LING HALL LANDFILL SITE

Proposed extension of time to 14 May 2031 to allow completion of Landfilling Operations

Volume 1

PLANNING STATEMENT
BASIS OF REPORT

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5. **CONCLUSION**
1. Introduction

Veolia ES Landfill Limited (the ‘applicant’) is submitting a planning application relating to land at Ling Hall Landfill Site, which is located around 5.5 kilometres from the centre of Rugby, Warwickshire. This document comprises a Planning Statement and is submitted to Warwickshire County Council (as waste planning authority, ‘WPA’) in support of the planning application. It has been prepared by SLR Consulting Limited on behalf of the applicant.

1.1 The applicant is submitting a planning application which seeks to amend the cessation date for the operation of the landfill site. Ling Hall Landfill site is an established landfill which is progressively infilling former sand and gravel workings. It has been in operation since c. 1993 and operated continuously since. In addition to the landfill the applicant has secured planning permission for three other waste management uses: a street sweeping recycling facility; an IBA\(^1\) processing facility; and a green waste composting facility. These developments are all linked to the life of the landfill operation. Also within the general boundary of the landfill site are a concrete batching plant and roadstone coating plant, both operated by Breedon Southern Limited. These two operations do not form part of the current proposals. The Planning History for the landfill site is set out in Chapter 2 of this volume.

1.2 The Planning Statement supports the planning submission and considers the proposals in the context of relevant planning policies in the Development Plan, and other material considerations, such as national planning policy. It is also accompanied by a series of drawings that show the context of the Ling Hall Landfill Site in relation to the surrounding landscape.

Application Submission Package

1.3 This document comprises Volume 1 of a larger multi volume submission to accompany the planning application. In addition to the formal planning application forms and certificates, the full submission comprises:

- Volume 1 - Planning Statement (this document);
- Volume 2 - Environmental Statement;
  - Volume 2A – ES Text;
  - Volume 2B – ES Technical Appendices; and
  - Volume 2C – A Non-Technical Summary of the Environmental Statement.

1.4 The Environmental Statement (‘ES’) provides an objective account of the possible environmental effects of the proposed development by setting out the results of the Environmental Impact Assessment (‘EIA’) which has been undertaken. It is intended to provide the WPA with sufficient information to determine the planning application having due regard to the protection of the local amenity and the environment as a whole. The ES has been prepared in line with the framework provided in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 with cognisance of the guidance set out in the online National Planning Practice Guidance and The Institute

\(^1\) Incinerator Bottom Ash
The Non Technical Summary (‘NTS’) provides, in non-technical language, a brief summary of the likely significant effects that the proposed development would have on the environment.

The Proposed Development

The landfill site currently operates under planning permission R16/890805 which granted planning permission on 14 May 1991 for “the extraction of minerals in the form of sand and gravel and to process the raw material to produce concrete aggregates, building and asphalt sands”. The planning permission also approved the restoration of the mineral workings by landfill.

Under the existing planning permission the landfill can operate until 14 May 2021. In this respect, condition 53 states:

“No sand and gravel extraction shall take place later than the expiration of the period of 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”

Due to a reduction in landfill inputs owing to recent economic conditions and an overall switch to a sustainable, reusable society, a 4 Million cubic metres (Mm³) void space remains at the landfill. Currently, input rates to the landfill are approximately 400,000 tpa, thus requiring an additional 10 years to fill the remaining void space and allow for landfill restoration and profiling as agreed by the existing planning permission.

The applicant is therefore submitting a planning application to Warwickshire County Council for permission to ‘vary’ Condition 53 of the planning permission. The applicant proposes to extend the life of Ling Hall landfill for a further 10 years, resulting in a revised closure date of 14 May 2031.

In addition to the landfill operations planning permission has also been granted for a number of additional waste management (recycling) facilities located within the Ling Hall site. At the present time, their use is limited to the duration of landfill operations rather than a specific date. In this respect:

- **Street sweeping recycling facility** (RBC/11CM020) Condition 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”;

- **IBA processing facility** (RBC/13CM003) Condition 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 variation or replacement of those provisions approved by the County Planning Authority”; and

- **Open Windrow Composting of Green Waste** (RBC/17CM021) Condition 3: “the open windrow composting facility shall be removed from the site upon cessation of landfill operations and the site restored in accordance with the provisions of planning permission R16/890805 or any subsequent approved restoration scheme”.

In view of this, by amending the cessation date for the landfill, the continued operation of these operations would be allowed.
1.12 There would be no other changes to the landfill which would continue to comply with all other existing conditions imposed by the planning permission.

1.13 Further details of the proposed development are set out in Chapter 3 below.

Need for the Development

1.14 The currently approved date for completion of landfilling at the end of 2021 was based on waste market information at the time of the original planning application in 1993. Since then there have been a number of significant changes which has resulted in less waste going to landfill and therefore more time being needed to complete the restoration works:

- the steady increase in landfill tax which is currently at £91.35 per tonne (rising to £94.15 per tonne from 1 April 2020) which has driven waste away from landfill as local authorities and private customers look to reduce their costs; and
- increased recycling following the introduction of tighter regulations.

1.15 Improved recycling/separation schemes for municipal waste including the introduction of food waste collection schemes and the more widespread introduction of kerbside recycling schemes continue to divert from landfill and the increase in treatment capacity for waste remaining after recycling and composting will continue to reduce the volumes of waste going to landfill.

1.16 To minimise the visual impact the landfill has been designed so that the outside slopes to the north and south are completed and landscaped before the centre of the site is filled. In this way much of the future landfill activity would be effectively screened to public view.

1.17 As a result the applicant is committed to completing the site as originally planned. To not fill the centre would result in an incongruous landform and a large water-body which would result in continual problems with the control of landfill gas and leachate due to water ingress. It would also significantly lessen the effective after-use of the site. To redesign the landfill would involve moving significant quantities of already deposited waste which would again lead to problems with landfill gas and leachate control together with significant visual impact and likely odour nuisance.

The Applicant

1.18 The applicant and site owner is Veolia ES Landfill Limited, which is part of the Veolia Group, one of the UK’s leading waste management companies, collecting, treating and disposing of waste produced by businesses and the public across the UK.

1.19 Veolia is committed to minimising environmental impacts associated with its activities and to complying with all relevant environment legislation, permit conditions and planning approvals. Each Veolia landfill site is certified to ISO 9001 quality management; ISO 14001 Environmental Management Systems (EMS) and ISO 18001 Health and Safety. This provides a framework for the ongoing identification, prevention and management of significant environmental impacts, and will continue to be used in relation to the operation of Ling Hall landfill site and associated activities.

SLR Consulting Limited

1.20 SLR is a multi-disciplinary consultancy with extensive experience in the preparation of planning applications and providing environmental services for a wide variety of projects, including waste, minerals, renewable energy and infrastructure developments.
1.21 Further information on SLR can be found on its corporate website at www.slrconsulting.com.

Planning and Pollution Control

1.22 The operation of the landfill is subject to the grant of an Environmental Permit by the Environment Agency (Ref. EPR/BU2381IE). The permit contains a number of conditions intended to regulate the day to day management of the site with the aim of minimising the effect of the operation on the environment; it will also contain conditions regulating site management and monitoring.

