

Development Control Committee
Meeting to be held on 21 April 2010

Part I - Item No. 5

Electoral Division affected:
Fylde East, Preston West

**Fylde and Preston Boroughs: Application No. 05090376 and 06090395
Variation of Condition 1 of planning permission 05/95/39 and 06/95/44 to allow
the period for landfilling and landraising to be extended until 31 December
2020 and restored within 12 months of the cessation of landfilling and
landraising at Clifton Marsh Landfill Site, Lytham Road, Freckleton.**
(Appendix A refers)

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Executive Summary

Application - Variation of Condition 1 of planning permission 05/09/39 and 06/95/44 to allow the period for landfilling and landraising to be extended until 31 December 2020 and to be restored within 12 months of the cessation of landfilling and landraising at Clifton Marsh Landfill Site, Lytham Road, Freckleton.

Recommendation – Summary

That subject to the applicant first entering into a Section 106 agreement providing for 15 years of aftercare following the completion of restoration in each cell, planning permission for a continuation of landfilling until 31st December 2015 be **granted** subject to conditions controlling time limits, working programme, site management and restrictions on the origin and quantities of waste, highway matters, control of environmental impacts including noise, litter, dust and odour, drainage and pollution control, site maintenance, hours of working, soil handling, landscaping, restoration and aftercare.

Background

This application was presented to the Development Control Committee meeting of 16 December 2009. The Committee resolved to defer determination of the application for further consideration of issues associated with litter on the highway and the management thereof and the opportunity for imposing conditions restricting the origins of waste to within the region. The report has been updated to address the matters raised.

Advice

Director of Strategic Planning and Transport – Observations

The Development Control Committee resolved to defer consideration of this application at the meeting of 16th December 2009 to allow further consideration of issues associated with litter on the highway and the management thereof and to consider the opportunity for imposing conditions restricting the origins of waste to within the region. This report addresses those issues and should be read in conjunction with the report to the 16th December 2009 Committee appended to this report.

Litter Issues

The applicant has undertaken an investigation into alleged litter problems. They have advised that on-site controls are in place to prevent litter problems arising and include the following:

- Requirement for all waste loads delivered to the site to be netted or otherwise covered.
- Requirement for site users to check their vehicles for loose remnants of waste in the body of the vehicle or entrained in the wheels before leaving the site
- Fixed litter fencing in strategic locations around the site.
- Mobile litter netting repositioned on a daily basis according to wind direction.
- All litter fencing is cleared at regular intervals to maintain its integrity.
- Any minor damage to the litter fencing (i.e. small holes or fallen netting) to be repaired within 48 hours of the minor damage being noted. Any significant damage to litter fencing (i.e. damage which stops the net from preventing the escape of litter) to be repaired within one week of the damage having been observed and noted in the site diary.
- Waste compaction by a dedicated vehicle after waste is tipped.
- Application of daily cover material at the end of each working day.
- All areas of the site and litter fencing are inspected by site personnel on a daily basis. All scattered and loose waste that may be lying on or about the site or against any litter fencing is collected within 48 hours and disposed of in the working area.
- Regular litter picking carried out by site personnel with extra pickers being hired-in as and when necessary.
- Staged closure procedures whereby the site closes to different types of waste as the wind speed increases, as measured using the on-site anemometer.

Condition 15 to the recommendation has been amended to include reference to the above measures.

The above measures are restricted to within the boundaries of the Clifton Marsh Landfill site and would not necessarily prevent the release of litter from HGV's delivering waste to the site. It is evident that there is litter on the verges to the highway but there is no certainty that all of this originates from either the site or from vehicles delivering material to the site.

An investigation recently undertaken by Fylde Borough Council over alleged releases of litter from vehicles onto the local highway network resulted in one SITA driver being interviewed about litter seen to be dropping off the back of his vehicle. The driver denied this was the case and maintained his vehicles are always secured when setting off on his journeys and that he had recorded proof of this. No further action proved necessary in view of the lack of evidence in this instance.

