriction placed upon the mineral extraction/landfill planning permission.
(v) Further information is required of the soil washing plant.
(vi) No information has been provided on any proposed validating scheme for soil washed material to establish suitability for proposed landfill restoration.
(vii) Use of water alone will not be sufficient to remove all contaminants and oil from input material.
(viii) Lorries delivering material to the site should be sheeted.
(ix) Dust from the soil washing process should not be an issue with the amount of water used within the process.

Councillor Heather Timms – no comments received as at 4/10/2011.

Wolston Parish Council – no comments received.

Church Lawford Parish Council – no comments received.

Long Lawford Parish Council – no comments received.

Thurlaston Parish Council – no comments received.

Environment Agency – no objection, but comments that the development will require an Environmental Permit or variation of an existing Permit under the Environmental Permitted Regulations 2010, from the Environment Agency, unless an exemption applies.

3. Representations

3.1 One letter of representation has been received from a nearby resident raising a number of issues. Whilst recognising that noise survey has taken place the type of noise generated is different to the current noise mix. The mechanical noise of the plant is of a different type to that of the current background noise and will therefore be more intrusive. The loud intermittent noise of reverse warning sirens on the diggers and lorries will be specifically intrusive and disturbing than
the current noise in the vicinity. It is noted that the traffic volume to the landfill is expected to increase above current levels.

4. Assessment/Observations

Site and Surroundings

4.1 Ling Hall Landfill is located approximately 2 kilometres to the south west of Rugby in relatively open countryside. The surrounding area is predominantly rural in nature with sporadic residential properties and farms. A small industrial estate, Lawford Heath Industrial Estate, adjoins the eastern boundary of the site. The nearest residential property to the application site is North Lodge which lies approximately 425 metres to the west. Two groups of residential properties, The Ryelands and The Crescent, are located in excess of 500 metres to the east of the application site.

4.2 Ling Hall landfill site extends to around 100 hectares. The application site is located centrally within the site on an area previously occupied by mineral processing plant, which was removed from the site in 2010. The application site extends to an area of 0.87 hectares. The proposed facility would be accessed via the existing landfill access off Coal Pit Lane. The facility would be situated in close proximity to existing plant producing coated road stone and concrete.

Background

4.3 Ling Hall landfill has been operational since 1993, until recently operating alongside and following behind sand and gravel extraction. The landfill accepts household, industrial and commercial waste. The current planning permission allows landfilling to continue until 2021. The landfill occupies a substantial part of the former Lawford Heath Airfield. A road stone coating and concrete batching plant are located on the site along side a landfill gas electricity generating plant.

Policy

4.4 The Secretary of State has made it clear, following the judgment of the Court on 10 November 2010 in Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council [2010] EWHC 2886 (Admin), that it is the Government’s intention to revoke Regional Strategies, and the provisions of the Localism Bill which is now before Parliament reflect this intention. This gave rise to a subsequent decision of the Court on 7 February 2011 in Cala Homes (South) Ltd v Secretary of State for Communities and Local Government [2011] EWHC 97 (Admin) which held that the Government’s intention to legislate to revoke regional spatial strategies was capable of being a material consideration. In determining planning applications it is necessary to give weight to this matter as appropriate. The relevant planning policies against which this proposal must be judged are policies WD1 and WD2 which establish the need for new facilities and provide waste disposal targets for each sub region to meet, and Policy WD3(c) which seeks to restrict new landfill capacity within the region. In addition policy QE6 which seeks to conserve, enhance and where appropriate restore the regions landscapes as relevant.

4.5 Rugby Borough Planning Policies are contained within the Rugby Borough Local Development Framework Core Strategy adopted June 2011 and saved policies (Post Core Strategy adoption) of the Rugby Borough Local Plan.
4.6 **Policy CS1** – Development Strategy of the adopted Core Strategy sets a settlement hierarchy for future development and directs development towards the most sustainable locations. The policy states that within the Greenbelt new development will be resisted, only where national policy on Greenbelt allows will development be permitted. The supporting text details that, Greenbelt affords the greatest protection of land in planning terms and therefore only in very exceptional circumstances will development be permitted. These circumstances are determined by national policy on Green Belt, where development will be permitted through the application of the relevant criteria as set out in PPG 2.