1.23 Government advice on waste planning makes it clear that it is important to avoid unnecessary or confusing duplication. For example, Paragraph 122 of the National Planning Policy Framework states 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 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.”
2. Site and Surroundings

This chapter describes the existing physical and environmental characteristics of the Ling Hall Landfill Site and its associated ancillary operations. A more detailed account is provided in Chapter 2 of the ES, whilst a number of the chapters within ES provide a description of the application site in relation to particular environmental topics.

Location

2.1 Ling Hall Landfill Site is located approximately 5.5km² to the west-southwest of the centre of Rugby, with the centre of Coventry lying around 12.8km to the north-west. More specifically, the landfill site lies in the south-eastern quadrant of a rectangle formed by the A45 to the south, A4071 to the east, A428 to the north and B4455 to the west.

2.2 In terms of local authority governance, the application site is located wholly within the Borough of Rugby and the county of Warwickshire.

2.3 For identification purposes the landfill site is centred on national grid reference (NGR) SP 44742 73482. Drawing LH 2/1 (within the ES) illustrates the location of the landfill site.

Site Description

Overview

2.4 Ling Hall landfill site is located on around 120ha of land at the former Church Lawford airfield. The site is a large sand and gravel quarry which has been restored through infilling of household and commercial and industrial waste and disposal by landfill.

2.5 It is approximately triangular in shape, predominantly bounded by public highways; Coalpit Lane lies to the south west, Lawford Heath Lane to the south-east and Ling Lane forms the northern boundary. The red line for the existing planning permission (refer to Drawing LH 2/2 within the ES) covers an area of around 154.8ha and includes land that was not intended to be developed as part of the planning permission for mineral extraction or landfill. This land (shown on Drawing LH 2/2 and amounts to 35.3ha) predominantly lies outside of the control of the applicant and will not be developed.

2.6 The landfill site as a whole contains future landfill cells which have yet to be engineered; areas of capped landfill; areas of restored landfill; power generation from landfill gas (four generation units, feeding up to 2.5MW of electricity into the National Grid); and a leachate management facility (bunded storage tank). Allied to this, there is the site reception and management infrastructure in the form of weighbridges, site office and stores.

2.7 In addition to the landfill and associated infrastructure, a number of other waste recycling facilities have been established (each with their own separate planning permission), as well as a concrete batching plant and roadstone coating plant. These latter two developments are operated by Breedon Southern Limited and have no link to the waste management operations within the site. The recycling

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2 All distances are measured from centre of landfill to the centre of the settlement using Google Earth and is for identification purposes only.
and minerals developments are located in a linear fashion through the site, following the line of one of the former runways.

2.8 The older phases of the landfill are located within the southern part of the site, forming two domed landforms on either side of the former runway. Located in the ‘valley’ between these two areas of restored landfill are the concrete batching plant and roadstone coating plant, along with weighbridge and wheel wash infrastructure. The landfill site offices are also located at the very southern end of the valley feature. Similarly, along the northern boundary of the landfill are filled, capped and seeded (so restored) landfill cells; the current landfill cell is being developed on the north-eastern side of the landfill, having established the outer flank along that edge. Between the two completed areas of landfill are the remaining landfill cells; whilst some earthworks have commenced in the northern section of this area, the specific engineering works for creating the landfill cells has not commenced. The southern part of this area contains a number of waterbodies following mineral extraction. On the western edge of this area is the line of the former runway, upon which are the road sweepings recycling plant, proposed site of the IBA recycling and composting operations (from south to north). To the south of the road sweeping plant is the leachate management facility, which comprises a bunded tank.

2.9 To the west of this area are some stockpiles and a series of amenity lakes/ponds, between which is an area of land outside of the applicants control which is used as a nursery (associated with the nearby garden centre). A further small triangular pond is located at the north-western corner of the landfill site.

**Topography**

2.10 Topographic levels within the site vary due to the historic mineral extraction and subsequent landfilling operations. At the site entrance, levels are in the order of 112m AOD, which continues into the site within the base of the valley feature. The restored landfill areas within the southern part of the site reach levels of 123m AOD on the western side of the valley and 125m AOD on the eastern side.

2.11 The completed landfill cells on the northern boundary range in height from around 127m AOD to 130m AOD, falling away to around 112m AOD along the northern boundary (by Ling Lane).

2.12 The lowest levels within the landfill site are located within the northern section of the area still to be infilled; here levels are around 106m AOD.

**Access**

2.13 Sole vehicular access to the landfill site is obtained through the existing site entrance off Coalpit Lane at NGR SP 44754 72657. The junction is a standard bell mouth design aligned perpendicular to the public highway. The junction itself covers a wide area sufficient to manoeuvre HGV’s without difficulty, including a 3 metre wide ghost right turn lane on approach from the south. The access road has a kerbed splitter island 10 metres in length located 3 metres back from the give way line. The corner radius on egress to the south (toward the A45 intersection) is markedly generous enabling HGV’s to egress onto Coalpit Lane with ease. Coalpit Lane joins Lawford Heath Lane from where Lawford Heath Lane continues in a south-easterly direction to join the A45, which is approximately 650m from the Coalpit Lane/Lawford Heath Lane junction. The A45/M45 provide a strategic link between the M1 to the east and M42 to the west.
2.14 A Section 106 agreement is in place to control vehicle routes and to prohibit lorries from using Lawford Heath Lane. Instead, vehicles are routed directly to and from the A45/A4071 junction. The A45 joins the M45 around 1.5 kilometres to the south-east of the A45/Lawford Heath Lane junction.

2.15 No public footpaths cross the landfill site.

**Land Use**

2.16 Land use within the landfill site is predominantly related to the management of waste, but also includes substantial areas where the landfill cells have been restored.

2.17 As noted above, other uses include complimentary waste management uses such as a plant for the recycling or road sweepings, leachate treatment and green waste composting.

2.18 Finally, mineral related uses exist within the landfill site associated with the manufacture of concrete and coated roadstone products from two plants.

**The Surrounding Area**

**Landform**

2.19 The area immediately surrounding the landfill site is relatively flat lying, with elevations typically being around 110m AOD. To the north-east, between Lawford Heath Lane and the A4071 the topography falls away slightly to 100m AOD. Similarly, to the north and west the topography falls away to around 80m AOD.

**Land Use**

2.20 In the vicinity of the application site land use is predominantly associated with agriculture comprising fields of varying size and shape interspersed with farmsteads and small blocks of woodland. Allied to this, around the site are a network of small villages with residential areas and local services. Allied to this, the outskirts of Rugby lie around 1km to the east, bounded by the A4071. These areas are predominantly residential with associated open space, services and schools. The Rugby Cement Works (CEMEX) lies around 4.3km to the north east, to the south of which is an established industrial area. In addition, the following land uses are evident:

- Industrial (Lawford Heath Industrial Estate);
- Nursery and Garden Centres;
- Recreation (Whitefields Gold Centre);
- Reservoir (Draycote Water).

**Designations and Environmental Assets**

2.21 Referring to the DEFRA MAGIC website, there are no ecological or heritage land use designations within the landfill site. Within 2.5km of the remaining landfill area there are no:

- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
• Ramsar sites;
• National Nature Reserve;
• Local Nature Reserve.
• Registered Parks and Gardens.
• Historic Battlefields.

