

Agenda Item Number: 3

**EXPORT OF SURPLUS CLAY FROM EXISTING STOCKPILE FOR USE IN
ENGINEERING WORKS AT OTHER FCC ENVIRONMENT LANDFILL SITES
LOCATION: MILTON LANDFILL SITE, BUTT LANE, MILTON, CAMBRIDGE CB24 6DQ
APPLICANT: FCC ENVIRONMENT LTD.
LPA REF: S/0461/14/CW**

To: Planning Committee
Date: 4 September 2014
From: Head of Growth and Economy
Electoral division(s): Cottenham, Histon & Impington / Waterbeach
Purpose: To consider the above planning application
Recommendation: It is recommended that permission be granted subject to conditions.

<i>Officer Contact:</i>	
Name:	Georg Urban
Post:	Development Management Officer
Email:	Georg.Urban@cambridgeshire.gov.uk
Tel:	01223 518736

1.0 INTRODUCTION

- 1.1 FCC Environment are applying for planning permission to export 72,500m² (equivalent to 130,500 tonnes) of clay from an existing stockpile at Milton Landfill Site. The material would be taken by lorry to other FCC-operated landfill sites elsewhere in the east of England, where it would be used in engineering works relating to the capping and restoration of those sites.
- 1.2 The material to be exported is surplus to requirements at Milton Landfill. The export would take place on a campaign basis, as and when it is required at the destination sites. FCC anticipate that the proposal would generate an average of 70 lorry movements per day during campaigns, with a peak of 100 vehicle movements per day.

2.0 SITE AND SURROUNDINGS

- 2.1 Milton Landfill Site is an established household waste landfill site to the north of Cambridge. Access to the site is from Butt Lane, a local road which connects the A10 east of the site to the village of Impington in the west.
- 2.2 The landfill site occupies an L-shaped area. A household waste recycling centre is located within the landfill site perimeter and shares the same access off Butt Lane. The clay stockpile from which material is proposed to be exported is located to the south of the household waste recycling centre and north of the active landfill area.
- 2.3 The surrounding land is generally flat and agricultural. The nearest main roads are the A14 to the south and the A10 to the east. The south-eastern part of the landfill site has been restored and extends to the A10/A14 roundabout. The Milton Park & Ride site is situated to the east of the landfill.
- 2.4 The nearest settlement is Milton, which is located east of the A10, about 650-700m east of the active part of the landfill and about 650m east of the clay stockpile. There are also a small number of individual farm properties and a small business park along Butt Lane to the north of the landfill site. The Cambridge Science Park is situated on the south side of the A14, about 700-800m south of the active part of the landfill and about 950m south of the clay stockpile.

Natural Environment

- 2.5 The site is located within the Cambridge Green Belt. There are no other nature conservation designations on the site or in the area surrounding it.

3.0 PLANNING HISTORY

- 3.1 Landfilling operations at Milton were first permitted in 1977. The site currently operates under a permission granted in 1991 under reference S/0289/91/CW, which has subsequently been varied several times to extend the timescale for the deposit of waste and to vary the hours of operation of the site, as listed below.
- S/0289/91/CW: Extension to existing landfill site (until 2004) and re-location of householders waste disposal site (permission granted 14.10.1991)
 - S/1283/92/CW: Variation of condition 11 of planning permission S/0289/91/CW (hours of operation) (permission granted 15.01.1993)
 - S/1570/00/CW: Variation of conditions 3 and 11 of planning permission S/0289/91/CW to extend the timescale for the deposit of waste and final restoration of the site by a further 12 years to 2010 (permission granted 07.11.2003)
 - S/2366/03/CW: Variation of condition 15 of planning permission S/0289/91/CW to extend the hours of operation, plus 6 conditions (permission granted 15.03.2004)
 - S/0511/08/CW: Variation of condition 3 of planning permission S/0289/91/CW to extend the time for landfilling and reinstatement of the site to 31.12.2020 (permission granted 07.08.2008).
- 3.2 In addition, a number of permissions were granted for other development on the site. These include:
- S/0733/96/CM: Proposed extraction of clay for use in engineering works in Bedford (permission granted 09.09.1996) – subsequently varied by permission ref. S/0045/99/CM, granted 17.03.1999
 - S/1452/97: Construction of a Materials Recycling Facility (permission granted 30.03.1998)
 - S/2441/03/CW: Construction of a landfill gas utilisation compound (permission granted 11.02.2004).