The police have powers to address the security of loads in respect of highway safety. Waste carriers must be registered with the Environment Agency and are responsible for ensuring their loads are secure. It is therefore considered unnecessary to impose any further restrictions on any planning permission regarding litter controls.

The Committee also resolved to defer determination of the application to consider the opportunity to impose conditions restricting the origins of waste to within the region.

The applicant has provided details of the origins of waste and waste types currently being landfilled at the site and the way this distribution may change in the period to 2020. The information supplied by the applicant identifies the percentages, origins and types of waste that are received at Clifton Marsh. This identifies that only 1% of general waste that is currently and predicted to be received at the site originates from outside Lancashire.

The policies of the Regional Spatial Strategy (RSS) support the management of waste on a regional basis and encourage planning authorities to work towards sub-regional self-sufficiency. Self sufficiency is where communities take more responsibility for their own waste and the benefits of sub-regional self-sufficiency are closely tied to those of the principles of proximity, where waste should be managed at one of the nearest appropriate facilities and disposed of as near as possible to its place of production. This reduces the distances travelled and the associated economic, environmental and social costs of transporting waste. However, in applying these principles, the need to recognise the commercial and geographical realities of some of cross-boundary movements of waste has to be considered.

The information supplied by the applicant demonstrates that most of the general waste landfilled at the site originates from within Lancashire. This not surprising given the geographical location of Clifton Marsh within the County. Whilst restricting the waste to the site to that originating from within Lancashire might be possible in terms of current inputs in this case, this may not always be the case as such an approach could prevent waste from being disposed of at a site nearest to the point of its origin which may prove to be unsustainable and contrary to the proximity principle. It is therefore considered that restricting the waste delivered to this site to that originating from within the north west region or via transfer stations in the north west region but which may receive wastes originating from outside the region but comply with the proximity principle would be appropriate and would be supported by the policies of the RSS and Lancashire Minerals and Waste Development Framework – Core Strategy. A condition is therefore proposed restricting the origin of general waste types to within the north west region or where the origin of such wastes may be from outside of the region but which are managed via transfer stations that accord with the proximity principle.

The same considerations do not apply to the importation of low level nuclear waste to the site for disposal. The Lancashire Minerals and Waste Local Development Framework Core Strategy recognises that there are particular issues in dealing with such wastes and that it may be necessary to provide additional landfill capacity to provide for an accelerated programme for the decommissioning of nuclear sites particularly as these wastes are not recyclable and landfill is the only disposal option.

Information submitted by the applicant demonstrates that all low level wastes currently imported to the site arise from Springfields Fuels in Lancashire and from Capenhurst in Cheshire. This is anticipated to remain the position until 2011 when steadily increasing volumes would be accepted from other facilities including the wastes diverted away from the low level waste repository at Drigg and from other commercial sources. This change would be triggered by the granting of an RSA authorisation by the Environment Agency which would allow the site to accept wastes other than from the those sites that have historically supplied low level wastes to the site.

Information on future low level waste arisings and disposal requirements is difficult to obtain and any information is considered to be estimates. However, as a result of an accelerated nuclear decommissioning programme, it is likely that arisings nationally will nearly double from their existing levels of around 40,000 m³ per annum to 70,000 m³ per annum in the period between 2011 to 2015. At present there are only 4 other landfill sites (including Drigg) that have permission to take low level wastes. The applicant has applied for a new facility in West Cumbria that would only accept low level wastes but that application has not yet been determined. The ability of Clifton Marsh to make a contribution towards the need for the disposal of these wastes is therefore of national strategic importance particularly as the decommissioning plans are closely aligned to the programme of nuclear new build required to meet the need for new electricity generating capacity. Given that such wastes have historically been disposed of at Clifton Marsh and that such disposals do not appear to have had any unacceptable environmental impacts, it is considered acceptable that the site should make a contribution towards the continuing need for such disposal capacity. Whilst such wastes may well travel to the site from outside of the north west region, the volumes involved are relatively small and therefore such movements would not be contrary to the proximity principle having regard to the other factors highlighted above. However, it is considered that a restriction should be placed upon the quantities of low level waste to be disposed of at the site reflective of those quantities identified by the applicant. This would restrict the overall volumes of such wastes to 10,000 tonnes per annum with not more than 4,000 tonnes per annum originating from sites other than Springfields and Capenhurst or from outside the region.

