

9 DEVELOPMENT CONTROL AND IMPLEMENTATION

Planning Applications - Information Required

9.36.1 All waste management processes have the potential to adversely affect the environment. This is largely due to the nature of the material being handled or the method of treatment and disposal or the scale of operations and the long-term consequences of the deposit of waste. Paragraph 3.5 of PPG23 'Planning and Pollution Control' states that '*Planning authorities must have sufficient information on which to base their development control decisions*'. The following list provides an indication of some of the issues that a planning application would need to address in order to give the WPA adequate information to be able to fully consider the proposal. It should be appreciated that the following list is a guide only, it is not exhaustive, and some items may not be relevant to all waste proposals:

- a) a full description of the proposed development including the processes involved, layout, design of buildings, plant, operational areas, and haul roads
- b) the need for the waste development and markets to be served
- c) proposals for the recovery of resources and/or energy (including combined heat and power, anaerobic digestion and landfill gas extraction)
- d) the estimated life of the operation
- e) days and hours of operation
- f) type and quantity of waste to be deposited or handled at the site, including estimated annual throughput, and arrangements for the disposal of residues
- g) employment opportunities arising from the development
- h) transport arrangements; including mode of transport, distance from waste arisings, access and routeing and the impact on the existing highway network, traffic movements where appropriate Transport Plans will be sought in accordance with the guidance in PPG13
- i) the impact of the waste development on the landscape, including visual impact, landscaping proposals, management of existing screening and landscape features, fencing, new planting and maintenance proposals, with reference to the Cambridgeshire Landscape Guidelines
- j) an assessment of land stability on the site itself and its environs
- k) existing features of nature conservation, geological, and wildlife value on the site and surrounding area
- l) the impact of the development on listed buildings, conservation areas, historic landscapes, parks or gardens

- m) the impacts of development (including post restoration) on water resources, abstraction rights, drainage, flood prevention and water courses on the site and the surrounding area
- n) the geological and hydrological suitability of the site and its environs
- o) the impact of development on scheduled ancient monuments and other areas of archaeological interest, including where appropriate proposals for the preservation or excavation and recording of features
- p) the impact of the development on public rights of way and access to the countryside, including where necessary proposals for diverting, enhancing or extending public access
- q) the impact of the development on the extent and quality of agricultural land grades 1, 2, and 3a, including any proposals for restoration, and the impact on the viability and structure of agricultural holdings. Where relevant an agricultural land classification survey will be required which has been carried out in accordance with the 'Revised Guidelines and Criteria for Grading the Quality of Agricultural Land' published by MAFF in 1998
- r) the impact of the development on aircraft movements by virtue of bird strike hazard
- s) compatibility with existing or proposed neighbouring land uses
- t) measures to protect local amenities
- u) measures to control or prevent land contamination, light pollution, noise, smell, dust, birds and vermin, litter and any emissions associated with operations
- v) the local impact of emissions to atmosphere of any product gases resulting from energy from waste facilities. Such impacts to be quantified and modelled to produce maximum ground level concentrations of gases referenced against nationally acceptable air quality standards
- w) method and programme of working, including where appropriate depth, direction and phasing
- x) a detailed restoration scheme, addressing where appropriate gas and leachate infrastructure, methods and machinery for handling and storage of soils, pre and post settlement levels, final contours, and relationship of the final landform with the surrounding area
- y) the planned after-use for landfill sites, including a 5 year aftercare scheme

9.36.2 Planning applications for waste management development should be accompanied by a supporting statement and detailed plans illustrating the scale, nature and extent of the proposal. The supporting statement should evaluate the development against the issues identified above and state the measures proposed to mitigate any adverse impact. The provision of detailed information will reduce delays by enabling a clear understanding of the proposal and its potential impacts by the WPA, consultees and the public. In addition, applicants are encouraged to undertake their own consultation

with the local community before proposals are submitted and, as appropriate, during the decision-making process and operational period.