4.0 THE PROPOSAL

- 4.1 FCC Environment are seeking planning permission for the export of surplus clay from the existing clay stockpile at Milton Landfill for use in engineering works at other FCC landfill sites. All material would be taken from the existing stockpile in the northern part of the site.
- 4.2 The applicant advises that the existing clay stockpile currently contains 301,000m³ of clay. Some 228,500m³ would be retained and used on site for engineering requirements such as basal cell lining works, capping of completed landfill cells, final restoration of ancillary development areas and to achieve the final profile of the inert infill area in the northern part of the site. The planning permission for the landfill requires this area to form a 250m wide 'cordon sanitaire' (standoff zone) between the landfill and residential properties to the north of the site.

- 4.3 The remaining 72,500m³ of clay is surplus to on-site requirements. Based on a volume to weight ratio of 1:1.8, this would equate to 130,500 tonnes.
- 4.4 The application identifies eight other FCC-operated landfill sites in the region which require varying amounts of clay for restoration purposes. Four of these sites (Dogsthorpe, March, Grunty Fen and Buckden) are located in Cambridgeshire, two in Norfolk, one in Northamptonshire and one in Bedfordshire. The export of clay would be undertaken on a 'campaign' basis as and when there is a requirement for clay for restoration and engineering purposes at these landfill sites.

Duration of export operation

- 4.5 Planning permission for clay export is sought on a temporary basis until 31 December 2020, by which time the current landfill permission (S/0289/91/CW, as varied by S/0511/08/CW) expires and the restoration of Milton Landfill site has to be completed.

Hours of operation

- 4.6 The digging of clay from the stockpile, transfer to vehicle and export from the site is proposed to take place during the permitted hours of operation of the landfill site, which are

0600 to 1800 Mondays to Fridays (other than on Bank Holidays)
0600 to 1300 on Saturdays
0800 to 1300 on Sundays
0730 to 1700 on Bank Holidays.

Vehicle movements

- 4.7 The applicant advises that during a campaign an average of 35 loads of clay per day could be exported, resulting in 70 vehicle movements, with a maximum of 50 loads (100 movements) per day.

Access arrangements

- 4.8 Vehicles involved in the export of clay would enter and leave the landfill site via the existing site access on Butt Lane and would use existing internal haul routes to access the clay stockpile area.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application was advertised by means of three site notices at the site entrance, at the Milton Park and Ride site and at the junction of Butt Lane and the public right of way which runs along the western perimeter of the landfill site. In addition, a press notice appeared in the Cambridge News on 3 July 2014. No representations were received from the public within the statutory timescale, however, two District Councillors for Milton have commented on the application. These are summarised in paragraphs 6.7 and 6.8 below.

- 5.2 The statutory and non-statutory organisations whose views were sought are referred to in section 6.0 below.

6.0 CONSULTATIONS

- 6.1 South Cambridgeshire District Council – No comments received.
- 6.2 Environmental Health Officer – No comments received.
- 6.3 Milton Parish Council – Have concerns about 50+ lorry movements per day, adding to existing traffic on the A10, dust caused by lorries, and 0600 start being too early.
- 6.4 Histon and Impington Parish Council – No objection, provided that vehicles do not turn left when leaving the site and travel along Butt Lane and Milton Road through Impington, as those roads are inadequate for the number of traffic movements expected.
- 6.5 Environment Agency – Has no objection, in principle, to the proposal, provided that the County Council is wholly satisfied that sufficient material will remain on site to enable all necessary ongoing completion engineering works to be completed in line with the original planning approval.
- 6.6 CCC Highways Development Management – States that the applicant advises that in periods of peak demand, the proposal would generate up to 70 movements per day, with around 8 movements over the period 0800 to 0930 and 12 movements during the period of 1600 to 1800. Assuming uniform arrivals/departures over these time periods, this would equate to around one additional vehicle every 11 minutes during the morning peak and one additional vehicle every 10 minutes during the evening peak. The National Planning Policy Framework advises that development should only be refused on transport grounds when the impacts are severe. It is the view of CCC highways officers that the relatively low levels of movement associated with this application would not have a severe impact and that there would not be a strong basis for any objection on the grounds of highway capacity.

District Councillors' Responses

- 6.7 Cllr. Hazel Smith (District Councillor for Milton) expressed concerns about the hours of operation and the potential impact of the use of reversing beepers on moving plant and machinery early in the morning; the possibility of HGVs turning left when leaving the site; and dust and debris deposited on the road by vehicles leaving the landfill site.