In conclusion, the proposed extension of time for the importation of waste until 2015 is considered acceptable subject to the conditions set in this report and which include an amendment to condition 15 regarding litter control and the imposition of condition 5 restricting general wastes to waste originating from the north west region and an overall limitation on total low level wastes and totals of such waste being imported from outside the north west region.

In view of the scale, location and nature of the proposed development it is considered no Convention Rights as set out in the Human Rights Act would be affected.

Summary of Reasons for Decision

The extension of time would enable the landfilling of wastes from household, commercial and industrial sources that cannot usefully be recycled. The restriction of landfilling of the site to 2015 would enable a review of the continued need for landfill capacity at this site having regard to the availability of capacity at other sites in Lancashire and the levels of waste requiring landfill disposal until 2015. The site would continue to provide an important contribution to the network of waste management facilities within Lancashire. The extension of time would not endanger human health or cause harm to the environment. There would be no risk to water, air, soil, plants or animals and no nuisance would be caused through noise or odour. The proposal would not cause harm to areas of special interest. The site would continue to provide a valuable repository for the landfilling of low level radioactive wastes and would not have any unacceptable land use planning implications. Restrictions on general waste to that originating from within the north west region and limitations on overall tonnages and origins of low level nuclear wastes would ensure that the disposal of such waste types is sustainable and accords with the proximity principle.

The planning conditions would ensure that the operations would continue to operate in a way that would not adversely affect the visual amenities of the area, generate any unacceptable levels of vehicle movements or adversely affect local amenity. The proposal accords with the policies of the Development Plan. The policies of the Development Plan relevant to this decision are:

Lancashire Minerals and Waste Development Framework (Core Strategy) (LMWDF)

- Policy CS7 Managing our waste as a resource
- Policy CS8 Identifying capacity for managing our waste

Lancashire Minerals and Waste Local Plan

- Policy 2 Quality of Life
- Policy 7 Open Countryside and Landscape
- Policy 18 Locally Important Nature Conservation Sites
- Policy 19 Mitigating Adverse Effects
- Policy 23 Water Resource Protection
- Policy 24 Flood Risk
- Policy 37 Strategic Road Network
- Policy 80 Maintenance of a Network of Landfill Facilities
- Policy 82 Landfilling of Construction, Demolition and Inert Waste
- Policy 106 Reclamation of Minerals and Landfill Sites
- Policy 107 Proposed Reclamation Schemes
- Policy 108 Restoration of Agricultural Land
- Policy 112 Standards of Operation

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
 Policy EP11 Building Design and Landscape Character
 Policy EP17 Nature Conservation
 Policy EP22 Protection of Agricultural Land
 Policy EP23 Pollution of Surface Water
 Policy EP24 Pollution of Ground Water
 Policy EP26 Air Pollution

Recommendation

That subject to the applicant first entering into a Section 106 agreement providing for 15 years of aftercare following the completion of restoration in each cell, planning permission be **granted** subject to the following conditions:

Time limits

1. The landfilling and landraising authorised by this permission shall cease not later than 31 December 2015. The site shall then be completely restored in accordance with the conditions of this permission within a further period of 12 months or within 12 months of the cessation of landfilling or landraising as defined in this permission whichever is the earlier.

Reason : To ensure that the site is tipped and restored within an acceptable timescale in the interests of visual amenities and the amenities of local residents and to conform with polices 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan and policy SP2 of the Fylde Borough Local Plan.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application submitted on 25th January 1995 as modified by the planning application ref 5/09/0376 and 6/09/0395 received by the County Planning Authority on 3rd June 2009 and the letters from SITA UK Ltd dated 20th January 2010 and 30th March 2010.
 - b) Submitted Plans refs

Figure 2.5, Rev. A – Proposed Final Landform
 Drawing L12/00/72B – Indicative Order of Tipping for
 phase 4 dated September 2008
 - c) All schemes and programmes approved in accordance with this permission.