4.7 **Policy CS16** – Sustainable Design of the Core Strategy requires all development to demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale and design that would not cause any material harm to the qualities and character and amenity of the areas in which they are situated.

4.8 Specific policies relating to waste management are found within the Waste Local Plan for Warwickshire. **Policy 6** of the Waste Local Plan for Warwickshire states that recycling facilities will be permitted; as an integral part of new and established disposal facilities, on industrial estates and on other land which has been used for a commercial use and where the proposed use would be compatible with adjacent landuses.

4.9 **Policy 1** of the Waste Local Plan sets out the general environmental considerations against which all waste related proposals must accord. The policy makes it clear that permission will not be given where the proposal would have a significant adverse visual impact taking account of the landscape context, a significant adverse impact by reason of odour, noise and dust, and give rise to traffic that would adversely affect highway safety. The policy also states that the extent to which the proposal satisfies the proximity principle will be taken into consideration.

4.10 **Planning Policy Statement 10** – Planning for Sustainable Waste Management adopts the National Waste Strategy of moving waste management up the ‘waste hierarchy’ focusing on reduction, reuse, recycling and composting as preferred waste management options with disposal as the last resort. The Statement makes it clear that this means a step change in the way waste is handled and significant new investment in waste management facilities. It makes it clear that the planning system is pivotal to the adequate and timely provision of the new facilities that will be needed.

4.11 **Paragraph 29 of PPS 10** says that in considering planning applications for waste management facilities, planning authorities should consider that likely impact on the local environment and amenity. Annex E sets out more specific locational criteria including the protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter, potential land use conflict, etc.
Paragraph 3 of PPs 10 seeks to protect greenbelts but recognises the particular locational needs of some types of waste management facilities in determining planning applications.

4.13 The application site is located centrally within an existing waste facility/landfill. The proposed processing plant would allow materials that are currently landfilled to be recovered and used beneficially in landfill restoration. The facility would compliment the waste management activities undertaken on site and assist with pushing waste management up the waste hierarchy. Thus the development would accord with the general thrust of the Waste Local Plan policy.

4.14 The application site is situated within the greenbelt and is inappropriate development. The facility would compliment and enhance the existing waste operations undertaken on site. This benefit in waste management provision terms is considered to constitute very special circumstances sufficient to allow the proposal to be supported in this location. In addition, the proposed development is similar in scale to the sand and gravel processing plant which formally occupied the site and around half the height of the concrete batching and asphalts plant located within the site. Therefore, it is considered that the development would result in no greater impact on the openness of the Greenbelt than the past and existing development on site. Furthermore, the proposed processing plant would be removed from the site upon the completion of landfilling thus resulting in no long term impact upon the openness of the Greenbelt.

Environmental Considerations

4.15 A development of this nature raises potential concerns in respect of impact upon residential amenity by virtue of noise, visual impact, dust, odour and traffic. The nearest residential property is North Lodge located approximately 425 metres to the west to the application site. Beyond this lies Wolston Grange, a residential nursing home. South Lodge Farm is situated around 600 metres to the south-west and properties at The Crescent and Blue Boar Farm are situated around 500 metres to the south of the application site. Lawford Heath Industrial Estate is located approximately 300 metres to the east of the application site.

Noise

4.16 Operation of a facility of this nature would generate noise as a result of vehicle movements on site and operation of the plant itself. The submitted application included a noise impact assessment which concluded that the predicted noise from the proposed operation would be below the background noise levels measured at sensitive receptors so would be of marginal significance and that therefore complaints were considered to be unlikely. The assessment also concludes that the noise levels associated with the proposed development would be in accordance with the noise limits set within the existing mineral extraction/landfill planning permission. The Environmental Health Officer at Rugby Borough Council agrees with these findings and requires no further noise mitigation.

