Item 3

Regulatory Committee - 16 April 2013

Ling Hall Landfill Site
Incinerator Bottom Ash Recycling Plant

RBC/13CM003

Application No.: RBC/13CM003

Advertised date: 06/02/2013

Applicant(s) Veolia ES Landfill Limited
The Old Paddocks
New Works
Telford
Shropshire
TF23 9HH

Registered by: The Strategic Director for Communities on 28 January 2013

Proposal: The installation of plant & equipment to recycle incinerator bottom ash to produce secondary aggregate for use in the construction industry.

Site & location: Ling Hall Landfill, Coalpit Lane, Lawford Heath, Rugby, Warwickshire, CV23 9HH
[Grid ref: 444807.273100]

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the installation of plant and equipment to recycle incinerator bottom ash to produce secondary aggregate for use in the construction industry at Ling Hall Landfill Site, Coal Pit Lane, Lawford Heath, Rugby, subject to the applicant entering into a Section 106 Agreement covering vehicle routing and then 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 The application proposes the development of a facility for the processing of incinerator bottom ash (IBA) on land at Ling Hall Landfill site. The facility would produce secondary aggregate, from the recycled IBA, for use in the construction industry.

1.2 IBA is the incombustible element of waste (predominantly from municipal waste) remaining once waste materials have been combusted within an Energy Recovery Facility (ERF). IBA generally equates to around 25% of the tonnage of waste entering the ERF and is composed of a mix of ceramics, clinker and glass with small amounts of both ferrous and non-ferrous metal.

1.3 The proposed recovery process would remove the metals for recycling elsewhere and produce aggregates (course and fine grades) which can then be used in the production of many types of asphalt and concrete, the manufacture of lightweight blocks or as a road construction material.

1.4 The application site would occupy an area of around 1 hectare. The facility would consist of a fully contained concrete hardstanding/pad measuring 150 metres by 70 metres surrounded by a concrete wall measuring 0.5 metre in height. A series of concrete push walls, standing 3.5 metres in height, would segregate the pad into separate storage areas upon which raw IBA and processed secondary aggregate would be stored. A surface water collection/storage lagoon would be located towards one end of the pad.

1.5 Located centrally within the site would be a steel framed industrial building containing processing plant and equipment, within which IBA would be processed. The building, measure 35 metres by 20 metres by 9 metres in height, would be clad in coloured plastic coated steel sheeting. The roof would include louvres to allow ventilation and incorporate clear roof panels to maximise natural day light. Rainfall from the roof would be collected in storage tanks situated at the side of the building. The building would contain a series of conveyors, screens, hoppers and magnets typical of the equipment used within the minerals industry to separate and grade the material.

1.6 Briefly the facility would operate as follows: IBA would be delivered to the site by HGV. Upon arrival at the landfill site loads would be weighed at the existing weighbridge before being deposited in a series of windrows within the reception area on the concrete pad. The IBA would then be allowed to mature/weather for a period of around eight weeks, during which time the alkalinity of the material reduces from strongly alkaline to almost neutral. Following maturation the IBA would then be moved using a wheeled loading shovel to the feed hopper at the front of the processing building from where it would be fed by conveyor into the building. Within the building the IBA would be fed
through a series of plant and equipment, including screens, magnets, eddy current separator and picking belts, which would separate and grade the material. The various fractions produced – ferrous and non-ferrous metal, course and fine incinerator bottom ash aggregate, oversize and residual material would then be fed by conveyor into separate collection bunkers from where they are moved using the wheeled loading shovel into recyclate storage bays on the concrete pad for eventual sale and transport off site. A mobile crusher would be brought to the site as required and used to reduce the size of any oversize material, which would then pass back through the recycling process.

1.7 It is anticipated that up to 99% of the material would be separated and graded for reuse. The remaining 1% residual waste/non-recyclable material would be deposited within the landfill.

1.8 The facility would be capable of handling around 75,000 tonnes of IBA per annum. The IBA would emanate from an energy recovery facility (ERF) currently under construction currently under construction at Four Ashes in South Staffordshire.

1.9 IBA would be delivered to the site in tipper type HGVs with a carrying capacity of up to 25 tonnes. A throughput of 75,000 tonnes would generate around 11 deliveries and 11 collections per day. 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.