2.22 The application site is located within the Green Belt as defined within the Rugby Borough Local Plan.

2.23 There is one area of Site of Special Scientific Interest (SSSI), located approximately 1.7km to the south (Draycote Meadows SSSI).

2.24 In terms of heritage assets, there is one Scheduled Monument and seven listed buildings within 2.5km of the remining area to be landfilled.

2.25 Finally, in terms of the water environment the whole of the landfill site lies within Flood Zone 1 (and therefore at a low risk of flooding) and is not underlain by a Source Protection Zone (SPZ).

Site and Planning History

2.26 Planning consent was granted in 1991 for sand and gravel extraction with restoration by landfill (ref. R16/890805). Since 1991 there have been variations to the method of working and phasing; hours of operation and agreement on the wetland restoration scheme.

2.27 In 1998 consent was given for the installation of plant to utilise landfill gas for the generation of electricity (ref. R16/98CM002). Approvals were also given for the temporary use of land for composting and recycling but these consents were never implemented and have since lapsed.

2.28 Although mineral extraction was completed in 2009 consent was granted on two separate occasions for the retention of the concrete batching and asphaltling plants operated by Breedon Southern Limited. Under the latest consents (RBC/16CM007 and RBC/16CM008), the plants are to be removed in 2021.

2.29 In January 2012 approval was given for the installation of plant for the processing of road sweepings and gully arisings to recover materials suitable for use in landfill restoration (ref. RBC/11CM020).

2.30 The majority of the planning consents have also been subject to Section 106 Agreements which stipulate access and egress routes for lorry traffic in order to minimise disturbance to local residents. It is anticipated that any further consents which generate vehicle movements will also be subject to similar vehicle routing restrictions.
3. The Proposed Development

This chapter describes the development proposals for which the planning application seeks permission.

Current Approved Scheme

3.1 As noted from Chapters 1 and 2 above, the current planning permission for the landfill site is ref. R16/890805 dated 14 May 1991. This planning permission allows landfill operations to continue until 31st December 2021 (condition 1 refers). Condition 53 states:

“No sand and gravel extraction shall take place later than the expiration of the period of 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.”

3.2 Due to the progressive diversion of waste from landfill through other recycling and recovery initiatives (in line with the Waste Hierarchy) the volume of waste accepted at the landfill site has fallen. In view of this, it has not been possible to complete the approved development within the timescale that was envisaged in the original planning application. In this respect, it should be noted that the original planning application was granted at a time when landfill was the main method of managing residual waste.

Site Layout

3.3 Chapter 2 above has provided a description of the landfill site. In brief the landfill comprises:

- site reception and office accommodation. This is located close to the site entrance off Coalpit Lane within the southern part of the site;
- completed, capped and grassed areas of landfill located along the southern and northern edges of the planning permission area;
- active landfill cell (engineered);
- future landfill cells (not currently engineered); and
- landfill management infrastructure in the form of leachate management and landfill gas management and electricity generation compound.

3.4 In addition to the landfill and ancillary infrastructure, the following waste management developments have been granted at the landfill site under separate grants of planning permission:

- Street sweeping recycling facility (RBC/11CM020);
- IBA processing facility (RBC/13CM003); and
- Open windrow composting of green waste (RBC/17CM021).

3.5 It should be noted that only the street sweeping recycling and green waste composting facilities are operational; the planning permission for the IBA processing facility has been implemented, but the construction of the development has not been completed.
**Landfill Operations**

**Engineering Design**

3.6 The current landfill area has been developed on a containment basis in line with the Landfill Regulations, comprising a composite liner system with a leachate drainage blanket and collection system. The precise design of the engineering works is agreed with and regulated by the Environment Agency under the Environmental Permit for the site.

3.7 The landfill is divided into a number of cells and sub-cells, each to be developed separately and sized depending on waste input rates. These works are subject to third party Construction Quality Assurance (CQA).

3.8 Once a landfill cell has reached the approved pre-settlement levels, it is ‘capped’ with a flexible impermeable membrane in accordance with the provisions of the Environmental Permit. The engineered cap is tied into the landfill liner around the site edge, encapsulating the waste.

3.9 As such, there are two key engineered barriers to prevent the migration of contaminants from the landfill site.

3.10 In accordance with the Environmental Permit, the full specification of the engineering design for each cell is agreed with the Environment Agency.

**Waste Inputs and Phasing**

3.11 There is no restriction within the planning permission on the amount of waste that can be imported to the landfill site. Currently, the landfill site accepts around 400,000t of residual waste per annum³.

3.12 The Environmental Permit allows the site to accept non-hazardous wastes, such as municipal solid waste (being collected from household) and commercial and industrial wastes. The permit also allows the deposit of inert wastes. Liquid wastes are prohibited from disposal at landfill under the terms of The Landfill (England and Wales) Regulations 2002. The precise list of waste types that can be accepted for disposal at Ling Hall landfill site is set out in the Environmental Permit.

3.13 Waste has been progressively deposited within each of the landfill cells in turn (save for the final three cells which remain unfilled). 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 surcharge the waste mass to allow for settlement as the waste within the landfill site degrades. In this context, ‘pre-settlement’ contours have been calculated based on the anticipated settlement rate and the depth of fill to achieve the desired final restoration contours taking into account capping and restoration (also referred to as the post settlement contours). Based on the approved pre and post settlement details, the landform of the landfill reaches an elevation of 135m AOD within the northern part of the landfill and 130m AOD within the southern part of the landfill; after settlement, the landfill will reduce to around 128m AOD and 126m AOD respectively, having settled by an estimated 7m and 4m.

3.14 Once the waste within each cell has been brought to these predetermined levels, to achieve the agreed pre-settlement restoration profile, the surface of the waste is compacted and graded to provide a firm, regular surface upon which the engineered cap is placed. A regulating later of graded material is placed over the cap.

³ Under the permit, a limit of around 1.176Mt for the landfill exists.
soil material is placed above the waste before the engineered landfill cap is constructed and restoration soils placed above.

**Leachate Management**

3.15 As noted above, the landfill has been developed on a containment basis; within each cell is a basal drainage layer and leachate collection system. Each landfill cell is designed such that the basal profile drains to a low point. A leachate well is then constructed at this point. Leachate is removed from each cell of the landfill site via a pumped system comprising a network of wells (one well per cell) and pipework situated on the surface of the landfill, which discharge the leachate into the sealed tank (which is also located within a bunded enclosure) within the leachate management facility. The treated leachate is then exported from the site in articulated tankers.

**Landfill Gas Management**

3.16 Landfill gas is abstracted from the capped landfill cells via an extensive network of gas wells and transferred via pipework placed on the surface of the landfill to the landfill gas management compound where the gas is combusted at high temperature in dedicated engines to generate ‘green’ electricity. The landfill gas collection pipework has to be carefully laid to a consistent fall such that moisture condensing out of the gas (‘condensate’) on the walls of the pipes drains to designed points (termed ‘knock-out pots’) rather than collecting in depressions and ultimately blocking the pipes to gas flow and affecting the ability to control the landfill gas. As the landfill settles unevenly, landfill gas collection pipework requires continual adjustments to ensure a steady fall is maintained. An undulation of +90mm in a gas collection pipe of 90mm diameter will result in a pipe effectively becoming blocked to gas by condensate collecting in the dip, much as a U-bend works in a lavatory. When the pipework is buried in the soil profile, this means that extensive lengths of pipework have to be periodically excavated and re-laid, causing unnecessary disturbance to the soils and to establishing vegetation. Efficient operation of the landfill gas extraction system is critical in preventing gas migration from the site, also maximising green electricity generation and minimising greenhouse gas emissions.