Reason : For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impacts on the amenities of the area and to conform with policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan and policy SP2 of the Fylde Borough Local Plan.

3. A topographical survey shall be submitted to the County Planning Authority on the anniversary of this planning permission and at annual intervals thereafter until the end of the aftercare period referred to in this permission. The survey shall have been carried out within two months preceding the each submission and shall consist of a plan drawn to a scale of not less than 1:2500 which identifies levels at 1 metre intervals relating to ordnance datum over all the land where wastes have been deposited.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

4. Within two months of the date of this permission, a plan shall be submitted to the County Planning Authority for approval in writing showing the proposed pre settlement final tipping levels across phase 4. The levels shown on the plan shall be drawn so that the proposed final landform levels on drawing Figure 2.5 Rev A will not be exceeded.

Reason: In the interests of the visual amenity of the area and to conform with Policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Site operations

Restrictions on Origins and Tonnages of Wastes

5. No general waste as defined in this permission shall be imported to the site from outside the North West region, as defined in this permission. This condition shall not prohibit the importation of wastes from waste transfer stations within the North West Region where the origin of such wastes may be from producers outside of the region.

Notwithstanding the above limitation, not more than 10,000 tonnes of low level nuclear wastes shall be imported to the site per annum of which not more than 4,000 tonnes shall originate from sites outside of the North West region.

Records shall be maintained at the site of all wastes that are brought to the site for disposal. All such records shall include the origin of the wastes and for low level nuclear wastes shall include the tonnage of waste imported to the site. Such records shall be made available to the County Planning Authority on request.

Reason: In the interests of sustainable waste management and to reflect the requirements of the proximity principle and to conform with Policy CS8 of the Lancashire Minerals and Waste Local Development Framework Core Strategy.

- 6 No waste shall be removed from the area of the site being landfilled or landraised at any particular time once it has been deposited within that area.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

7. No waste or other material shall be deposited either temporarily or permanently on any part of the site at a level higher than the levels shown on the plan approved under the requirements of condition 4 above.

Reason: To safeguard the visual amenity, the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

8. The landfilling operations approved by this permission shall be undertaken in the numerical order of the cells as indicated on Drawing Ref. L12/00/72b.

Reason: To secure the orderly working and progressive restoration of the site and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

9. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and to conform with Policies 2, 7, 23, 37 and 112 of the Lancashire Minerals and Waste Local Plan.

10. No landfilling, landraising or restoration operations shall take place except between the hours of:

0730 to 1800 hours, Mondays to Saturdays (except Public Holidays)
0930 to 1700 hours, Sundays and Public Holidays,

This condition shall not, however, operate so as to prevent the use of pumping or leachate treatment equipment or the carrying out, outside these hours, of essential repairs or maintenance to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land-users, and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan.

11. No sewage sludge shall be deposited at the site unless it is in a solid state.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land-users, and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

12. The existing wheel cleaning facilities at the site shall be used by all vehicles leaving the site and shall remain available for use at all times during the development so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway and shall be maintained in working order at all times throughout the development.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37 and 112 of the Lancashire Minerals and Waste Local Plan.

13. Any private way between the wheel cleaning facilities and the boundary of the site shall, throughout the development, be metalled and drained and kept clear of debris along its entire length.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37, and 112 of the Lancashire Minerals and Waste Local Plan.

14. All vehicles shall enter and leave the site using the existing access to Clifton Marsh Landfill Site as show on Plan 2.4 Rev. A.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37, and 112 of the Lancashire Minerals and Waste Local Plan.

15. All vehicles entering and leaving the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37, and 112 of the Lancashire Minerals and Waste Local Plan.