1.10 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.

1.11 It is anticipated that the facility would provide three additional full-time jobs on the site.

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

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

1.14 The application states that proposed development seeks to move waste up the Waste Hierarchy by recycling waste material that would otherwise be disposed of to landfill by producing a secondary aggregate for use in construction projects. It goes on to state that, it also has benefits of reducing demand for primary aggregate and the
adverse impacts that quarrying can sometimes have on the environment and on the amenity of local residents.

2. Consultation

2.1 Rugby Borough Council (Planning) – no comments received.

2.2 Rugby Borough Council (EHO) – no objection to the proposed development but recommend should planning permission be granted conditions to be attached in respect of hours of operation and operational noise levels at sensitive receptors. In respect of dust the EHO comments that a dust management plan contained within the planning application supporting statement has been prepared in support of the application and the application for a Permit from the Environment Agency (EA), but makes no comments as this is an EA licence and enforcement process.

2.3 Councillor Heather Timms – no comments received.

2.4 Wolston Parish Council – supports that application subject to some concerns being addressed. The Parish Council note that the company have been responsible to date, but concerns include establishing the likely number of lorry movements (including empty vehicles) to the site, and confirming that they would continue to access the site from the A45 and not travel along Coal Pit Lane for the Fosse Way.

2.5 Church Lawford Parish Council – raises concerns with regard to the increase of noise at the site and the noise from reversing vehicles, the increase in traffic to and from the site and the dust that will be produced affecting the air quality in surrounding areas.

2.6 Long Lawford Parish Council – no comments received.

2.7 Thurlaston Parish Council – no comments received.

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

3. Representations

3.1 Letters/emails of representation have been received from four local residents and an adjoining plant nursery business.

3.2 Residents concerns/objections include:
The operator should be made to comply with the responsibilities they have with regard to effluent runoff from their existing landfill activities before apply for more planning consents.

Would the raw ash material be delivered to the site in a dry or wet form?

Would metals, including rare metals, be extracted from raw material prior to aggregate production?

Local roads are already overused and inadequate for the current level or traffic HGV or otherwise they have excessive pollution and debris spilling into the adjacent fields and waterways due to lack of kerbs.

The submitted noise and dust surveys make no reference to the residential dwellings known as Lawford Lodge Farm and Lawford Lodge Farm Cottage located to the north of the site, which are similar distances from the application site as other receptors. Potential affects upon the amenities of these dwellings should be assessed.

Assume that any planning permission granted would be time limited to coincide with completion of landfilling in 2021.

Erecting a permanent structure for a period of 8 years is in contrast to the applicant’s objective of sustainable waste management. Any future applications for an extension to the original planning application would be contrary to the original application which was quite specific in detailing that quarrying and landfilling operations were allowed in the Green Belt due to the time limited nature.

Residents were told at the outset that the site would be temporary, about 15 years. When does temporary become long term, or even permanent?

This is the fourth or fifth variation from the original planning permission applied for which have so far been granted without restriction by WCC. How far do they need to stray from the original agreement before WCC says no more?

Odour is from time to time experienced from the site.

The operators still, on a frequent, everyday basis, flout their agreement not to allow lorries to use the northern route up Lawford Heath Lane.

The local residents have put up with some notable irritation and discomfort, in order that others who live elsewhere can benefit financially. Why is this considered to be OK by WCC and others?

Is it democratic that one group can impose on and hurt another without even offering any form of compensation.

3.3 The operator of a plant nursery business which occupies land adjacent to the application site does not object to the proposal but raises the following points:
• Suitable measures should be taken to prevent the ingress of water and contaminants onto the nursery site.
• Security fencing should be restored/erected between the application site and nursery.
• Adequate measures should be introduced to ensure that possible airborne contaminants or dust that may be harmful or detrimental to nursery stock are controlled.
• Suitable landscape screening should be considered to minimise the visual impact and potential noise disturbance on nursery operations.

4. Assessment and Observations

Background and Planning History

4.1 Planning permission (R16/890805) was granted in 1991 to allow the extraction of sand and gravel with restoration by landfill on land at the former Lawford Heath Airfield. The site, now known as Ling Hall Landfill, has been in operation since 1993 with landfilling following on behind sand and gravel extraction. Mineral extraction ceased in 2010. The landfill, which accepts household, industrial and commercial waste, remains in operation. The current planning permission requires landfilling of the site to cease by May 2021.

