

Application Ref: 18/02185/WCMM

Proposal: Variation of condition C1, 2 and 4 (to extend the date for final restoration and amend the restoration scheme) of planning permission 13/01562/WCMM

Site: Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough

Referred by: Director of Place and Economy

Reason: EIA development

Applicant: Mr Nicholson
FCC Environment

Agent: Mr Alistair Hoyle
Axis PED Ltd

Site visit: 21.12.2019

Case officer: Mr A O Jones

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Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site Description

Dogsthorpe landfill site is situated at the north east urban edge of Peterborough. It is bounded by the A47 to the north, Welland Road to the northwest, the A15 to the west / southwest and the A1139 to the east, beyond which lies the village of Eye. A small cluster of waste and industrial sites are based at the west / northwest of the site, all using the same access from Welland Road. Peterborough Garden Park lies immediately to the south.

Proposal

Permission is being sought for a variation of Conditions 1, 2 and 4 in relation to extending the time period for completion of site restoration works and amending the approved restoration. No additional importation of waste to the existing area of landfill is being sought under this permission.

The variation sought for condition 2 relates to the time period to complete restoration works. Approximately 400,000 tonnes of inert materials are still required to complete the restoration of the site. Additional time for the importation restoration material is sought until 31 December 2024, with an additional year to remove all structures and plant, and the establishment of the final after-uses.

The variation sought for conditions 1 and 4 relates to amending the approved restoration plans. The consented scheme includes areas of biomass planting across part of the site, which was to provide the feedstock for an Anerobic Digestion facility that has not been built out (the permission for this facility was not implemented and has subsequently lapsed). As such the applicant sought the removal of the areas of biomass crop from the restoration scheme.

The proposed restoration scheme has subsequently been revised again (and been subject to a further round of consultation), in particular to acknowledge the practical difficulties of establishing areas of woodland on former landfill, primarily due to the quality of available soils for restoration purposes and the presence of leachate and gas infrastructure (required to manage landfill emissions). The applicant also contends that such a proposal represents a missed opportunity to provide alternative habitat to maximise biodiversity gain. As such, the proposed restoration

scheme, whilst maintaining the elements of peripheral planting, seeks to reduce the quantity of woodland planting over the fill area, and increase the areas of conservation grassland and open mosaic habitat (a Biodiversity Action Plan priority habitat). The open mosaic habitat proposed includes the provision of a nutrient poor soils suitable for early successional vegetation, deliberately compacting and / or 'roughing up' of some surface areas to provide variety, placing of specific materials including log piles, rubble, planting of some scrub species, natural colonisation and targeted seeding. A network of hedgerows to sub-divide the site have also been retained as a feature of this restoration proposal.

The proposal is EIA development, under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations, and is accompanied by an Environmental Statement. The Environmental Statement has been presented in such a way as to account for the proposal for infilling of the eastern lagoon, which is subject of a separate application as described below.

A second application has been submitted for the site, which seeks to de-water the waterbody at the eastern end of the site and infill with approximately 375,0000 cubic metres if construction, demolition and excavation waste, with restoration to grassland and a new surface water management system. This second application will be brought before the committee in due course, and can be determined separately to the proposal subject of this report.

2 Planning History

Reference	Proposal	Decision	Date
13/01562/WCMM	Non-compliance of C2 and C4 of planning permission 08/01032/WCMM - To amend the approved plans and continue landfill operations until 31 December 2019	Permitted	07/08/2014

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW24 - Design of Sustainable Minerals and Waste Management Facilities

All proposals for minerals and waste management development must achieve a high standard in design and environmental mitigation. Waste Management proposals must be consistent with guidance set out in The Location and Design of Waste Management Facilities SPD.

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

Minerals workings and waste management sites will be restored to a beneficial afteruse with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

MW33 - Protection of Landscape Character

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse affect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

MW39 - Water Resources and Water Pollution Prevention

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

MW30 - Waste Consultation Areas

Waste Consultation Areas will be identified through the Core Strategy and Site Specific Proposals Plan and development will only be permitted in these areas where it is demonstrated it will not prejudice future or existing planned waste management operations.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

4 Consultations/Representations

PCC Wildlife Officer (31.07.19)

The revised restoration proposals appear to be more beneficial for biodiversity than those originally submitted, or indeed the approved restoration plan. Inappropriate soil types or seed mixes would however result in a habitat very low in biodiversity value, and further information on these matters should be sought.