Control of Noise, Dust and Litter

16. Measures shall be taken throughout the landfilling / land raising operations to ensure no waste, dust or wind blown material is carried on to adjacent property. Such measures shall include the following:
- a) The watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather
 - b) The netting or covering of all waste loads delivered to the site.
 - c) the requirement for site users to check their vehicles before leaving the site for loose remnants of waste in the body of the vehicle or entrained in the wheels.
 - d) Fixed litter fencing in strategic locations around the site.
 - e) Mobile litter netting repositioned on a daily basis according to wind direction.
 - f) All litter fencing is cleared at regular intervals to maintain its integrity.
 - g) Any minor damage to the litter fencing (i.e. small holes or fallen netting) to be repaired within 48 hours of the minor damage being noted. Any significant damage to litter fencing (i.e. damage which stops the net from preventing the escape of litter) to be repaired within one week of the damage having been observed and noted in the site diary.
 - h) Waste compaction by a dedicated vehicle after waste is tipped.
 - i) Application of daily cover material at the end of each working day.
 - j) All areas of the site and litter fencing to be inspected by site personnel on a daily basis. All scattered and loose waste that may be lying on or about the site or against any litter fencing to be collected within 48 hours and disposed of in the working area.
 - k) Regular litter picking carried out by site personnel with extra pickers being hired-in as and when necessary.
 - l) Staged closure procedures whereby the site closes to different types of waste as the wind speed increases, as measured using the on-site anemometer.

Reason: To safeguard local amenity and the amenities of adjacent properties/landowners and land users and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan and Policy EP26 of the Fylde Borough Local Plan.

17. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan and Policy EP27 of the Fylde Borough Local Plan.

18. Noise emitted from the site shall not exceed 55Db_{laeq} (1 hour) (free field) as defined in this permission when measured from any of the following properties at a point closest to the noise source.
- a) Clifton Marsh Farm NGR 465 292
 - b) Savick Brook Farm NGR 477 296

The noise monitoring shall be undertaken in accordance with the scheme and programme of noise monitoring that is contained in the Assessment of Noise Impact Document submitted by Hepworth Acoustics Ltd dated June 2000 and approved by the County Planning Authority on 3rd November 2000.

Reason : In the interests of local amenity and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan and Policy EP27 of the Fylde Borough Local Plan.

19. The noise limits approved in condition 17 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds from these materials and their re-spreading during restoration of the site or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB L_{Aeq} (1 hour) (free field), as defined in this permission, as measured from any of the properties identified in the scheme and programme approved under condition 17 at a point closest to the noise source.

Reason: To permit higher noise limits for certain activities and to still safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan and Policy EP27 of the Fylde Borough Local Plan.

Drainage and Pollution

20. Throughout the period of working, restoration and aftercare, the operator shall:
- a) support and protect all ditches, watercourses or culverts passing through the permission area, or satisfactorily divert them and shall not impair the flow or render less effective drainage onto and from adjoining land;
 - b) Provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution of watercourses by the development.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to

conform with Policies 23 and 112 of the Lancashire Minerals and Waste Local Plan and Policies EP23 and EP24 of the Fylde Borough Local Plan.

21. Any oil, fuel, lubricant and other potential pollutant shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 23 and 112 of the Lancashire Minerals and Waste Local Plan and Policies EP23 and EP24 of the Fylde Borough Local Plan.

- 22.. The dewatering and engineering of the cell bases shall be carried out in accordance with the scheme and programme submitted with the letter from WS Atkins Consultants Limited dated 23 June 2000 and approved in writing by the County Planning Authority on the 04 August 2000.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 23 and 112 of the Lancashire Minerals and Waste Local Plan and Policies EP23 and EP24 of the Fylde Borough Local Plan.

23. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies 23 and 112 of the Lancashire Minerals and Waste Local Plan and Policies EP23 and EP24 of the Fylde Borough Local Plan.