4.2 Subsequent to the original planning consent a number of planning permissions have been granted to allow the development of ancillary facilities and plant on the site.

4.3 In 1998 planning permission (R16/98CM002) was granted for the installation of plant on the site to utilise landfill gas for the generation of electricity. Planning permission (R16/10CM003) was granted in 2010 to extend this development and the facility remains in operation.

4.4 A concrete batching plant and asphalt coated road stone plant have operated on the site for a number of years. Planning permissions (R16/10CM017 – Concrete Batching Plant and R16/10CM018 – Asphalt Plant) were granted in October 2010 to allow these facilities to remain in operation on the site until October 2015.

4.5 In January 2012 planning permission (RBC/11CM020) was granted to allow the development of a road sweepings and gully arisings recycling facility within the landfill site. The facility, which will allow the recovery of materials suitable for use in landfill restoration, became operational in March 2013.

4.6 Planning permissions have also previously been granted for the temporary recycling and composting operations within the landfill, although these consents were not implemented and have now lapsed.
4.7 A number of the planning permissions including the, concrete batching plant, asphalt plant and road sweepings processing plant, are subject to formal vehicle routing agreement secured via Section 106 Agreements.

Site and Surroundings

4.8 Ling Hall Landfill is located approximately 2 kilometres to the south west of Rugby in relatively open countryside a short distance to the north of the A45. 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. A plant nursery business, which occupies part of the former airfield runway, adjoins and extends as a finger of land into the western boundary of the landfill site.

4.9 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 itself extends to around 1 hectare in area and immediately adjoins the road sweepings processing plant and plant nursery and is situated a short distance from the asphalt and concrete plants. The proposed facility would be accessed via the existing landfill access off Coal Pit Lane, which itself joins Lawford Heath Lane and the A45 to the south.

4.10 The nearest residential property is North Lodge which, whilst being situated only a short distance from the boundary of the landfill site, lies a little over 400 metres to the west of the application site on Coal Pit Lane. Dwellings at North Lodge Farm, which similarly are located only a short distance from the boundary of the landfill, lie around 700 metres to the north of the application site itself. Two groups of residential properties, The Ryelands and The Crescent, are located in excess of 500 metres to the east of the application site off Lawford Heath Lane.

Planning Policy Context

4.11 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’.

National Planning Policy

4.13 The National Planning Policy Framework (NPPF) issued in March 2012 came into immediate effect. The NPPF principally draws together, rationalises and replaces many of the Planning Policy Statements and Planning Policy Guidance Notes. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The Framework states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

4.14 The application site is located within the West Midlands Green Belt. The NPPF sets out national guidance in respect of Green Belts and states that the Government attaches great importance to Green Belts. The NPPF reaffirms the Government’s commitment to maintaining and protecting Green Belts and states that the fundamental aim of Green Belt policy is to preserve openness. The guidance sets out five purposes of Green Belts: to check unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and to assist in urban regeneration.

4.15 The NPPF makes it clear that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.16 The NPPF states that, except in a limited number of circumstances (including: agricultural buildings, sports facilities, limited extension of buildings and, limited infilling or development of previously developed sites) the construction of new buildings should be regarded as inappropriate in Green Belt.

4.17 The NPPF also states that certain other forms of development, including mineral extraction and engineering operations, are also not inappropriate in Green Belt provided they preserve openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
4.18 The NPPF states that in meeting development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

4.19 The NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of the processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

4.20 It goes on to state that, planning policies and decisions should aim to; avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce such impacts, including through the use of conditions. By encouraging good design decisions should limit the impact of light pollution from artificial light on local amenity.

4.21 Planning Policy Statement 10 (PPS10) : Planning for Sustainable Waste Management, which has not been replaced by the NPPF, seeks to reduce waste arisings and to use waste as a resource wherever possible. Disposing of waste to landfill should be very much the last resort. The guidance note makes it clear that the planning system is pivotal to the adequate and timely provision of the new facilities.