3.17 The gas collection pipework remains on the surface of the restoration soils at Ling Hall landfill and in view of the settlement of the landfilled waste over time it is considered prudent for the gas pipework to remain surface-laid as opposed to being buried in the restoration soil profile. This allows for changes to be made to the pipework to counter any differential settlement which could affect the efficiency of the gas capture system, minimising the need to disturb restored areas and maximizing greenhouse gas capture and green energy generation.

**Restoration and Aftercare**

3.18 The restoration details were illustrated on Figures A6.2 and A7.1 in the original planning submission. The restoration scheme envisages a wetland type restoration (including woodland planting) in the vicinity of the three ponds on the western boundary with the landfill restored to agriculture. The original application does refer to the creation of a golf course on part of the landfill area.

**Proposed Development**

**Introduction**

3.19 As noted from Chapter 1 above, a planning application is being submitted to vary the provisions of the extant planning permission ref. R16/890805. The application seeks to allow a continuation of landfilling until 14 May 2031.
3.20 The planning application does not seek to amend any other significant aspects of the approved development such as final restored levels or the overall restoration design.

**Proposed Changes to the Duration of Landfill Operations**

3.21 At the time of the application made in 1991, it was envisaged that predicted landfill inputs would result in landfill operations being completed and the site being fully restored by 2021. However, since the grant of planning permission, residual waste volumes have generally declined and it has not been possible to adhere to the proposed timetable. Waste inputs to landfill sites have been reducing over time for some years as a result of the landfill tax escalator and the move towards more sustainable waste management practices.

3.22 The existing landfill site has a significant void for waste remaining to fill (around 4 Mm³), which under the provisions of the extant planning permission has to be filled to achieve the approved restoration scheme (and associated landform). The landfill void remains a strategic asset for Warwickshire for which there is an ongoing need into the future as void capacity in the region and sub-region becomes depleted. The site provides a valuable disposal route for residual wastes arising in the eastern part of the county between Rugby and Coventry, capable of supporting local authorities, commercial and industrial undertakings.

3.23 Landfill void availability nationally has reduced dramatically in recent years as a result of the landfill tax escalator and many sites have closed permanently, with unused void-space being ‘written off’ to reduce operator costs going forward. Future waste input rates are notoriously difficult to predict and landfill void is a valued asset for which it is widely recognised that there is an ongoing need in the future. Despite efforts to move waste management up the hierarchy there will always be some waste which requires landfill disposal. At typical previous input rates of up to 400,000 tonnes per annum the void would be full in around 10 years (assuming a density of 1 tonne/m³). It should be noted a further period of up to 24 months after final closure of the site would be needed to enable sufficient soils to be imported and the last cell to be capped and restored.

3.24 Landfill operations within the remaining cells would continue to use practices and procedures currently employed in terms of waste acceptance and disposal operations. In this respect, waste would continue to be deposited within an engineered cell, the design and specification of which being agreed with the Environment Agency beforehand, and the construction certified (refer to paragraph 3.6 above). Once the active tipping cell has reached the pre-settlement levels the capping layer would be placed over the cell, followed by placement of the restoration soils/materials.

**Ancillary Facilities**

3.25 The facility would continue to use the existing site entrance, gatehouse, entry and exit weighbridges and site roads around the landfill site. No additional office or welfare facilities would be needed as part of the continued operation of the landfill.

3.26 The site would also continue to use the existing leachate and landfill gas infrastructure, progressively reducing the number of power generation units on site as appropriate as landfill gas production reduces over time.

**Waste Acceptance and Disposal Procedures**

3.27 Future waste disposal operations would employ the established operational and management practices formulated as part of the Environmental Permit process. In this respect, the applicant operates an Integrated Management System (IMS) accredited to ISO 9001:2000 for Quality Management Systems, ISO 14001:2004 for Environment Management and is in the process of
securing OHSAS18001:2007 accreditation for its Safety Management System. The management system is audited both internally and externally at regular intervals. The procedures, which are summarised in the following paragraphs, are as currently approved under the Environmental Permit and could be changed in future if deemed appropriate to do so.

3.28 The entrance to the landfill site is off Coalpit Lane, which fronts the western boundary of the site. Waste vehicles entering the landfill site proceed to the weighbridge, where they are checked in by the Weighbridge Clerk and their details are recorded onto the facility’s dedicated computer logging system. To ensure that the waste transfer note accompanying the assignment adequately identifies the waste, a conformance check is carried out by a member of staff trained to a standard as stipulated by the Environmental Permit and the applicant’s IMS.

3.29 All waste deposited at the site is inspected to ensure it conforms to those waste types permitted under the Permit. Records are maintained of the weight, nature and composition of the wastes deposited at the site.

3.30 Vehicles with completed waste transfer paperwork are released from the weighbridge to the operational tipping area. Access to the tipping area is via the existing haul road. Within the landfill site the haul road is of a temporary nature and would be transient throughout the continued operations in order to effectively serve the operational landfill cells. At the tipping area the HGV reverses to a designated point to deposit the load. The handling of the waste is limited to minimise the release of dust, litter and exposure to site operatives.

3.31 Waste delivered to the deposit area is examined upon deposition to ensure that waste complies with the schedule of permitted wastes contained within the Environmental Permit. If wastes are found to be incorrectly described (on the paperwork) and fall outside the limits of the Permit, the load is segregated, the Environment Agency informed and the waste is removed from site for disposal at an appropriate facility. Following deposition, the waste is compacted by a tracked bulldozer or metal wheeled waste compactor (or similar), which passes and re-passes over the waste to ensure that it is adequately compacted. This reduces the risk of litter escaping from the waste and also helps to conserve landfill space and reduce the differential settlement that can occur once landfilling has been completed. Prior to leaving the site lorry drivers are required to inspect their vehicle for any waste that may have become trapped and to remove it from their vehicle.

3.32 At the end of each day’s operations the tipping area is covered using suitable cover material (such as inert wastes, or a proprietary cover material). This reduces emissions of odour; the potential for litter to be released from the site; or for the site to attract vermin.

**Operating Hours**

3.33 The landfill site would continue to operate in accordance with the extant operating hours set out in condition 20 of planning permission R16/890805. In this respect no development shall take place outside of the hours of:

- 0700 to 1800 hours Mondays to Fridays (except Public Holidays); and
- 0700 hours to 1300 hours on Saturdays.

3.34 Notwithstanding this, the condition does not allow operations to take place within 200m of any residential property before 0800 hours.
Employment

3.35 Existing employment at the site would continue for a further 10 years.

Restoration and Aftercare

3.36 No changes are being proposed to the restoration and aftercare schemes for the site. Notwithstanding this, as noted in the Ecological Impact Assessment (Chapter 11 of the ES) to compensate for the loss of early successional and wetland habitat, the following will be incorporated into the restoration proposals:

- Creation of two sand martin banks (min 50m long) in close association to open water;
- Creation of 1ha of reedbed/marsh;
- Creation of 4ha of species rich lowland grassland of nature conservation value with the community types reflective of soil type and topography and scrub – Open Mosaic Habitat; and
- Creation of 1ha of carr woodland.
4. Planning Policy and Guidance

This chapter sets out the planning policy that is considered to be relevant to the proposed development. The relevant policies are highlighted and an analysis provided of the extent to which the proposed development complies with policy.