4.17 Reversing bleepers have been raised as a concern by a nearby resident. Installation of sensitive reversing bleepers to on site plant and equipment can be conditioned and a suitably worded condition is proposed. However, it is more
difficult to control the type of reversing bleepers used when it comes to third party hauliers, although white noise reversing bleepers are now becoming increasingly the norm.

**Dust**

4.18 Recycling operations that involve sorting and screening of materials can generate dust. The nature of road sweepings and gully materials is that they are generally damp. In addition the processing plant would be fitted with spray bars and is a wet washing process which would limit any dust generation. The Environmental Health Officer agrees that dust should not be an issue with the facility itself as a result of the amount of water used in the process.

**Odour**

4.19 Road sweepings and gully arisings predominantly comprise of aggregate, sand and silt which would generate minimal odour. The application states that any potential odour would be managed as part of the overall landfill odour plan. The Environmental Health Officer has raised no concerns in this respect.

4.20 During the autumn months road sweepings contain large quantities of leaves. This material would be diverted to a suitable composting facility.

**Visual Impact**

4.21 Ling Hall Landfill is a large established site. The application site is located centrally within the landfill and is screened by the topography of the landfill and mature hedgerows. The processing plant previously located on the application site was not readily visible from outside of the landfill and at 6 metres in height the proposed plant would similarly result in limited visual impact. In addition the proposed processing plant is also somewhat smaller in scale and height than the existing asphalt and concrete batching plants on site which stand at around 11 metres in height.

**Traffic**

4.22 The facility would generate around 9 deliveries to the site per day. Some of the waste material that would be processed through the plant is actually already delivered to the site for disposal within the landfill. In addition, materials recovered through the processing plant would in part offset the need to import restoration materials. Therefore, the daily increase in vehicle numbers at the site would be less than 9. At its peak the quarry was producing around 250,000 tonnes per annum which equated to around 49 loads leaving the site each day. Mineral extraction has now ceased. Therefore, even with the addition of vehicles generated by the current proposal vehicle movements from the site would be much reduced from the peak of operations.

4.23 Vehicle movements associated with the operation of Ling Hall Quarry/Landfill have been a concern to local residents over the years. This concern largely related to vehicles using Lawford Heath Lane. In order to control this, some activities undertaken on site have been the subject of a Section 106 Agreement covering vehicle routing. The application indicates that the vehicles utilising the proposed facility would adhere to the present routing plan stipulated in the Section 106 Agreements. It would be necessary for the applicant to enter into a
fresh legal agreement in order to bind the proposed development to the routing arrangements.

**Surface and Ground Water**
4.24 The hardstanding has been designed with a capacity to retain all liquid run-off based on a 100 year plus 30% storm event. All water within the site would be cleaned and circulated in the recycling process. The Environment Agency has raised no concerns in respect of impact upon surface or ground waters.

**Environmental Permit**
4.25 The existing landfill operation operates under the provisions of an environmental permit administered by the Environment Agency. The applicant advises that the permit would need to be amended in order to include the proposed facility. The permit covers day to day environmental management and control of operations on site.

4.26 The Environmental Health Officer seeks information in respect of the suitability of the processed materials for use within the landfill restoration. The operator would need to satisfy the Environment Agency in this respect under the provisions of the permit.

**5. Conclusions**
5.1 The proposed development would enable road sweepings and gully arisings to be recycled and put to a beneficial use. The location of the plant centrally within the landfill would result in minimal impact upon nearby residents by reason of noise, dust, odour or visual impact. A vehicle routing agreement would reduce any impact resulting from vehicles upon residents. Although the proposal constitutes inappropriate development in greenbelt terms the benefits of the proposal are considered such to constitute very special circumstances. In addition the facility would be removed upon the completion of landfilling, thus maintaining the openness of the greenbelt in the long term.