The are to the northwest of the site which contains newt ponds is acknowledged as being within the site ownership, but outside the red line of the application.

PCC Peterborough Highways Services (05.04.19)

No objections. Vehicle trips on the road network will not increase as a result of the proposed extension of time to complete restoration of the site.

PCC Pollution Team (26.02.19)

No objections.

Lead Local Drainage Authority (28.06.19)

No concerns provided the site is required to drain as per the existing drainage system.

Environment Agency (05.02.19)

No objection.

Natural England (13.08.19)

No comments.

Police Architectural Liaison Officer (PALO) (29.01.19)

No objections.

Anglian Water Services Ltd (21.01.19)

No comments.

Eye Parish Council (16.08.19)

No comments.

Local Residents/Interested Parties

Initial consultations: 575

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

An objection has been received based on the fact that the site should have been closed many years ago, and is in the centre of five residential areas. Heavy lorries will continue to use Welland Road, and the new housing estate on Welland Road also contributes to additional traffic. These issues were re-iterated during the re-consultation on the amended restoration plans, with an additional query raised as to whether the lake area can be used as an extension to the Star Pit nature reserve, and the impact on protected habitats and species.

Another objection has been received raising concerns about the noise and dust implications for health and well being of nearby residents, and concerns about future property sales.

It is noted that consultation for this application and that for infill of the eastern void of the site were undertaken simultaneously, and therefore comments that may have been provided for one application have been taken into consideration for both.

A petition with 29 signatories against the extended use of the landfill site due to road safety concerns on the two main roundabouts near the site (presumed to be the two roundabouts on the A47) has also been submitted. The petition also refers to an article in the 'Evening Telegraph' concerning two people being killed on this stretch of road "which is now regarded as a very hazardous area".

5 Assessment of the planning issues

The Principle of Development

The main considerations are;

- Extension of time for completion of restoration

Site engineering works and disposal of waste at the site have been completed. However, insufficient material to complete the restoration of the site, i.e. the formal landform comprising restoration materials to support the landscaping and cover the engineered waste 'cap', has been imported. The proposed extension of time will enable the importation of some 400,000 tonnes of inert materials until 31 December 2024, with the final restoration, including the removal of all structure and plant and the establishment of the final after-uses, to be achieved within a further year, by 31 December 2025.

The completion of restoration at the site requires the use of appropriate inert materials to form the approved contours. This material helps to secure the integrity of the waste 'cap', provides an appropriate landform and supports the proposed landscaping, habitat and afteruse. As such, enabling an extension of time for completion of the restoration ensures the site is restored to a beneficial afteruse, as required by policy MW25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, helps to protect and enhance the landscape character (MW33), protects surrounding uses (MW34) promotes biodiversity (MW35) and helps to protect water resources and prevent water pollution.

- Site Restoration Details

The Wildlife Officer notes that the revised restoration proposal, including the provision of open mosaic habitat, is an improvement in terms of biodiversity enhancement in comparison to the original proposal which was just to replace the areas of biomass planting with grassland. Additionally, the revised proposal is also considered to be an improvement on the consented restoration scheme.

To successfully achieve the proposed open habitat mosaic requires a degree of intervention and management that the application demonstrates will be achievable. For example, through the testing of placed soils to inform the appropriate seedmix to be used, through the placing of additional material types to achieve the desired variety of surface types, and the provision of log piles, stone piles etc. Such measures can be controlled through an Aftercare Management Plan (AMP). The currently approved AMP relates to the consented restoration scheme and is therefore not compatible with the revised restoration proposals. As such, the condition can be amended to reflect the changes to the restoration scheme, and a new AMP, relevant to the proposed scheme, required. The proposals are therefore considered to be in accordance with the requirements of Minerals and Waste Core Strategy policy 25 to provide a beneficial afteruse, and policy 35 with regards to the provision of new habitat creation and enhancement.