Site Maintenance

24. From the commencement of development until completion of aftercare, all perimeter hedges, fences and walls shall be maintained and made stockproof and protected from damage. Where the site boundary does not coincide with an existing hedge, fence or wall, stockproof fencing shall be provided and maintained until completion of aftercare.

Reason: To secure the proper restoration and aftercare of the site in accordance with the approved scheme and programme and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

25. All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from excessive plant growth.

Cutting, grazing or spraying shall be undertaken, as necessary, to prevent build up of a seedbank of agricultural weeds or their dispersal onto adjoining land.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan

Soil stripping, Handling and Storage

26. All available topsoil and a minimum of 1.5 metres of subsoil shall be stripped from the site before that part of the site is excavated or is traversed by heavy vehicles, plant or machinery, or roads, buildings, plant yards or stores are constructed on the land. All stripped topsoil and subsoil shall be stored on the site for use in the restoration of the site in accordance with the conditions of this permission and shall not be traversed by heavy vehicles or machinery.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan

27. No movement of topsoil or subsoil shall occur during the period from 1 October to 30 April (inclusive) without the prior written consent of the County Planning Officer. At other times, the stripping, movement and re-spreading of top and subsoils shall be restricted to occasions when the soil is dry to allow passage of heavy vehicles, plant and machinery over it without damage to the soils.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

28. Soil stripping and storage shall be carried out in accordance with the scheme and programme of details submitted with the letters from Lancashire Waste Services Ltd dated 04 April 2000 and 15th June 2000 and approved in writing by the County Planning Authority on the 04 August 2000.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

29. No topsoil, subsoil or overburden shall be sold or otherwise removed from the site.

Reason: To ensure satisfactory restoration and to conform with Policies 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

30. Within 3 months of completion of soil handling operations in any calendar year a plan shall be submitted to the County Planning Authority containing the following information:
- a) The area stripped of topsoil and subsoil;
 - b) The location of each soil storage mound and;
 - c) The quantity and nature of material therein.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

31. Following stripping all topsoil, subsoils and soil making materials shall be immediately utilised for restoration. Where this is not reasonably practicable they shall be stored in accordance with the details approved under the requirements of condition 27 of this permission.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

32. In each calendar year, soil stripping shall not commence on any phase until the County Planning Officer has received written notification at least 5 working days before:
- a) Soil stripping is due to commence;
 - b) Any standing crop and excess vegetation has been removed.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

33. Plant and vehicles shall not cross any area of replaced or loosened ground, replaced subsoil or topsoil except where essential and unavoidable for purposes of spreading soils or beneficially treating such areas.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Ground Preparation

34. Within three months of any cell reaching the final tipping levels as approved under condition 4 above, restoration to that cell shall be carried out in the following manner:-
- a) Prior to respreading of soil making materials, subsoil or topsoil, the surface shall be prepared so that it does not contain any material injurious to plant growth.
 - b) Stones, materials and objects which exceed 200mm in any dimension and occur on the prepared surface shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours.
 - c) Topsoil and subsoil shall be re-spread and levelled evenly in separate layers not exceeding 450mm in depth and levelled to provide an even depth across the re-spread area so that the total thickness of the layers replaced provides a minimum of 1.2 metres depth in total of unconsolidated restoration materials, as approved under planning permission 5/99/850 & 6/99/904 approved on 25 February 2000.
 - d) Each layer formed in accordance with c) above shall be ripped or cross-ripped, the direction of the 2nd pass being at right angles to the first pass. The ripping shall be carried out to provide loosening equivalent to a single pass at a tine spacing of a maximum of 0.5m and to its full depth and at least 150mm into the underlying material. The ripping operations shall not apply to the first 450mm layer overlying the landfill cap.
 - e) Any non-subsoil or non-soil making material or rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed off-site or buried at a depth of not less than 2 metres below the final pre-settlement contours.
 - f) The operations undertaken in accordance with d) above shall be carried out so as to provide a level surface to receive topsoil. Any rock, stone, boulder, wire rope, cable, other foreign objects or compacted layers capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling shall be removed or relieved.
 - g) Topsoil shall be carefully and evenly respread to depths not less than 0.3 metres.
 - h) The respread topsoil shall be rendered suitable for agricultural cultivation and ripped or loosened to provide loosening equivalent to a single pass at a tine spacing to a maximum of .05metres, to the fill depth of the topsoil plus 100mm;
 - i) Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth of not less than 2 metres below the final settled contours.
 - j) Within three months of the replacement of topsoils, the restored area shall be seeded with an appropriate grass seed mix, the