- 9.36.3 Advice on relevant issues is available from a number of sources including; PPG10 'Planning and Waste Management', Annex A sets out planning considerations; Landfill Gas and Leachate Control Applied to Arable Afteruse MAFF 1998; Codes of Good Agricultural Practice for the Protection of Water, Soil and Air, MAFF 1998 and 1999. Also, the Rural Development Service of the Department of the Environment, Food and Rural Affairs can give advice on relevant agricultural issues to be considered within planning applications.
- 9.36.4 The Government, through Planning Policy Guidance Note 10: Planning and Waste Management, is encouraging applicants to 'twin track' i.e. submit an application for a waste management license at the same time as a planning application. The aim behind this is to avoid duplication of work, as many of the issues addressed in a planning application are required for a waste management license. Potential applicants are strongly advised to contact the WPA at the earliest opportunity to discuss their proposals, and to establish what supporting information will be required. It would be advantageous if they were also to contact the Environment Agency, for the same reasons, and 'twin track' the planning and waste management applications.
- 9.36.5 Proposals for new, extended or altered waste management facilities should demonstrate a high standard of design and appearance. Planning applications should include details of the height, massing and external appearance of the proposed development.

Environmental Impact Assessment

- 9.36.6 Environmental Impact Assessment is a means of drawing together in a systematic way an assessment of a project's likely significant environmental effect, and to set out measures to avoid, reduce or remedy significant adverse effects. The information provided informs WPAs, and assists in making decisions on planning applications. For planning applications the process is governed by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 9.36.7 The WPA has to take account of the Regulations, and relevant government guidance including Circular 2/99, when deciding whether to require an Environmental Impact Assessment. The 1999 Regulations describe two groups of projects Schedule 1 and 2.
- 9.36.8 For any planning applications for development falling under Schedule 1, an Environmental Impact Assessment becomes mandatory. Schedule 1 developments include waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste, or the incineration or chemical treatment of non hazardous waste with a capacity exceeding 100 tonnes a day.
- 9.36.9 For any planning applications for development falling under Schedule 2, the WPA has to decide whether an Environmental Impact Assessment is required based on guidance in the Regulations. Schedule 2 developments include installations for the disposal of waste, waste water treatment plants, and the storage of scrap iron within 100 metres of any controlled waters.

Planning Conditions

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The WPA will grant planning permission for waste development only where it is satisfied that operations can be carried out in such a manner so as to minimise disturbance, mitigate any adverse impact of the development, and where appropriate achieve satisfactory restoration and aftercare to a beneficial afteruse.

If necessary the WPA will attach conditions requiring measures to be taken to secure this.

9.37.1 Under section 70 of the Town and Country Planning Act, the WPA can grant planning permission subject to conditions. In accordance with Government guidance contained in Circular 11/95, it is preferable to avoid nuisance and adverse impact by imposing planning conditions rather than to resort to other legislation after problems have developed. Conditions should only be imposed if they satisfy the following tests; necessity, relevant to planning, relevant to the development being permitted, enforceable, precise and reasonable in all other respects.

9.37.2 The list below sets out some of the issues the WPA may seek to control through the imposition of suitable planning conditions. The list is not intended to be exhaustive but aims to provide a guide for the control of waste development proposals:

- a) commencement and duration of the operation (including completion and restoration of landfill, temporary ancillary facilities, and removal of plant and buildings)
- b) the type of waste to be handled
- c) protection of the development on landscape, and areas of nature conservation, geological, and scientific value
- d) protection of local amenities and the environment, including; measures to control noise, emissions, light, smell, dust, litter and any other nuisances arising from waste development
- e) the establishment, where appropriate, of a buffer zone, within which activities will be restricted
- f) measures to protect, drainage, flood prevention and water resources from pollution on site and in the surrounding area
- g) the preservation in situ and/or the investigation and recording (including the appropriate publication of results) of archaeological remains
- h) protection of public rights of way
- i) restrictions on the hours and days of operation, this may exclude weekends, public holidays and night time working

- j) details of the layout and design of buildings, plant, operational areas, means of access, working areas and haul roads
- k) the provision of new landscaping/screening and fencing including the prior planting and subsequent maintenance of trees, shrubs or hedges around the periphery of the site in order to screen the development
- l) the prevention of mud being carried onto the public highway and measures to mitigate this including the provision of wheel cleaning facilities and suitably surfaced access roads
- m) controlling how and when soils can be handled, stripped and stored
- n) details of phasing of infilling and progressive restoration of the site, including depth of soil cover following completion of importation of waste materials, and satisfactory surface infrastructure for the control of landfill gas emissions and leachate control to ensure that the achievement of the approved afteruse is not compromised
- o) provision of aftercare measures
- p) the retention and maintenance of habitats of acknowledged nature conservation value, or creation of replacement habitats where appropriate
- q) long term land stability issues