- 6.8 Cllr. Anna Bradnam (District Councillor for Milton) is concerned about the additional vehicle movements generated by this proposal; dust generated by HGV movements; and a 0600 start to clay export operations being too early in the morning. She also objects to any clay extraction taking place at weekends, when the household waste recycling centre is at its busiest, due to the traffic impacts of the proposal. She refers to cars already queuing along Butt Lane to get to the household waste recycling site and believes that additional lorry movements would exacerbate this problem.

7.0 PLANNING POLICY

- 7.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It replaces previous government guidance and policy contained in Planning Policy Statements (PPSs) but not Planning Policy Statement 10 (PPS10) *Planning for Sustainable Waste Management*. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development (para. 14).
- 7.2 The NPPF lists three dimensions to sustainable development:
- an economic role: contributing to building a strong, responsive and competitive economy, including the provision of infrastructure;
 - a social role: supporting strong, vibrant and healthy communities, 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 historic 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.
- 7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission have to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.4 The Development Plan in this instance comprises the Cambridge and Peterborough Minerals and Waste Development Plan (adopted July 2011) and the South Cambridgeshire Local Development Framework (LDF), which consists of a number of documents adopted between January 2007 and January 2010. Specific LDF documents are currently being reviewed in the process of preparing a new Local Plan. The planning policies relevant to this proposal are listed below. In addition, the National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications.

7.5 Cambridgeshire and Peterborough Minerals and Waste Development Plan – Core Strategy DPD (adopted July 2011)

- Policy CS2 – Strategic Vision and Objectives for Sustainable Waste Management
- Policy CS12 – Engineering Clay
- Policy CS24 – Design of Sustainable Minerals and Waste Management Facilities
- Policy CS25 – Restoration and Aftercare of Mineral and Waste Management Facilities
- Policy CS32 – Traffic and Highways
- Policy CS34 – Protecting Surrounding Uses

Cambridgeshire and Peterborough Minerals and Waste Development Plan – Site Specific Proposals

7.6 The Site Specific Proposals Plan sets out the council's allocations for site specific proposals for future development and management of minerals and waste within Cambridgeshire and Peterborough. It also includes supporting site specific policies. The Proposals Maps for Minerals and Transport Zones and Waste Management set out the location of Mineral and Waste Management Allocations, Mineral and Waste Consultation Areas Transport Zones and Transport Safeguarding Areas and Waste Water Treatment Works and their Safeguarding Areas. Milton Landfill Site is identified on the proposals map (Policy SSP W8AM), together with a waste consultation area. The application site is located within the waste consultation area.

7.7 South Cambridgeshire Local Development Framework - Development Control Policies DPD (adopted July 2007)

- Policy DP/1: Sustainable development
- Policy DP/2: Design of new development
- Policy GB/1: Development in the Green Belt
- Policy NE/15: Noise Pollution

8.0 LAND USE PLANNING CONSIDERATIONS

8.1 Cambridgeshire and Peterborough Minerals and Waste Development Plan (MWDP) Policy CS2 encourages waste management practices which do not incur unacceptable adverse impacts, and aims to safeguard the residential amenity of new and existing communities. Policy CS12 gives priority to the extraction of engineering clay from existing mineral or landfill sites in preference to greenfield sites.

8.2 MWDP Policy CS25 requires mineral workings and waste management sites to be restored in a phased manner to a beneficial afteruse. The proposal would allow the necessary clay resources to be transported from Milton Landfill to other sites which have an identified need for clay as restoration and capping material.

- 8.3 MWDP Policy CS34 aims to protect surrounding land uses and presumes against development which would cause significant harm to the environment, human health or safety, visual impact or loss of residential or other amenities.
- 8.4 South Cambridgeshire LDF Policy GB/1 presumes against unacceptable development in the Green Belt. The National Planning Policy Framework states (at para. 90) that engineering operations do not conflict with the purposes of including land in the Green Belt. Consequently the proposed development is considered to be in accordance with this policy.