The revised restoration proposals retain the elements of peripheral woodland planting, and hedgerows over the domed profile visible off-site, and in conjunction with the fact that there are no proposed changes to the overall restoration contours, it is accepted that there are no impacts to the landscape character over and above those previously assessed and approved. The proposals are therefore considered to be in accordance with Minerals and Waste Core Strategy policy CS33.

- Other issues

Further to completion of waste imports for fill purposes, the amount of vehicle movements to and from the site has significantly reduced. Additionally, the vehicle movements still required to import restoration materials do not represent an increase in those expected to the site; rather, they are trips that were planned, and previously considered in relation to the activities of the landfill site, that have not yet been undertaken. As such, there are no additional impacts with regards vehicle movements over and above those previously considered and the proposal is considered to accord with Minerals and Waste Core Strategy policy CS32. Highways England (HE) were not consulted on this application, as no additional vehicle trips to those previously approved will be undertaken, however in light of the road safety concerns raised in the petition it is acknowledged that HE were consulted on the second application (i.e. the infill application) and raised no

objections.

Noise and dust impacts are not considered to be any different to those under the extant consent, and appropriate controls can be exercised through the use of appropriate conditions. The site also operates under an Environmental Permit.

With regards to the suggestion that the lakes form an extension to the Dogsthorpe Star Pit SSSI, Natural England have been consulted on the proposal and offer no comment as there are not considered to be any impacts on the SSSI. The unusual and interesting features of the SSSI relate to species normally confined to coastal locations with some species suggesting brackish influences in the water pools. There is no hydraulic continuity between Star Pit and the lagoon at the landfill site, and the proposed restoration scheme has been assessed in light of the ecological benefits that can be provided within the site itself.

The extant legal agreement governing the site concerns catchment restrictions and the importation of waste. With waste importation for fill purposes having been completed at the site the obligations of the legal agreement are no longer required and there is no requirement for it to be updated or varied.

- Review of Conditions

Planning permission, if granted as recommended would represent an entirely new permission and so the conditions must be reviewed to ensure they are still necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. As such, the conditions have been extensively reviewed, amended and updated where required, whilst ensuring that appropriate controls have been retained. Including, for example, the condition controlling operational hours. Further to completion of waste importation at the site, it is no longer considered necessary to enable the site to be operational for extended hours, including Sundays, Bank and Public Holidays. As such, operational hours will be restricted to those associated with more conventional operations and will help to minimise off site impacts and protect surrounding uses in accordance with Minerals and Waste Policy CS34.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay.

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in light of all material considerations including weighing against relevant policies of the development plan.

The material considerations focus on the proposed extension of time for completing restoration, the revised restoration proposals, and the need to secure a beneficial afteruse for the site. The conditions outlined below, which include relevant updates offer appropriate mitigation in line with policies CS25, CS32, CS33, CS34, CS35 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

In approving this application, and entirely new permission will be created. As such, conditions pertinent to permission 13/01562/WCMM have been reviewed and updated accordingly.

7 Recommendation

The case officer recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development shall be carried out in complete accordance with the following submitted plans:

Figure 1, Location Plan, dated December 2018

Proposed Post-Settlement Restoration Contours, drawing ref. DG627-D13A Figure 3A, dated Jan 06

Cross Section of Eastern Lagoon (North-South and East-West), drawing ref. 468A231 dated 21.02.14

Figure 3.2 (rev B) Revised Restoration Scheme Section 73 Application, dated August 2019

The details of which are approved except as amended by the following conditions.

Reason: For the avoidance of doubt and to enable the Mineral Planning Authority to adequately control the development to minimise the impact on the amenities of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS2 and CS34.

- C 2 The importation of restoration materials shall be completed by 31 December 2024. Plant, machinery and buildings and structures not required for the operation of the landfill gas power station nor the leachate treatment plant shall be removed by 30 June 225 and the site shall be fully restored to an agricultural and nature conservation afteruse by 31 December 2025.

Reason: To minimise the duration of the adverse visual impact and disturbance hereby permitted in the interests of the amenity of the local area in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25 and CS34.

- C 3 The applicant shall give at least 7 days notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil replacement operations. Soil replacement shall only be carried out when the full depth of soil to be placed is in a suitable dry moisture condition and not at all between the months of October and March inclusive.