It is a fundamental principle of the planning system that in dealing with a planning application, the planning authority should determine it in accordance with the Development Plan unless other material considerations indicate otherwise. Therefore, this section also considers other material considerations. The process of ‘weighing up’ the relevant factors is often described as the ‘planning balance’, and will take all the relevant factors into account.

National Policy

General

4.1 National Planning Policy guidance is set out in the National Planning Policy Framework (NPPF). The NPPF was accompanied by a ‘Technical Guidance’ document which provided guidance relating to Flood Risk (formerly contained in PPS25) and minerals (formerly contained in MPS1 and MPS2). This has since been revoked and replaced by the internet based Planning Practice Guidance (PPG).

4.2 As noted in Chapter 2, in terms of land use planning constraints, the application site is not located within a National Park or Area of Outstanding Natural Beauty (AONB). Neither does it directly impinge upon any archaeological or ecological designations of international or national importance. The site is through located within a Green Belt. As a result of the clear lack of many land use planning constraints, many sections of national guidance are not relevant to the planning application.

The NPPF

4.3 The NPPF does not change the fundamental premise of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 2 clearly states that:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”

4.4 It goes on to add that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

4.5 Beyond the general principles of the plan-led system, sustainable development and the approach to decision making, much of the main guidance relates to the development of the built environment. The NPPF confirms that it does not contain specific waste policies but local planning authorities should still have regard to its policies so far as they are relevant. Those parts relevant to the proposed development are considered within the subsequent sections.

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4 Section 38(6) of the Planning and Compulsory Purchase Act 2004
Sustainable Development

4.6 At the heart of the NPPF is a presumption in favour of sustainable development, which should be taken as a ‘golden thread’ running through both planning and decision-making. In terms of ‘Sustainable Development’, the NPPF identifies three dimensions:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements including the provision of infrastructure;

- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- an environmental role - contributing to protecting and enhancing our natural, built and historical environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.7 These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

4.8 The continuation of landfilling operations at Ling Hall represents sustainable development when considered against these guiding principles. The existing landfill is a modern landfill operation engineered for containment and permitted by the Environment Agency to accept a range of non-hazardous waste types. As such it can be considered to be the “right type” (being suitable for landfill development) and the “right place” in view of its proximity to the sources of waste, as evidenced by the previous grant of planning permission. Allied to this, the underlying requirement to move to a low carbon economy (para. 8 of the NPPF) and the role which the planning system can play in guiding development to sustainable locations (para. 9) also point to the continuation of landfilling at Ling Hall being the right location. In this context, the location of the application site close to the primary road network, including the A45, is of note.

4.9 Waste disposal within the landfill would not have significant impacts on the environment (as demonstrated in the chapters of the accompanying ES). Allied to this, the development proposals would allow the completion of the landfill site to its designed restoration levels, avoiding an incongruous and unsympathetic final landform remaining for future generations. In so doing, it also provides a valuable resource for disposing of residual wastes that cannot be re-used, recycled or have any further value recovered (see ‘waste hierarchy’ below).

Green Belt

4.10 National planning policy on the approach to the Green Belt within both plan-making and decision-taking is set out in Section 13. The protection of the Green Belt is a component of the purpose of the planning system to contribute to the achievement of sustainable development.
4.11 Paragraph 133 indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

4.12 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, at paragraph 146, the NPPF identifies certain operations that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction (and thus by implication the restoration of mineral workings) and engineering operations. Through the previous grant of planning permission, the landfill development has been considered to be consistent with the aims of Green Belt policy. Despite the changes to National Policy over the years since the original planning permission was granted, the overall thrust of policy remains the same.

4.13 The application site is located within the Green Belt but by restoring the landfill site the approved after use will safeguard this part of the countryside from encroachment which will be in accordance with the purposes of including land within the Green Belt. The landfill operation is considered to be an engineering operation (to facilitate the restoration of a mineral working) which is not considered to be inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt. In this case the landfill is an established feature in the landscape and the approved landform has been previously considered as acceptable in this location. The landscape and visual assessment (Chapter 7 of the ES) indicates that there would be no significant adverse effects from a further 10 years of operation and that there would be long term benefits by allowing the approved landform to be completed. There is therefore considered to be no conflict with Green Belt policy.

Environmental Considerations

4.14 The NPPF, together with the web based PPG, sets out the overarching national policy and associated guidance respectively aimed at protecting the environment and local communities. This is further considered under the heading of ‘Protection of the Environment’ later in this chapter.

National Planning Policy for Waste

4.15 National Planning Policy for Waste (NPPW) is the latest Government policy on planning for waste management facilities and objectives for sustainable waste management, replacing Planning Policy Statement 10. NPPW sets out the key planning objectives, decision making principles and advice on determining planning applications.

4.16 Paragraph 1 of the NPPW links it to the Waste Management Plan for England emphasising the role planning can play in providing a more sustainable and efficient approach to resource use and management. In this respect, the key points relating to the proposed development are:

- recognising the positive contribution waste management can make to the development of sustainable communities;

- providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste including by enabling waste to be disposed of in line with the proximity principle; and

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helping secure the disposal of waste without endangering human health and without harming the environment.

4.17 The NPPW carries forward from PPS10 the concept of the ‘waste hierarchy’, which indicates that landfill is the least desirable solution, to be used where none of the options higher up the hierarchy are appropriate. The nature of the waste which would be accepted at the Ling Hall Landfill site (which would also be the same waste deposited within the previous landfill cells) is such that landfill is the only suitable management option. In this respect, the PPG comments6 “Waste planning authorities should be aware that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England’s waste”.

4.18 Paragraphs 4 and 5 of the NPPW set out the policy considerations for the location of waste management facilities, referring to the ‘proximity principle’ and going on to consider7 the extent to which the site supports other policies in the NPPW; the physical and environmental constraints on the development; the capacity of the transport infrastructure and the cumulative impact of existing and proposed waste facilities.

4.19 With regard to the proximity principal it should be noted that again, this is a concept carried forward from PPS10 and is derived from paragraph 1 under Article 16 of the Revised Waste Framework Directive8. That article requires Member States to take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques. Paragraph 3 then adds “The network shall enable waste to be disposed of or waste referred to in paragraph 1 [mixed municipal waste] to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health”. In the context of the proposals it is important to note that they relate to an existing facility which has been subject to previous examination through the planning and environmental permitting regimes. In relation to the physical and environmental constraints, later chapters in this volume have demonstrated the suitability of the site and also the suitability of the local highway network to accommodate the traffic generated. Finally, the studies undertaken as part of the planning application demonstrate that continuing landfill operations post the expiry date would not lead to any cumulative impacts.