Traffic implications

- 8.5 As it is proposed to undertake clay exports on a campaign basis, the proposal would only generate vehicle movements when a clay extraction campaign is taking place. The two District Councillors for Milton have raised concern over the anticipated additional traffic movements of 70 vehicle movements per day during extraction campaigns. In addition, concerns have been raised over the possibility of HGVs turning left when leaving the site; dust generated by HGV movements; and dust and debris being deposited on the road by vehicles leaving the landfill site.
- 8.6 The highway authority was consulted on this proposal and did not raise any objections regarding the number of vehicle movements. When spread over the currently permitted operational time of the landfill site (0600 to 1800 hours on weekdays), the anticipated 70 movements per day would equate to an average of 6 movements per hour.
- 8.7 MWDP Policy CS32 states that any additional traffic associated with minerals and waste management proposals should not cause unacceptable harm to the environment, road safety or residential amenity. The highway authority takes the view that the additional vehicle movements generated by this proposal would not have a severe impact on road capacity.
- 8.8 Taking into consideration the highway authority's comments and the advice of the NPPF, which states that development should only be refused on transport grounds when the impacts are severe, it is considered that the proposal would be in accordance with development plan policy and there would be no strong reason for a refusal.

Site access

- 8.9 Histon and Impington Parish Council raised concerns over vehicles turning left when leaving the site and travelling down Butt Lane towards Impington. The Parish Council states that this route would not be suitable for heavy vehicles.
- 8.10 One of the conditions of the 1991 planning permission for the landfill site (ref. S/0289/91/CW) required the reconfiguration of the site access. A traffic island and a number of bollards have been constructed, preventing heavy commercial vehicles from turning left at the site entrance.

In addition, a road sign has been installed on the verge opposite the site entrance, prohibiting heavy vehicles from making left turns. The Highway Authority has confirmed that the breach of the “no left turn” sign would be a moving traffic offence which would be enforceable by the Police. There have been no reported left turns by heavy vehicles when leaving the site and it is therefore considered that the existing measures are sufficient to ensure that landfill and other heavy traffic arrive from the A10 and leave the site towards the A10.

Visual impact

- 8.11 The location of the clay stockpile is screened from views from outside the site by existing dense vegetation. It is considered that the extraction of clay would have no adverse visual impact on the surrounding area and would therefore be in accordance with MWDP Policy CS2, which encourages waste management practices which do not incur unacceptable adverse impacts, and aims to safeguard the residential amenity of new and existing communities.

Other concerns raised in representations

- 8.12 Dust emissions during the excavation of the clay from the landfill area are controlled by the extant landfill permission. Due to its consistency, the clay itself is not an inherently dusty material. Any vehicles leaving the clay stockpile area would be required to use the existing landfill wheel wash to ensure that their wheels and chassis are clean and free of mud and debris before leaving the site. A planning condition requiring laden vehicles to be sheeted would prevent clay being deposited on the highway whilst the vehicle is in motion. Any dust generated by vehicles whilst they are travelling on public roads would be a matter for the Police to enforce, as this falls outside the powers of the planning system.
- 8.13 The export of clay would only take place during the hours of operation of the landfill site as permitted by planning permission S/0289/91/CW and subsequently varied by permission S/02366/03/CW. The proposal would therefore not constitute an increase in operational hours of the landfill site.
- 8.14 The County Council is not aware of any complaints being made about the noise from reversing beepers. Planning permission S/0289/91/CW is subject to conditions requiring the site operator to apply best practicable means to ensure that noise from the site is minimised, and to submit details of reversing beepers on mobile plant to the County Planning Authority for approval.

9.0 SUMMARY

- 9.1 In making a planning decision the local planning authority must apply the presumption in favour of sustainable development (para 197 NPPF). Sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as making it easier for jobs to be created, achieving net gains for biodiversity, improving design and improving the conditions in which people live, work, travel and take leisure.
- 9.2 Whilst concerns have been raised about traffic and other amenity issues, the highway authority has assessed the application and is of the opinion that the proposal would not have a severe impact and that there would not be a strong basis for any objection on the grounds of highway capacity. Other concerns such as dust, noise from reversing beepers and vehicle routeing can be controlled by planning conditions. Consequently, it is proposed that permission should be granted subject to the planning conditions listed in the appendix to this report.

10.0 CONCLUSION

- 10.1 Development plan policy supports the restoration of existing landfill sites. The proposed export of clay would facilitate this and therefore be in accordance with development plan policy, and there are no adverse impacts which would justify a refusal.

11.0 RECOMMENDATION

- 11.1 It is recommended that planning permission be granted subject to the conditions set out in Appendix 1.