4.22 Paragraph 29 of PPS 10 states that in considering planning applications for waste management facilities, planning authorities should consider the likely impact on the local environment and amenity. Annex E sets out more specific locational criteria including; protection of water resources, visual intrusion, traffic and access, air emissions, odours, vermin, noise, litter, potential land use conflict, etc.

4.23 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.

**Regional Spatial Strategy**

4.24 The Regional Spatial Strategy (RSS) remains, for the time being, part of the Development Plan. Policy WD1 of the RSS 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 to at the most 85% of 1998 levels by 2005. Policy WD3 directs waste treatment and recycling facilities to appropriate locations, having regard to the proximity principle and other environmental and amenity principles.
4.25 The Secretary of State for Communities and Local Government has set out his intention to revoke the RSS and this is likely to happen imminently. Notwithstanding this, the Regional Spatial Strategy still forms part of the Development Plan and the application should be determined accordingly. It is a matter for your Committee what weight it gives to the intention to revoke the RSS but it is recommended that in the circumstances of this case and at this stage of the process for revocation only limited, if any, weight should be given to the intention.

Local Planning Policies

Waste Local Plan for Warwickshire

4.26 The Waste Local Plan for Warwickshire (saved policies) sets out specific policies in respect of waste development. Policy 1 sets out general environmental considerations against which all waste developments must be assessed. Permission will not be granted where a proposal would give rise to adverse impact by reason of noise, odour, dust, visual intrusion, and traffic, etc. The policy also states that the extent to which the proposal makes a positive contribution to re-use and/or recycling of materials and satisfies the proximity principle will be taken into consideration.

4.27 Policy 6 of the Waste Local Plan relates to materials recycling facilities and states that such facilities will be permitted: as an integral part of new and established waste disposal facilities, on industrial estates and other land which has been used for a commercial use and where the proposed use would be compatible with adjacent land uses.


4.28 The Core Strategy Publication Document sets out draft policies in respect of directing future waste development. Whilst this is not an adopted document, the draft policies reflect the national government planning policy of producing less waste, and to re-use it by recycling as a resource where possible.

4.29 Policy CS1 – Waste Management Capacity, states that sufficient waste management capacity will be 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.

4.30 Policy CS2 – The Spatial Waste Planning Strategy for Warwickshire seeks waste management facilities to be well located in accordance with identified broad locations (The application site is located within close proximity to Rugby a primary settlement and one of the broad locations identified for new waste facilities), where individual sites are well located to sources of waste, are well located to the strategic transport infrastructure and do not have significant adverse
environmental impacts. Particular preference is shown to; sites operating under an existing waste management use, active mineral sites or landfills and previously developed land.

4.31 Policies CS3 sets out the strategy for locating large scale waste sites (facilities managing 50,000 tonnes of waste per annum or more). This policy directs new facilities to within or close proximity of primary or secondary settlements, which includes Rugby. Policy CS5 – Proposals for reuse, recycling, waste transfer/storage and composting encourages such proposals provided that they accord with all other relevant policies.

4.32 Policy DM2- Managing Health and Amenity Impacts of Waste Development, relates to environmental controls and states that waste management proposals will be permitted where it can be demonstrated that the development will have no significant adverse impacts on the local environment or communities through, amongst other things, noise, visual intrusion, odour, dust, emissions, traffic, etc. The policy goes on to state that planning permission will not be granted for waste management proposals where by reason of the collective impact of different proposals or by reason of a number of impacts for the same development, the proposal has an unacceptable cumulative impact.

4.33 Policy DM3 – Sustainable Transportation seeks planning applications to be accompanied by a Transport Assessment which demonstrate that: the proposed development has direct access or suitable links to the routes set out of the Warwickshire Advisory Lorry Route map and the strategic highway network; the highway network is able and suitable to accommodate the additional number of movements; the proposal (either alone, or in combination with other developments) will not result in an unacceptably detrimental impact to road safety; the proposed access arrangements are safe and convenient for users; and, sufficient mitigation or compensatory works directly related to the development are identified that may need to be funded by the developer in conjunction with the proposal.

**Rugby Borough Local Development Framework Core Strategy adopted June 2011 and saved policies (Post Core Strategy adoption) of the Rugby Borough Local Plan**

4.34 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 Green Belt new development will be resisted, only where national policy on Green Belt allows will development be permitted. The supporting text details that, Green Belt 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.