4.20 Paragraph 6 relates to Green Belts and states that “Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan”.

4.21 The issues contained in Annex B of the NPPW have been addressed (where relevant) in chapters 6 to 13 of this ES in the context of land use planning. In this regard:

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6 Paragraph 048 Reference ID: 28-048-20141016
7 Paragraph 5, NPPW.
8 EC Directive 2008/98/EC on Waste
• “protection of water quality and resources and flood risk management: Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care” – The assessments undertaken (both historically and in connection with this application) demonstrate there will be no adverse impacts on water resources (refer to Chapter 10 of this statement). In addition, the granting of an Environmental Permit also addresses the protection of the water environment.

• “land instability: Locations, and/or the environs of locations, that are liable to be affected by land instability, will not normally be suitable for waste management facilities” – there are no such stability issues at the site and geotechnical aspects are covered by the environmental permit through Stability Risk Assessment.

• “landscape and visual impacts: Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.” – the site is remote from nationally designated landscape areas and the remaining cells to be filled are within an existing developed landfill site. Whilst the proposed operations would be visible for longer no significant landscape and visual impacts have been identified and there would be long term benefits in delivering the final landform (refer to Chapter 7 of the ES).

• “nature conservation: Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protected Areas, Special Areas of conservation and RAMSAR sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species” – the assessments undertaken demonstrate there will be no significant adverse impacts on international or national nature conservation sites or any locally designated sites or species protected under law (refer to Chapter 11 of this statement).

• “conserving the historic environment: Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.” – as there are no changes to the final landform of the landfill from that previously approved, no significant landscape or visual effects have been identified (including consideration of heritage assets). Moreover, the area to be infilled has been disturbed through previous development associated with mineral extraction and the landfill and so no significant effects have been identified.

• “traffic and access: Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports” – the site has an established access and good links to the main route network. No significant effects were identified within the transport assessment undertaken as part of the original planning application (refer to Chapter 8 of this statement). The proposals would not intensify operations over historic levels and existing controls are imposed in the extant planning permission.
• “air emissions, including dust: Consideration will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles” – air quality has been considered in detail as part of this planning application (and associated EIA), along with the Environmental Permit. The existing approved mitigation measures would be continued to ensure there would be no adverse impacts on air quality (refer to Chapter 6 of the ES).

• “Odours: Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment” – As for air emissions above, odour has been considered as part of this planning application (and associated EIA) and no significant effects were identified (refer to Chapter 6 of the ES). Moreover, odour (and its control) is a fundamental aspect of the Environmental Permit.

• “vermin and birds: Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/2003) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan). The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.” - Such matters are normally addressed through the Environmental Permit.

• “noise, light and vibration: Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.” - No significant effects were identified as part of the assessments undertaken for the original planning application or subsequent Environmental Permit (refer to Chapter 9) and suitable controls are in place through the imposition of conditions.

• “litter: Litter can be a concern at some waste management facilities” - Such matters are normally addressed through the Environmental Permit; and

• “potential land use conflict: Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility” – Through the grant of previous planning permissions, the issuing of Environmental Permits and the assessments contained in this current application, it has been demonstrated that there would be no significant effects upon any adjoining land uses.
The Development Plan

Legislative Background

4.22 The PCPA 2004 reformed the development plan system, replacing Local Plans with a requirement to produce a Local Development Framework (LDF). The LDF would comprise a portfolio of Development Plan Documents (DPDs). With the introduction of the Localism Act 2011 (and associated Regulations), the Local Development Framework is to be replaced by Local Plans.

4.23 The Development Plan for the area within which the landfill is situated comprises the “Saved Policies” of the:

- Warwickshire Waste Core Strategy (adopted July 2013); and

4.24 The Borough Local Plan covers all matters involving the development or other use of land, with the exceptions of mineral and waste developments, which by virtue of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 fall to be considered against the Minerals Local Plan and Waste Local Plan respectively. The main considerations therefore relate to the general policies, and those aimed at safeguarding the environment.

Warwickshire Waste Core Strategy (2013 – 2028)

4.25 The Waste Core Strategy (WCS) sets out the Spatial Strategy, Vision, Objectives and Policies for managing waste for the period up to 2028.

4.26 Section 4 of the Plan sets out the ‘Waste Management Context’ for the county, providing an indication of the likely landfill diversion (treatment) and landfill capacity required over the plan period for various waste streams. This is captured in Policy CS1, which addresses waste management capacity. Of note is paragraph 4.33 which recognises the difficulties in predicting the requirements for commercial and industrial waste streams. Section 5 then addresses the key issues raised through the various consultation stages of the preparation of the Plan. Of note is the need to accord with the principles of self-sufficiency and proximity so that facilities are located close to where waste arises (paragraphs 5.3 and 5.4). Paragraph 5.4 adds that “The Core Strategy will need to ensure that C&I waste is managed in accordance with the principles of the Waste Hierarchy. There is a need to ensure that there is net self-sufficiency in the county in respect of providing sufficient waste management capacity to manage the equivalent amount of C&I waste produced within the County, although in practice, there will be waste flows in and out of the County. The location and mix of facilities managing C&I waste is also likely to be governed by sub-regional need”. It also recognises that “a legacy of minerals extraction within the County has meant that there has been considerable voidspace for the disposal of non-hazardous wastes”.

4.27 Turning to Policy CS1, the policy seeks to ensure that there is sufficient waste management capacity provided to manage the equivalent of waste arisings in Warwickshire. The policy goes on to support sustainable development. The supporting text and notably tables 8.1 and 8.2 set out the anticipated arisings, minimum diversion and maximum landfill amounts over the plan period for MSW and C&I waste streams respectively. These tables show that there is a continuing requirement for the disposal of waste within landfill in the order of 252,000 tonnes per annum. At the present time, inputs to Ling Hall landfill exceed this amount by 100,000t to 150,000t; this is mainly due to the closure of many landfill sites within the region. In this respect, in Warwickshire Ling Hall is understood
to be the only operational landfill facility accepting non-hazardous waste streams, and one of the few operating in the wider region of the West Midlands (and also the neighbouring East Midlands). As such, with the decline in the number of operating landfill sites, Ling Hall landfill has become of strategic importance, performing a regional function in terms of managing residual waste.

4.28 However, the key issue for the planning application is that the Ling Hall landfill site is an established landfill site that has built up a customer base for the disposal of residual wastes; there is already a network of treatment facilities to recycle and recover value from waste arisings (with some of these facilities located within the landfill site). Should the site close as per the current requirements of the planning permission, then this residual waste would need to travel further to the next closest landfill site. Moreover, the final approved landform would not be achieved, with an irregular and incongruous landform left which would have a detrimental effect on landscape character and environment.

4.29 Policy CS2 sets out the spatial waste planning strategy for the county and indicates the broad locations for new waste developments and includes “sites operating under an existing waste management use” and “active mineral sites or landfills”. It adds that sites should be well located to sources of waste and the strategic transport infrastructure. Policy CS3 (strategy for locating large scale waste sites) indicates that such facilities should be located within or in close proximity to the ‘primary’ settlements, including Rugby. Referring to Figure 7.1 in the WCS (which is referred to in the policy), Rugby is identified as a primary settlement and the landfill site is within the area shown as being “in close proximity to primary settlements (e.g. 5km)”.

4.30 Policy CS7 addresses proposals for disposal facilities (i.e. landfill). It is aimed at new facilities with one of the requirements being to demonstrate that significant quantities of material are not diverted “away from the restoration of mineral workings or permitted landfill sites” . The supporting text at paragraph 8.42 notes that “landfill is an important component of many quarry restorations as it can help fill void spaces and restore previously extracted areas to beneficial use”.