details of which including rates of application shall first be submitted to and approved in writing by the County Planning Authority.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Soil Replacement – General Conditions

35. No movement, resspreading, levelling, ripping or loosening of topsoil or subsoil shall occur:
- a) During the months October to April (inclusive);
 - b) When it is raining, except light drizzle;
 - c) When there are pools of water on the surface of the storage mound or receiving area.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

36. Where wet weather conditions render it impractical to complete soil reinstatement operations then the surface of the reinstated soil should be temporarily sealed to minimise penetration of water over winter. Necessary precautions shall be undertaken to control surface water runoff and prevent soil erosion.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

37. Plant, heavy vehicles or machinery shall not cross any area replaced or loosened ground, replaced subsoil or topsoil except where essential and unavoidable for purposes of spreading soils or involved in the restoration operations in accordance with these conditions.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Replacement of Topsoil

38. Any area of the site which is affected by surface water ponding or by local settlement caused by the development shall be regraded to resolve the problem. Topsoil, subsoil and other overburden moved in the course of

regarding shall not be mixed and shall be handled and replaced separately in accordance with the above conditions.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Restoration

39. Landfilling or landraising shall take place in accordance with the scheme and programme details that were submitted with the letter dated 16 July 2001, and that were approved in writing by the County Planning Authority on the 09 November 2001, so as to ensure that the area not available for agricultural use is kept to the minimum and shall make provision for the progressive restoration of the site.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

40. In the event of there being a cessation of landfilling or landraising, as defined in this permission, a scheme and programme for the final restoration and aftercare of the site shall be submitted within 6 months of such cessation to the County Planning Officer for approval in writing.

The scheme and programme shall include details of:

- a) the removal of all plant, machinery, buildings structures, erections and their foundations including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- b) The determination of the final levels and gradients of the site;
- c) The re-spreading of any available soil making materials and seeding specification;
- d) The drainage, restoration, landscaping and aftercare of the site;
- e) The maintenance and aftercare of the restoration of the site for a period of 5 years following the completion of restoration as defined in this permission.

Reason: To ensure the satisfactory restoration of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Landscaping

41. Within three months of the date of this permission, a scheme and programme of works for the landscaping of completed areas of the landfill site and for the

management of the existing advance planting and landscaping areas on the perimeter of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:-

- a) details for the landscaping of completed areas of the landfill site including layout of planting, types, numbers and species of trees and shrubs to be planted, planting techniques and protection measures.
- b) Management of the existing tree and shrub planting belts including thinning works, removal of inappropriate species and management of hedgerows to promote their ecological and landscape value.
- c) Any additional planting works to replace areas of failure of the existing landscape planting or to provide any additional screening that may be necessary.
- d) Management of any other areas on the periphery of the site in order to promote their ecological value
- e) A timescale for each of the above measures to ensure that any planting works contained in part a) are completed in the first planting season following the restoration of each cell and that any works proposed in parts b) – d) are undertaken in the first planting season following the approval of this scheme and programme.

Reason: To ensure the satisfactory landscaping of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

42. Any trees within the site which are either removed, damaged, diseased or which die, at any time during the development and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, with trees of a similar type, number and species so affected.

