

Barry Davies LL.B (Hons)
Solicitor/Cyfreithiwr
County Legal and Democratic Services
Officer
Swyddog Gwasanaethau Cyfreithiol a
Democratiaid y Sir



TO: Owen Thomas (Chairman)

Bernie Attridge, Chris Bithell, Emlyn Cooke, David Cox, Chris Dolphin, Fred Gillmore, Alison Halford, Patrick Heesom, Raymond Hughes, Grenville James, Rita Johnson, Christine Jones, Richard Jones, Billy Mullin, Mike Peers, Neville Phillips OBE, Gareth Roberts, Carolyn Thomas, David Wisinger, Matt Wright

Your Ref /
Eich Cyf
Our Ref / Ein TW
Cyf
Date / Dyddiad 04/08/20
08
Ask for / Nicola
Gofynner am Gittins /
Tracy
Waters
Direct Dial / 01352
Rhif Union 702345 /
702331
Fax / Ffacs

Dear Sir / Madam,

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD** on **MONDAY, 11 AUGUST 2008** at **14:00** to consider the following items.

ARRANGEMENTS HAVE BEEN MADE FOR THE COMMITTEE TO VISIT THE SITE AND A BUS WILL DEPART COUNTY HALL AT 10.15AM

Yours faithfully

Assistant Director (Democratic Services)

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **REPORT OF THE CHIEF PLANNING SERVICES OFFICER**
The report of the Chief Planning Services Officer is enclosed.

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

**REPORT OF CHIEF PLANNING SERVICES OFFICER
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON 11 August
2008**

ITEM NO	FILE REFERENCE	DESCRIPTION
Recommend Approval		
1	042468	Full Application - Construction of a Solid Waste Landfill with Associated Infrastructure and enhanced site access at Parry's Quarry, Alltami Road, Alltami, Mold, Flintshire

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 3

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE : **11 AUGUST 2008**

REPORT BY: **CHIEF PLANNING SERVICES OFFICER**

SUBJECT : **FULL APPLICATION - CONSTRUCTION OF A SOLID WASTE
LANDFILL WITH ASSOCIATED INFRASTRUCTURE AND
ENHANCED SITE ACCESS AT PARRY'S QUARRY, ALLTAMI
ROAD, ALLTAMI, MOLD, FLINTSHIRE**

1.00 APPLICATION NUMBER

1.01 042468

2.00 APPLICANT

2.01 Robin Jones & Sons Ltd

3.00 SITE

3.01 Parry's Quarry,
Alltami Road,
Alltami,
Mold, Flintshire

4.00 APPLICATION VALID DATE

4.01 21/11/2006

5.00 INTRODUCTION

5.01 This meeting and report is to consider the stance to be taken by the County Council into the appeal against the Authority's non-determination of the planning application made by Robin Jones & Sons Ltd for a solid waste landfill site at Parrys Quarry, Alltami.

6.00 CONSULTATIONS

6.01 The consultation responses are set out within the appended Planning and Development Control Committee Report considered at a Special Meeting dated 18th February 2008.

7.00 PUBLICITY

Date: 04/08/2008

- 7.01 The publicity undertaken is summarised within the appended Planning and Development Control Committee Report considered at a Special Meeting dated 18th February 2008.
- 7.02 Notification of a planning appeal has been issued to all consultees and interested parties, together with notification of this Special Committee Meeting.

8.00 SITE HISTORY

- 8.01 The site history is set out within the appended Planning & Development Control Committee report considered at a Special Meeting dated 18th February 2008.

9.00 PLANNING POLICIES

- 9.01 The relevant planning policy position is set out within the appended Planning & Development Control Committee Report considered at a Special Meeting dated 18th February 2008. The proposal generally complies with the policies.