Protection of the Environment

4.31 Both the NPPF and the Development Plan contain specific policies on safeguarding and protecting the environment, covering all aspects such as the countryside; the natural environment; built and cultural heritage; agriculture; and landscape. They also set out policies aimed at minimising the loss of amenity through pollution. In this context, as set out above the WCS contains two overarching policies (DM1 and DM2) on protection and enhancement of the natural and built environment and managing health, economic and amenity impacts of waste development. Policy DM1 provides that:

“New waste development should conserve, and where possible enhance, the natural and built environment by ensuring that there are no unacceptable adverse impacts upon:

- natural resources (including water, air and soil);
- biodiversity;
- geodiversity;
- archaeology;
- heritage and cultural assets and their settings;
• the quality and character of the landscape;
• adjacent land uses or occupiers; and
• the distinctive character and setting of the County’s settlements;

and the development satisfies Green Belt policies.”

4.32 Policy DM2 then adds

“Planning permission will not be granted for waste management proposals which have 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
• land instability

either individually or cumulatively with other existing or proposed developments.”

4.33 The following paragraphs provide a brief overview of those policies aimed at protecting the environment. To recap, the various documents that constitute the Development Plan are abbreviated as follows:

WCS          Warwickshire Waste Core Strategy.
RBLP         Rugby Borough Council Local Plan
Landscape

4.34 Section 15 of the NPPF, “Conserving and enhancing the natural environment”, sets out criteria that are relevant to landscape. These include the protection of valued landscapes in a manner that is commensurate with their statutory status or identified quality in the development plan, recognition of the intrinsic character and beauty of the countryside and maintaining the character of undeveloped coast.

4.35 In paragraph 172 it is stated that “great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”. It also set out that “the scale and extent of development within these designated areas should be limited” and that “planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest”. In addition, the NPPF sets out (paragraph 173) “that within areas defined as Heritage Coast… planning policies and decisions should be consistent with the special character of the area and the importance of its conservation”.

4.36 At a county level, Policy DM1 referred to above is relevant. It adds that “Waste management proposals should demonstrate that valued landscapes … of international and national importance will be preserved or conserved and, where possible, enhanced. The level of protection to be afforded to the asset will be commensurate with its designation and significance.” It goes on to add that proposals should also “maintain or, where possible, enhance … designated Local Green Spaces or open space, sports and recreational facilities and land identified in Local Development Documents as of specific importance”. Policy DM2 then requires consideration to be given to visual intrusion.

4.37 In the RBLP, Policy NE3 considers the protection and enhancement of the landscape. It states that New development which positively contributes to landscape character will be permitted. It then sets out seven criteria that development proposals will be required to demonstrate:

- Integrate landscape planning into the design of development at an early stage
- Consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;
- Relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;
- Identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts;
- Aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance;
- Address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing and expanding these features through means such as buffering and reconnecting fragmented areas; and
- Are sensitive to an area’s capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements
4.38 These policy issues have been taken into consideration within the Landscape and Visual Impact Assessment which is reported in Chapter 7 of the ES, which concludes that “Overall, there were no significant landscape and visual effects predicted as a result of the proposed development”.

**Natural Environment**

4.39 Relevant paragraphs in the NPPF are 175 to 176. These paragraphs provide that:

> 175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

> 176. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

4.40 In the WCS ecological aspects are addressed through overarching **Policy DM1**. It adds that:

“Waste management proposals should demonstrate that valued ... species, habitats ... of international and national importance will be preserved or conserved and, where possible, enhanced. The level of protection to be afforded to the asset will be commensurate with its designation and significance.

Proposals should also maintain or, where possible, enhance biodiversity and recognised sites, species, habitats ... of sub-regional or local importance, as well as designated Local Green Spaces or open space, sports and recreational facilities and land identified in Local Development Documents as of specific importance.”

4.41 Turning to the RBLP, Policy NE1 (Chapter 9) provides protection for designated biodiversity and geodiversity assets. It states that the “Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity ... Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy
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”.

4.42 The policy then sets out a hierarchal approach to protecting ecological designations, based on the importance of the designation. It concludes by stating that “All proposals likely to impact on the sites noted above will require an Ecological Assessment. The Ecological Assessment shall include due consideration of the importance of the natural asset, the nature of the measures proposed (including plans for long term management) and the extent to which they avoid and reduce the impact of the development”.

4.43 The nature conservation value of the application site, together with consideration of any ecological designations in the vicinity of the application site is addressed at Chapter 11 of the ES which concludes “In summary, it is considered that the proposed extension to the time during which landfill activities take place at Ling Hall can be undertaken without giving rise to unacceptable effects on ecological features”.

**Historic Environment**

4.44 Relevant guidance can be found at paragraphs 184 to 202 in Section 16 of the NPPF

4.45 Paragraph 184 recognises that heritage assets are an irreplaceable resource and the need to conserve them in a manner appropriate to their significance. Paragraph 189 states: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.

4.46 In terms of assessing the potential impacts a development may have on cultural heritage assets, paragraphs 192 to 202 are relevant. In particular:

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset “

4.47 Again, as previously noted in the WCS the historic environment is covered by overarching Policy DM1. It adds that:

Waste management proposals should demonstrate that valued … heritage assets (and, where relevant, their settings) of international and national importance will be preserved or conserved and, where possible, enhanced. The level of protection to be afforded to the asset will be commensurate with its designation and significance.

Proposals should also maintain or, where possible, enhance … heritage assets of sub-regional or local importance, … and land identified in Local Development Documents as of specific importance.

4.48 In the RBLP Policy SDC3 seeks to protect and enhance the historic environment. It states that “Development will be supported that sustains and enhances the significance of the Borough’s heritage assets including listed buildings, conservation areas, historic parks and gardens, archaeology, historic landscapes and townscapes.

Development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.”

4.49 Consideration of any archaeological designations in the vicinity of the application site is addressed at Chapter 12 of the ES, which concludes “Direct effects have been identified upon unknown buried archaeology within the Inner Study Area in areas that have not previously been excavated or mitigated by archaeological programmes of work. A programme of archaeological watching brief prior to any ground-breaking activities in the area of the former runway of RAF Church Lawford is suggested in order to identify and record such remains. There are no identified effects upon the setting of designated heritage assets within the Study Areas. No mitigation measures or assessment of residual effects are, therefore, required or assessed with regard to impacts upon setting”.
4.50 Guidance formerly contained in PPS25 is now within paragraphs 148 to 165 of the NPPF, together a complete section on flood risk contained in the web-based PPG (paragraphs 7-001 to 7-078).

4.51 In the WCS the water environment is covered by Policy DM2 (requiring a consideration of water quality and quantity). In addition Policy DM6 addresses flood risk. Flood risk is also addressed in Policy SDC5 in the RBLP, whilst Policy SDC6 sets out the requirements for sustainable drainage. Policy SDC7 then sets out the policy requirements for the protection of the water environment and water supply. It 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 indirectly through the overloading of Wastewater Treatment Works. Prior to any potential development, consultation must be held with Severn Trent Water to ensure that the required wastewater infrastructure is in place in sufficient time. Development will not be permitted where the sensitivity of the groundwater environment, or the risk posed by the type of development is deemed to pose an unacceptable risk of pollution of the underlying aquifer”.