Reason: To ensure the satisfactory landscaping of the site and in the interests of the visual and local amenity and the local environment and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

43. The areas of land in agricultural use shall be securely fenced with stockproof fencing at all times.

Reason: To secure the proper restoration and aftercare of the site in accordance with the approved scheme and programme and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Aftercare

44. Upon certification in writing by the County Planning Authority that the works of restoration and landscaping for each landfill cell have been carried out satisfactorily, aftercare of that cell shall be carried for a period of five years in accordance with the following:
- a) At yearly intervals from the date of such certification an inspection shall be made of the site when samples of the soil shall be taken and analysed to assess fertiliser, lime and other nutrients required and cultivations necessary to promote normal plant growth.
 - b) The result of the samples shall be submitted to the County Planning Authority within one month of the samples being taken.
 - c) The land shall then be managed in accordance with the rules of good husbandry including planting, seeding, fertilised and cultivated in accordance with the requirements indicated by the inspection and analyses, the rates, timing and method of fertilisation and methods of cultivation being approved by the County Planning Authority prior to their being carried out.
 - d) Proposals for managing the land in accordance with the rules of good husbandry for the coming 12 months shall be approved in writing with the County Planning Authority at the time of each inspection referred to in (a) above.
 - e) During the aftercare period a drainage scheme to control surface water run-off and prevent erosion shall be prepared and submitted to the County Planning Authority for approval in writing. The approved scheme shall be implemented and installed as soon after approval as ground conditions permit.
 - f) The inspection carried out under a) above shall include representatives of the County Planning Authority and their agents.
 - g) A record of aftercare operations carried out on the land during the previous 12 months shall be submitted to the County Planning Authority at the time of each inspection referred to in a. above.

Reason: To secure the proper restoration and aftercare of the site in accordance with the approved scheme and programme and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

45. Within 6 months of the completion of the landfilling or landraising or the cessation of landfilling or landraising as defined in this permission, whichever is the earlier, a scheme and programme shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of:
- a) All surface plant, machinery, buildings, structures and erections, roadways, pipelines or other similar apparatus which are either

- to be retained beyond the period required to complete restoration of the site in accordance with this permission or will be required for the future management of the site.
- b) The works necessary to make good any damage to the land brought about by the repair or provision of the apparatus referred to in (a) above;
 - c) The final restoration of the land concerned following the removal or cessation of the use each time of the apparatus referred to in (a) above;
 - d) The installation of water supplies for livestock.
 - e) Details for the restoration of the site access road, offices, wheel cleaning facilities and weighbridge

Reason: To secure the proper restoration and aftercare of the site in accordance with the approved scheme and programme and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

46. Within six months of the date of this permission, an agricultural restoration and aftercare outline strategy incorporating the requirements of the conditions of this permission shall be submitted to the County Planning Authority for approval in writing. This strategy shall outline the steps that shall be taken, and the period during which they are to be taken, to bring the land to the required standard so that the physical characteristics are restored, as far as it is practical to do so, to what they were when the land was last used for agriculture and as described by the Ministry of Agriculture, Fisheries and Food in the Soil Resources Report that was attached as Appendix 1* to planning permission 5/95/39 and 6/05/44. The approved outline strategy shall be incorporated into the schemes and programmes required by the conditions to this permission.

Reason: To secure the proper restoration and aftercare of the site in accordance with the approved scheme and programme and to conform with Policies 2, 7, 108 and 112 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Definitions

Cessation of landfilling: No landfilling having been carried out for a continuous period of two years.

Completion of Restoration: The date when the County Planning Authority certifies in writing that the works of restoration in each cell have been completed satisfactorily

Heavy Goods Vehicle: a vehicle of more than 7.5 tonnes gross weight

Planting Season: The period between 1st October in one year and 31st March in the following year,

Free Field: At least 3.5 metres away from the façade of a property of building

General Waste: Waste comprising municipal, commercial, industrial and inert waste but excluding low level nuclear wastes and hazardous wastes.

North West Region – the north west economic planning region including the counties of Lancashire, Cumbria and Cheshire and the metropolitan areas of Greater Manchester and Merseyside.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents from the Environment Agency

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
5/09/0376	03/06/09	Rob Jones
6/09/0395		Environment 534128

Reason for Inclusion in Part II, if appropriate

N/A