4.35 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.

Policy Considerations

4.36 The proposed development is located within the West Midlands Green Belt and constitutes inappropriate development in Green Belt terms. In assessing the proposal this does not mean that the application is necessarily unacceptable or should automatically be refused. Clearly it is necessary to consider whether or not there are material considerations amounting to ‘very special circumstances’ of sufficient weight to outweigh the harm to Green Belt policy and any other planning harm from the development.

4.37 The proposed development gains much policy support in terms of its contribution to recycling, diverting waste away from landfill and pushing waste management up the waste hierarchy. The proposal would also provide a treatment facility for a specialist waste stream, allowing materials that would otherwise be landfilled to be recycled and put to a beneficial use within the construction industry as a secondary aggregate. The site is also located within an existing waste management facility, is well located in terms of the highway network, and the broad locations, identified within the emerging Waste Development Framework Core Strategy, where such development would be supported. Set against this is the more restrictive general presumption against development contained within Green Belt policy and wish to maintain openness as well as the desire to protect the amenity of neighbouring occupiers from any adverse impacts resulting from the development.

4.38 The development does not fall within any of the exceptions to Green Belt policy set out within the NPPF when development may be permitted. The development is therefore inappropriate and by definition harmful to the Green Belt for the purposes of the NPPF.

4.39 The proposed development is for a new concrete hardstanding with concrete push walls standing up to 3.5 metres in height and a new industrial building measuring 35 metres by 20 metres and standing 9 metres in height.

4.40 The proposal would however be temporary nature and upon completion of landfilling on site the building, plant and hard standing would be removed and the site restored in accordance with the landfill planning
permission, therefore resulting in no long term impact on openness of Green Belt.

4.41 Furthermore, it must also be recognised that whilst the site is located within the Green Belt, it is not a green field site. The application site is located centrally within the landfill site/existing waste management facility and occupies part of a former airfield runway and in more recent years has been occupied by the plant and equipment utilised on site to process sand and gravel extracted from the quarry.

4.42 In support of the application the applicant considers that as the recycling operation would not be a permanent development and would not change the overall working and restoration timescale of the landfill it would be consistent with Green Belt policy. The application acknowledges that the processing building could be regarded as inappropriate development in Green Belt terms. However, in support of the proposal the applicant states that the building is required to comply with other legislation (Industrial Emissions Directive) which will shortly require facilities of this type to be enclosed to effectively control any emissions to the atmosphere. The applicant also considers that the building would have added benefits of reducing any potential noise impact on local amenity and improving the visual appearance of the operation. It is also stated that the building would also help with maintenance and security of the recycling equipment and provide a better working environment.

4.43 The applicant draws attention to the guidance within PPS10 which states that planning authorities should, in certain circumstances, consider that particular locational needs of certain waste management facilities within the Green Belt. The wider economic benefits of sustainable waste management are material considerations that should be given significant weight in determining whether a particular proposal should be given planning permission in the Green Belt.

4.44 The application concludes that very special circumstances do apply with this particular application because the proposed activity does not conflict with the surrounding land uses; would not result in any greater impact on the openness of the Green Belt than the past and existing development of the site; the recycling operation would be a sustainable waste management activity and the facility would be removed as part of the restoration of the site. The applicant therefore considers that the application is in accordance with the policies relating to development within the Green Belt.

4.45 One of the principles of waste management is that waste should be managed as near as possible to where it arises in order to reduce the potential risks of pollution during transport and adding to existing pollution from increased road traffic. In this instance the IBA would be derived from an ERF based in Four Ashes, South Staffordshire, a distance of around 50 miles, which could be argued to conflict with the
proximity principle. In response to this the applicant advises that, following an exhaustive site selection sieving exercise no suitable sites have been identified within a sensible radius of the Four Ashes ERF. The applicant also highlights that the Four Ashes ERF will treat waste derived from Warwickshire, thus the IBA recycling facility would in part manage waste originally produced within Warwickshire, thus considers that the proposal is in accordance with the proximity principle.