Soils temporarily stocked for more than 3 months shall be seeded during the first available sowing season following their construction with an appropriate seedmix, kept free of weeds and maintained to a good amenity standard until needed for restoration operations.

Reason: To ensure the sustainable use of soils in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS38.

- C 4 The site shall be restored and landscaped progressively in complete accordance with

Figure 3.2 (rev B) Revised Restoration Scheme Section 73 Application, dated August 2019

Should for any reason the reclamation of the site cease for a period of 12 months the applicant shall upon written request from the Mineral Planning Authority submit a revised scheme for the restoration of the site within 8 weeks of the request being made. It shall include a schedule of timings, provision and completion of containment works, soiling and restoration in a manner similar to that referred to in these conditions and submitted scheme. All works of restoration shall then be completed within a period of 12 months from the date upon which the scheme is approved by the Mineral Planning Authority.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial use at an early date and in the interest in the amenity of the local area in accordance with Cambridgeshire and Peterborough Core Strategy policies CS25 and CS34.

C 5 Within three months of this decision notice being issued, a scheme for the establishment, aftercare and management of the site based on the 'Revised 'Restoration Scheme (Section 73)' drawing Figure 3.2 Rev B dated August 2019, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but is not limited to;

- i) the steps required to establish predominantly low nutrient open mosaic habitat (OMH) including the types and amounts of imported materials (including use of brick rubble, log piles etc)
- ii) annual monitoring of establishment of target habitats and associated species (such as reptiles and invertebrates) to ensure the site meets the definition of OMH as set out in the Buglife OMH online Inventory & Assessment Form
- iii) the soil testing regime required to identify appropriate areas for different habitat types within the OMH
- iv) the proportions (or areas) of conservation grassland to scrub and OMH
- v) the seed and planting mixes required to facilitate the promotion of the relevant grassland, scrub and open mosaic habitats
- vi) provision for a minimum of 5 years of aftercare,
- vii) the steps required to bring the agricultural grassland to an appropriate standard for agricultural purposes.
- viii) provision for the replacement of any trees, shrubs or other planting that becomes diseased or removed within five years to be replaced in the first available planting season with a plant / plants of a similar size and species to that removed.

The development shall thereafter be carried out in complete accordance with the approved scheme.

Reason: To ensure that the reclaimed land is correctly husbanded and to bring the land to an appropriate standard for agriculture and nature conservation after use in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

C 6 Vehicular access to and from the landfill site shall be by way of the existing site access to Welland Road only as shown on Figure 1, Location Plan, dated December 2018.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

C 7 No commercial vehicles leaving the site shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the public highway.

Reason: In the interests of highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32.

C 8 Except in emergencies no operations authorised or required by this permission shall be carried out except between the following times:

0700 hours and 1800 hours Mondays to Saturdays

and at no other times including Sundays, Bank Holidays and Public Holidays

Reason: in the interests of residential amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C 9 A bowser shall be available to dampen internal haul roads and operational areas as necessary during dry conditions in order to prevent the egress of dust from the site.

Reason: In the interests of protecting surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C10 The scheme for the control of noise as outlined in Chapter 6 of the Environmental Statement (dated December 2018) shall be complied with at all times. Notwithstanding the details within the ES, the level of noise emitted from the development during normal operations and maintenance shall not exceed 55dB expressed as an LAeq, 1hr between the permitted hours of 0700 hours and 1800 hours Mondays to Saturdays and 52dB expressed as an LAeq, 1hr at any other time as measured, or assessed on the residential property boundary of the following properties;

67 Peterborough Road, Eye
101 Peterborough Road, Eye

The boundary of the rear gate at the Eastern boundary of the landfill site.

The precise locations shall be chosen and the measurements and assessment made according to BS4142:1997.

Reason: In the interests of protecting surrounding uses in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

- C11 All buildings or tanks to be used for the storage of fuels, together with ancillary handling equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the storage capacity and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.

Reason: In the interests of the prevention of pollution in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C12 All buildings, plant, equipment and hardstandings shall be removed from the site within 12 months of the date on which they cease to be required for the purposes originally permitted, and the areas in question shall be further restored within a period of 6 months from removal in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interests of securing restoration of the site to a beneficial afteruse in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

Copies to Councillors: Nigel Simons. Richard Brown. Steve Allen

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