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**Appendix A** - Map of site and location

**Appendix B** - Decision Notice
APPENDIX OF AGENDA NO.

Scale: 1:10000      Ref. No: RBC/11CM020

Drawn By: Jan Stevens

Regulatory Committee: 22nd November 2011

Ling Hall Quarry Rugby - Road Sweepings Processing Plan

Produced using Warwickshire Online Mapping Browser and Toolkit (WOMBAT) Corporate GIS.

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Appendix B of Item 4(3)

Regulatory Committee - 22 November 2011

Ling Hall Landfill Site
Road Sweepings Processing Plant

Application No: RBC/11CM020

1. The development hereby approved shall be commenced no later than three years from the date of this permission.

   **Reason:** To comply with the provisions of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with Drawing Numbers: VES_LINGHALL-100-001, VES_LINGHALL_100_003, VES_LINGHALL_100_005, VES_LINGHALL_100_004, VES_LINGHALL_100_006, DUO10-016B Edition A, SA11-014 Edition F, PENTDEC_LING_500-001 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

   **Reason:** In order to define the scope of the permission and in the interest of clarity.

3. The road sweepings and gully arisings processing plant shall be removed from the site upon the cessation of landfill operations and the restored in accordance with the provisions of planning permission R16/890805.

   **Reason:** To secure satisfactory restoration of the site.

4. None of the operations hereby permitted shall be undertaken except between the following hours unless otherwise agreed in writing by the County Planning Authority:

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

   There shall be no operations on Sundays or Bank Holidays.

   **Reason:** To protect the amenities of local residents.

5. No external lighting shall be used on site until a detailed scheme of external lighting has been submitted to and approved in writing by the County Planning Authority. The submitted scheme shall include site layout plan with details showing luminaire types and profiles, mounting heights, beam angles and orientation. All external lighting on the site shall be installed, maintained and
operated in accordance with the approved scheme or subsequent approved schemes.

**Reason:** In the interest of the amenity of the area.

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

**Reason:** In the interests of highway safety.

7. Reversing alarms on equipment or vehicles, including visiting contractor’s vehicles, shall not be used unless they are of the broadband noise type or are of a type otherwise approved in writing by the Minerals Planning Authority.

**Reason:** To safeguard the amenities of nearby residents.

**Development Plan Policies Relevant to this Decision**

**Regional Spatial Strategy**

**Policy WD1** sets out targets for waste management in the Region and seeks to reduce the proportion of industrial and commercial waste which is disposed of to landfill.

**Policy WD3** seeks the location and siting of waste treatment and recycling facilities to be guided towards appropriate locations, having regard to the proximity principle and other environmental and amenity principles as identified elsewhere in this guidance.

**Waste Local Plan for Warwickshire**

**Policy 1 General Land Use**, regarding evaluating proposals to develop any waste facility.

**Policy 6 Materials Recycling Facilities**, regarding when such facilities will be permitted.

**Rugby Borough Local Development Framework Core Strategy** adopted June 2011

**Policy CS1 – Development Strategy**, sets a settlement hierarchy for future development and directs development towards the most sustainable locations.

**Policy CS16 – Sustainable Design**, requires all development to demonstrate high quality, inclusive and sustainable design and will only be allowed where proposals are of a scale and design that would not cause any material harm to the qualities and character and amenity of the areas in which they are situated.
Reasons for the Decision to Grant Permission

The proposed development would enable road sweepings and gully arisings to be recycled and put to a beneficial use. The location of the plant centrally within the Landfill would result in minimal impact upon nearby residents by reason of noise, dust, odour or visual impact. A vehicle routing agreement would reduce any impact resulting from vehicles upon residents. Although the proposal constitutes inappropriate development in Greenbelt terms the benefits of the proposal are considered such to constitute very special circumstances. In addition the facility would be removed upon the completion of landfilling, thus maintaining the openness of the Greenbelt in the long term.