4.46 In this respect it is accepted that waste can and does now travel over considerable distances, nationally and internationally, to reach appropriate waste management facilities. It is also accepted that suitable sites for the development proposed can be difficult to find and that such uses often cannot compete on the open market and that these factors make it difficult to find appropriate sites. In this instance it is noted that the IBA recycling facility would form part of a chain of facilities required to manage municipal waste at a sub-regional level and that in this respect the distances over which waste would be transported are acceptable.

4.47 Consequently very special circumstances have been demonstrated sufficient to allow the proposal to be supported in this location. In addition, the location of the development within an existing waste management facility would result in the facility having limited impact on the openness of the Green Belt than the past and existing development on the 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 Green Belt.

4.48 Set against this is the general desire within planning policy to protect the amenity of neighbouring occupiers from any adverse impacts resulting from development. In this case the application site is located centrally within the landfill site and is reasonably well separated from residential properties. Subject to the proposal not resulting unacceptable impact on the amenity of neighbouring occupiers or highway conditions the proposal is considered to accord with the relevant policy framework.

Environmental & Amenity Considerations

Landscape and Visual Impact

Residential Impact

4.49 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 around 400 metres to the west to the application site. Beyond this lies Wolston Grange, a residential nursing home. South Lodge Farm is situated around 650 metres to the south-west and properties at The Crescent and Blue Boar Farm are situated around
600 metres to the south of the application site. Lawford Heath Industrial Estate is located approximately 300 metres to the east of the application site.

**Visual Impact**

4.50 Ling Hall Landfill is a large established site. The application site forms a small part of the overall landfill site and is screened by the topography of the landfill, which is a domed landform, and mature hedgerows. The processing plant previously located on the application site was not readily visible from outside of the landfill and the concrete batching plant and asphalt plant that remain on site are also well screened. The proposed development would be similarly screened from outside of the landfill site. The building, standing at 9 metres in height, would result in the greatest visual presence but would be lower in height than the existing asphalt and concrete batching plants on site which stand at around 11 metres in height. The building could be finished in a colour appropriate to the setting and an appropriately worded condition is suggested.

**Noise**

4.51 Operation of a facility of this nature would generate noise as a result of vehicle movements on site and operation of the plant itself. In this instance the processing plant, which would be the greatest source of noise, would be contained within a building which would reduce noise levels. Additionally the facility would operate centrally within the landfill in the vicinity of other industrial activities. Thus must be considered in this context.

4.52 The submitted application included a noise impact assessment which considered noise impacts at a number of nearby receptors. The report concluded that the predicted noise from the proposed operation would result in marginal noise impact and that therefore complaints were considered to be unlikely. The report also considered cumulative noise impacts and concluded that there would be no impact at any of the receptors. 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 report therefore considers that no further noise mitigation measures would be required and that noise should not be considered to be a material constraint to the proposed development. The Environmental Health Officer at Rugby Borough Council agrees with these findings, but recommends that conditions are imposed on any planning permission granted to control the hours of operation of the site and operational noise levels. Suitably worded conditions are suggested.

4.53 Reversing bleepers have been raised as a concern. 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**

4.54 Recycling operations that involve sorting and screening of materials can generate dust. Prior to leaving the Energy Recovery Facility IBA is dowsed with water, thus it would arrive at the site wet rather than in the form of a dust. The processing of the IBA, the activity most likely to result in the generation of dust, would take place within the enclosed building, thus reducing potential dust impacts upon the surrounding area. In addition, the applicant has prepared a dust management plan which details procedures that would be put in place in order to minimise and mitigate against potential dust nuisance. Mitigation measures proposed include, locating all processing plant within the proposed enclosed building, damping down of internal haul roads using a water bowser, installing dust control sprays on processing equipment, providing a dust suppression system around the perimeter of the site and sheeting of all vehicles, etc. The Environmental Health Officer at Rugby Borough Council and Environment Agency have raised no concerns in respect of dust management.

**Odour**

4.55 Incinerator Bottom Ash is not an inherently odorous material. The application states that the development would not result in any adverse odour impact affecting local residents. Neither the Environmental Health Officer or Environment agency have raised concerns in this respect.