Restoration and Aftercare

- 9.37.3 In accordance with PPG23, the location of waste developments should, wherever possible, be guided by the need to minimise adverse impacts on the landscape both during operations and following site closure and reclamation. Reclaimed land should contribute positively to the landscape.
- 9.37.4 The WPA will seek to maintain the highest possible practicable standards for restoration. The latest and best techniques of restoration will be required wherever practicable.
- 9.37.5 In line with objectives of maximising environmental and public benefit from restoration, support will be given to proposals that provide a positive benefit in terms of the creation or enhancement of wildlife habitats and/or public amenity. Such proposals should have regard to opportunities for increasing the biodiversity of the Plan area, in line with the Cambridgeshire and Peterborough's Local Biodiversity Action Plans. Landscaping proposals should be consistent with any management agreements to which English Nature are party such as Ouse washes, where the objective is to restrict new tree planting in order to discourage the roosting of predatory birds.
- 9.37.6 Phased restoration of landfill sites to planned afteruses will be required in order to minimise the period of disturbance and prevent dereliction of land. Where insufficient soils are available on site to secure satisfactory restoration, the WPA will require the applicant to ensure that sufficient soils are obtained from elsewhere in order to restore the site. Once a landfill site has been restored the Local Planning Authority may determine subsequent afteruses of the land. In view of the guidance contained in

PPG 14 'Development on Unstable Land', PPG 23 'Planning and Pollution Control', MPG 5 'Stability in Surface Mineral Workings and Tips' and MPG 7 'The Reclamation of Mineral Workings' together with the need to maintain pollution control infrastructure following the completion of landfilling operations it is considered unlikely that most forms of built development would be an appropriate afteruse on a restored landfill site.

9.37.7 The Planning and Compensation Act 1990 enables the WPA to impose aftercare conditions on planning permissions. The purpose of aftercare is to ensure that newly restored land is properly managed, cultivated and planted following restoration. Usually aftercare is for a period of five years following restoration, however, on more sensitive sites and particularly where restoration to a nature conservation afteruse is proposed a longer period may be agreed by mutual consent.

9.37.8 The Government, through PPG 10: 'Planning and Waste Management', is encouraging applicants to 'twin track' i.e. submit an application for a waste management licence at the same time as a planning application. The aim behind this is to avoid duplication of work, as many of the issues addressed in a planning application are required for a waste management licence. Potential applicants are strongly advised to contact the WPA at the earliest opportunity to discuss their proposals, and to establish what supporting information will be required. It would be advantageous if they were also to contact the Environment Agency, for the same reasons, and 'twin track' the planning and waste management applications.

Legal Agreements

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The WPA will seek to secure a legal agreement with appropriate parties in order to ensure satisfactory control over waste development in terms of site operations, restoration and aftercare, mitigation of off site impacts, off site landscaping and/or highway improvements, where such matters are beyond the scope of planning conditions.

9.38.1 The Planning and Compensation Act 1991 substitutes new sections for the Section 106 provisions of the Town and Country Planning Act 1990 and introduces the concept of planning obligations which comprise both planning agreements and unilateral undertakings. This provides for the WPA to enter into an agreement with any person with an interest in the land in their area for the purpose of restricting or regulating the development or use of that land.

9.38.2 The WPA will seek to secure legal agreements where appropriate in order to achieve control over waste operations, and ultimate restoration and aftercare, which are beyond the scope of planning conditions and cannot otherwise be adequately covered under other relevant legislation. They must be necessary, reasonable, relevant to planning, directly related to the proposed development, and reasonable and related in scale and kind to the development concerned. Legal agreements can usefully cover such matters as:

- traffic management including vehicle routing arrangements
- off site highway works including providing or funding improvements and maintenance

- translation of protected species to suitable alternative sites
- transfer/dedication of public open space/rights of way
- off site landscaping works
- revocation of previous planning permissions
- preparation of reports reviewing the viability and economic feasibility of recycling
- long term management of restored landfill sites

9.38.3 Where a planning permission is to be subject to a legal agreement, permission will not be issued unless a legal agreement is completed.