4.52 These policies have been considered as part of the hydrological and hydrogeological assessments that are reported in Chapter 10 of the ES, which concludes “There are no proposed changes to the extent, depth or nature of the landfilling at the application site. Existing management measures which are in accordance with the site-specific Environmental Permit would continue. With these safeguards it is concluded that no additional mitigation is considered necessary and no significant residual impacts on the water environment are identified”.

Transport

4.53 At the national level paragraphs 102 to 111 in Section 9 of the NPPF are relevant. All developments that generate significant amounts of movement should be required to provide a Travel Plan and be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.54 Paragraph 109 then adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.55 In the WCS, Policy DM2 addresses the effects of transportation (road traffic) and Policy DM3 considers sustainable transportation. In particular, the policy provides that “where road is the only viable method of transportation, demonstrating that there is no unacceptable adverse impact on the

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9 Paragraph 111, NPPF
safety, capacity and use of the highway network”. It goes on to add that a transport assessment may be required and the issues that need to be addressed in the assessment.

4.56 These policies have been considered as part of the transport assessments that are reported in Chapter 8 of the ES, which concludes “The proposals do not seek to increase or alter the patterns of the vehicular trip generation of the site, just to continue the approved operations for a further period of ten years. In view of the above, the residual impact of the proposed operation of the site would be negligible and does not result in an unacceptable impact on road or junction capacity, driver delay, road safety or amenity; by virtue of this, the application proposal is acceptable in traffic and transport terms”.

Pollution and Amenity of Local Communities

4.57 Pollution issues are set out in paragraphs 170 and 178 to 183 of the NPPF. Paragraph 170 refers to preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

4.58 Paragraph 180 provides that “decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

4.59 Finally, paragraph 183 notes that LPAs 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 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.

4.60 Guidance can also be found in the web based Planning Practice Guidance. Firstly, the guidance addresses the ability to comply with the noise criteria is set out in the Planning Practice Guidance (paragraphs 019 to 022). Secondly, the ability to adequately control and mitigate dust emissions is set out in the Planning Practice Guidance at paragraphs 023 – 032.

4.61 In the WCS, the overarching Policy DM2 addresses the amenity effects of waste management developments. Allied to this, Policy DM7 provides that developments should not cause an unacceptable hazard to aviation.

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10 Reference ID: 27-019-20140306 to 27-022-20140306
11 Reference ID: 27-023-20140306 to 27-032-20140306
4.62 The need to minimise impacts upon the environment and local amenity have been a key consideration of the design process. These issues have been addressed within separate Chapters of the ES, namely Chapters 6 (Air Quality) and 9 (noise). Neither assessment has found that the development proposals would give rise to a significant affect on the amenity of nearby properties or the environment.
5. Conclusion

Veolia ES Landfill Limited (the ‘applicant’) is submitting a planning application relating to land at the Ling Hall Landfill Site, which is located around 5.5 kilometres from the centre of Rugby, Warwickshire.

5.1 The applicant is submitting a planning application to Warwickshire County Council for permission to ‘vary’ Condition 53 of the planning permission. The permission currently states:

“No sand and gravel extraction shall take place later than the expiration of the period of 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”

5.2 Due to a reduction in landfill inputs owing to recent economic conditions and an overall switch to a sustainable, reusable society, a 4 Million cubic metres (Mm³) void space remains at the landfill. Currently, input rates to the landfill are approximately 400,000 tpa, thus requiring an additional 10 years to fill the remaining void space and allow for landfill restoration and profiling as agreed by the existing planning permission.

5.3 It is considered that the proposals would not give rise to any significant adverse environmental effects or derogate the amenity of local residents and communities. In this context a detailed Environmental Impact Assessment has been undertaken with the findings reported in an Environmental Statement which accompanies the planning application.

5.4 The Environmental Impact Assessment has considered the likelihood of significant environmental effects occurring from the proposed continuation of landfill operations for a further period of ten years upon the site itself and its surroundings. The environmental issues addressed as part of the scheme have been identified through a combination of review of published data; desk based and site survey work; and consultation with the WPA and other organisations.

5.5 The overall conclusion of the assessment is that, with the adoption of the mitigation measures embodied within the project design, or imposed through planning conditions, any impacts identified can be maintained within acceptable limits.

5.6 Consideration has also been given to the provisions of the Development Plan and other material considerations, such as national planning policy and guidance. In view of the absence of any identified significant effects the proposals have been found to be consistent with the policies of the Development Plan. In part this is due to the lack of any important designations nearby.

5.7 The NPPF advocates that there should be a presumption in favour of sustainable development. This statement has clearly demonstrated that the proposals would fulfil:

- “An economic role” - The existing landfill is a modern landfill operation engineered for containment and permitted by the Environment Agency to accept a range of non-hazardous waste types. As such it can be considered to be the “right type” (being suitable for landfill development) and the “right place” in view of its proximity to the sources of waste, as evidenced by the previous grant of planning permission. The proposals will allow Warwickshire and the wider region to manage residual waste that cannot be managed by any other facilities higher up the waste hierarchy, minimising the distance that residual waste will need to travel.
• “A social role” including “reflect the community’s needs and support its health, social and cultural well-being”. Whilst at the bottom of the waste hierarchy the existing landfill site still plays an important role in managing residual waste is a safe fashion, without any significant effects on the environment or local amenity. The proposals will allow the restoration scheme to be delivered, thereby obviating an incongruous landform being left for future generations; and

• “An environmental role” - the ability to continue the landfilling of waste without having a significant effect on the environment (which is clearly demonstrated through the EIA process).

5.8 Whilst the landfill site is located in the Green Belt, the proposals would not run contrary to the aims of Green Belt policy.

5.9 As such, it is considered that the planning application should be approved in line with the presumption in favour of sustainable development.
## EUROPEAN OFFICES

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<thead>
<tr>
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<tbody>
<tr>
<td>AYLESBURY</td>
<td>+44 (0)1844 337380</td>
</tr>
<tr>
<td>BELFAST</td>
<td>+44 (0)28 9073 2493</td>
</tr>
<tr>
<td>BRADFORD-ON-AVON</td>
<td>+44 (0)1225 309400</td>
</tr>
<tr>
<td>BRISTOL</td>
<td>+44 (0)117 906 4280</td>
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<tr>
<td>CAMBRIDGE</td>
<td>+44 (0)1223 813805</td>
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<td>+44 (0)29 2049 1010</td>
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<td>+44 (0)131 335 6830</td>
</tr>
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<td>EXETER</td>
<td>+44 (0)1392 490152</td>
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<tr>
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<td>+44 (0)113 258 0650</td>
</tr>
<tr>
<td>LONDON</td>
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<td>SHEFFIELD</td>
<td>+44 (0)114 245 5153</td>
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<td>SHREWSBURY</td>
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<tr>
<td>STIRLING</td>
<td>+44 (0)1786 239900</td>
</tr>
<tr>
<td>WORCESTER</td>
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### Ireland

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<tbody>
<tr>
<td>DUBLIN</td>
<td>+353 (0)1 296 4667</td>
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### France

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>GRENOBLE</td>
<td>+33 (0)4 76 70 93 41</td>
</tr>
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