**Highway and Traffic**

4.56 The facility would generate around 11 deliveries of IBA and 11 collections of secondary aggregate and metals for recycling per day. It is unlikely that IBA delivery vehicles would be able to back-haul processed materials so this is likely to equate to 22 deliveries and collections (44 movements) per day, or 2 deliveries/collections (4 movements) per day.

4.57 At its peak the quarry was producing around 250,000 tonnes of sand and gravel per annum which equated to around 49 loads leaving the site each day. Mineral extraction has now ceased. Thus these vehicle movements have largely ceased, although the concrete batching plant and asphalt plant still generate some vehicle movements. In addition, as a result of the down turn in the economy and landfill tax waste inputs to the landfill, and consequently vehicle numbers, have greatly reduced in recent years. In 2008 in the region of 37,500 loads entered the landfill. By 2008 this figure had reduced to around 13,000 loads. Thus
waste traffic flows into Ling Hall landfill currently run at around 30% of 2008 levels. Therefore, even with the addition of vehicles generated by the current proposal vehicle movements at the site would be much reduced from the peak of operations.

4.58 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

4.59 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

4.60 The existing landfill operation and adjacent road sweepings processing plant operate under the provisions of an Environmental Permit administered by the Environment Agency. The IBA recycling facility would either require a bespoke Environmental Permit or amendment of the existing Permit in order to include the proposed facility. The Permit would cover day to day environmental management and control of operations on site.

Plant Nursery Business

4.61 The adjoining plant nursery business request that the applicant be required to provide a security fence between the two sites and also that consideration should be given to the provision of suitable landscape screening between the two sites. The existing boundary is delineated by a wall which stands at around 1 metre in height which allows views between the two sites. The proposed development would replace former mineral processing plant and equipment and in this respect the view from the plant nursery would not be dramatically different to that previously seen. The proposed development is unlikely to pose any greater security risk at the site, thus is not considered appropriate to require this in connection with this proposal.
5.0 Conclusions

5.1 The proposed development would enable waste that would otherwise be landfilled to be recycled and put to a beneficial use as a secondary aggregate. This is supported by waste planning policy. 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 Green Belt terms the benefits of the proposal are considered such to constitute very special circumstances sufficient to justify approval. In addition the facility would be removed upon the completion of landfilling, thus maintaining the openness of the Green Belt in the long term.

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Ling Hall Quarry Rugby - IBA Recycling Plant

16th April 2013

Regulatory Committee: 16th April 2013

Ling Hall Quarry Rugby - IBA Recycling Plant

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

Ling Hall Landfill Site
Incinerator Bottom Ash Recycling Plant

Application No: RBC/13CM003

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: IBA 002, IBA 003, IBA 004, IBA 004 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 development hereby permitted shall not be commenced until details of the materials and finish colours of the processing building has been submitted to and approved in writing by the County Planning Authority. Following approval the building shall be finished in the materials and colours approved.

   Reason: To ensure a satisfactory standard of development in the interests of the visual amenity of the area.

4. The incinerator bottom ash facility shall be removed from the site upon the cessation of landfill operations and the site restored in accordance with the provisions of planning permission R16/890805 or any subsequently approved restoration scheme.

   Reason: To secure satisfactory restoration of the site.

5. 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 Back Holidays.
Reason: To protect the amenities of local residents.

6. No external lighting shall be used on the application site until details of external lighting have been submitted to and approved in writing by the County Planning Authority. The details shall include times of operation and a site layout plan showing luminaire types, location, intensity and profiles, mounting heights, beam angles and orientation. All external lighting on the site shall be installed, maintained and operated in accordance with the details (or any subsequent variation) so approved.

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

7. 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.

8. Reversing alarms on equipment or vehicles, including visiting contractors 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.

9. Noise resulting from the development and operation of the facility, when measured one metre in front of the relevant residential facade at a height of 1.2 metres, shall not exceed the ambient noise levels set out in Appendix B.7.1. of the Environmental Statement relating to planning permission R16/890805.

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 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 waste that would otherwise be landfilled to be recycled and put to a beneficial use as a secondary aggregate. This is very much supported by waste planning policy. 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 Green Belt terms the benefits of the proposal are considered such to constitute very special circumstances sufficient to justify approval. In addition the facility would be removed upon the completion of landfilling, thus maintaining the openness of the Green Belt in the long term.


In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.