Source Documents	Location
	Castle Court, Shire Hall, Cambridge

APPENDIX 1

PLANNING CONDITIONS

Commencement of Development

1. The development hereby permitted shall be commenced within three years from the date of this permission. Written notification of the commencement of each clay extraction campaign shall be sent to the Minerals and Waste Planning Authority within 7 days of each commencement.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to enable the development to be monitored to ensure compliance with this permission. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

Time Limit

2. This permission is limited to the period expiring on 31 December 2020 or on the day of the completion of the restoration of the landfill site, whichever is the earlier, by which time the export of clay hereby permitted shall have ceased and all plant and vehicles associated with this development removed from the site.

Reason: For the avoidance of doubt, because of the relationship between the development hereby permitted and the existing activities at Milton Landfill site, and to provide for the restoration of the landfill site within an agreed timescale. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

General Provisions

3. The development hereby permitted shall not be carried out except in accordance with the details submitted by way of the planning application dated 13 June 2014 and the following accompanying information and drawings:
 - Supporting Statement dated May 2014
 - Drawing no. 653A243A Rev. A – Site Location Plan (dated 18th Sept 2013)
 - Drawing no. 653A238A Rev. A – Planning and Landownership Boundary Plan (dated 2nd Aug 2013)
 - Drawing no. 653A244 – Location of FCC Environment Landfill Sites for Clay Export (dated 18th Sept 2013)

Reason: To define the permission and to ensure that the development is carried out in compliance with Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34.

4. A copy of this planning permission, including all documents hereby permitted and any documents approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed in the landfill site office and shall be made known to any person given responsibility for the management or control of operations on the site.

Reason: For the avoidance of doubt and to ensure the development is carried out in accordance with the permission and in a satisfactory manner in the interests of the amenity of the area. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

Retention of screen planting

5. The existing screen planting along the northern boundary of the landfill site shall be retained for the duration of the development. If any tree along the northern boundary of the site is removed, uprooted or destroyed or dies, or becomes, in the opinion of the County Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place during the next available planting season, unless the County Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to screen the site from views from Butt Lane. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

Hours of operation

6. No operations, including the arrival, departure, loading or unloading of vehicles or the running of engines, shall take place at the site outside the hours of

0600 to 1800 Mondays to Fridays (other than on Bank Holidays)
0600 to 1300 on Saturdays
0800 to 1300 on Sundays
0730 to 1700 on Bank Holidays.

Reason: To protect the amenities of occupiers of nearby properties. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

Environmental Protection

7. All plant and machinery shall operate only in the permitted hours and shall be fitted with silencers and such systems shall be maintained in accordance with the manufacturers' recommendations.

Reason: To protect the amenities of the locality and nearby residences. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

8. No external lighting shall be installed on the site.

Reason: To protect the appearance of the area/the environment and wildlife from light pollution and to protect the darkness of night skies. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

Noise

9. All audible warning devices fitted to mobile plant, vehicles and machinery, whilst affording suitable safety, shall as far as is reasonably practicable be of a design that does not cause unreasonable noise intrusion to residential properties.

Reason: To minimise the adverse impacts on local residents of noise generated by operations on the site. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policy CS34)

Access and Traffic

10. The number of heavy commercial vehicle movements generated by the development hereby permitted shall not exceed 100 per day (50 movements in and 50 movements out) per day. A daily written record of all heavy commercial vehicle movements shall be maintained at the site for a minimum of 12 months and on request made available to the Waste Planning Authority for inspection.

Reason: To limit the daily number of heavy commercial vehicle movements in the interest of highway safety. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS32 and CS34)

11. All heavy commercial vehicles associated with the development hereby permitted shall only use the existing landfill access onto Butt Lane.

Reason: To define the waste types permitted to be brought to the site and prevent pollution of the surface and ground water, and because waste materials outside of these categories raise environmental and amenity issues which would require additional consideration. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

12. All laden heavy commercial vehicles entering or leaving the site shall be sheeted or netted or carry their load in an otherwise enclosed load space.

Reason: In the interests of highway safety and the amenities of the area. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

13. No heavy commercial vehicles shall enter the public highway from the site unless their wheels and chassis have been cleaned as necessary using the existing wheel cleaning facilities to ensure that no mud or detritus is carried onto the highway by vehicles leaving the site.

Reason: In the interests of highway safety and the amenities of the area. (Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD Policies CS24 and CS34)

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The County Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. All land use planning matters have been given full consideration and the applicant has responded positive to the advice and recommendations provided by consultees. Proactive consultation took place with statutory consultees, which resulted in overall support for the development proposal.