10.00 PLANNING APPRAISAL

Background

- 10.01 A report into the planning application for a solid waste landfill at the Parys Quarry site was considered at a Special Meeting of the Planning and Development Control Committee of 18th February 2008, together with a schedule of late observations. No determination of the application was made and it was resolved to defer determination pending clarification of information. The Minutes of the Special Meeting were considered and approved at the subsequent Planning and Development Control Committee Meeting on 2nd April 2008. A copy of the report and late observations is appended.
- 10.02 The applicant has now submitted an appeal to the Planning Inspectorate for non-determination of the planning application. The appeal process has now commenced in accordance with the relevant statutory provisions under the Inquiries Procedures Rules.
- 10.03 It is necessary for the Council to resolve to state its position on the application which is now the subject of an appeal. This is to enable the Council to present a "Rule 6" statement which sets out the Statement of Case of the Council to the Planning Inspectorate. The statement of case must be received by the Planning Inspectorate by no later than 21st August 2008.

Update Position

10.04 Since the consideration of the planning application at the previous meeting, it is now necessary to update the Committee on a number of issues, these being:

- further public representations from residential and interest groups
- additional information requested by the Welsh Assembly Government
- update on the First Revision to the North Wales Regional Waste Plan
- clarification of local and regional landfill capacity and waste requiring disposal.

Representations from Residential and Interest Groups

- 10.05 A document setting out concerns about health impacts has been submitted to the Council by a community action group known as the Buckley Local Issues Action Group (LIAG). This sets out concerns about the number of landfill sites in the locality and the potential adverse impact on public health.
- 10.06 Correspondence from the Agent acting on behalf of the business interests at the Gateway Service area on the A55 (T) highway expressing concerns about the adverse amenity and public health impacts that may arise on account of the close proximity of a number of food outlet businesses. This includes a copy of correspondence between the Food Standards Agency and the Agent to the Gateway Service Area, dated 20th March 2008. This letter advises that the Food Standards Agency is a Statutory Consultee at the Pollution Prevention Control (PPC) stage, and advises that the development appears to present a significant risk to food safety based on the Source – Pathway – Receptor approach. They also note that they would require more information and what precautions the applicant proposes to put in place, but again notes that this, together with odours, is a matter for the Environment Agency to address at the PPC stage.
- 10.07 A letter dated 22nd February 2008 from an Agent acting on behalf of Shell UK acknowledges the concerns and objections from Shell. The letter notes that they understand the Fire Service has been consulted and that Fire Service is satisfied that the risks arising from the proximity of the proposed flare stacks and the petrol station and LPG tanks are acceptable.
- 10.08 A copy of a public petition has been provided to the Council, however, this has not been provided to Planning Services.

Additional Information

- 10.09 The Welsh Assembly Government has considered the planning application and environmental statement which accompanies the application and has required further information to be provided. This amounted to a design statement and clarifies the proposed development. The estimated available landfill tonnage is 1.57 million tonnes with a life of 15 years at 105,000

tonnes per annum or 20 years at 78,500 tonnes per annum. If higher compaction rates are used the tonnage increases to 2.35 million tonnes giving an input of 157,000 tonnes per annum of 15 years or 118,000 tonnes per annum for 20 years.

First Revision North Wales Regional Waste Plan

- 10.10 This plan has completed the public consultation stage and a recommended draft has been published incorporating modifications where these were considered to be necessary. The modified plan has been endorsed by all the North Wales Authorities with the exception of Wrexham CBC who are seeking an amendment to reduce the over provision of land suitable for regional waste facilities, and Flintshire, which will consider a report at an Executive meeting on 5th August 2008.
- 10.11 The plan advises that the majority of the general open gate non-hazardous biodegradable household, commercial and industrial waste landfill capacity in North Wales will run out within 7 years, and it sets out the regional landfill capacity predicted to be required for the region in the year 2013, dependent upon which treatment technologies and processes are eventually implemented for the recovery of waste for recycling and diversion of waste away from landfill. The indicative regional landfill capacity requirement in 2013 is in the range 176,000 to 400,000 tonnes.
- 10.12 Whilst no figures are recommended within the core document on a County apportionment, the Environment Agency's WRATE assessment has carried out a series of predicted modelling for future capacity and assumed that Flintshire will have a requirement of between 36,000 to 150,000 tonnes in the year 2013 based only on Flintshire derived waste. This makes no allowance for the import and export of waste within an open economy, and does not take account of waste requiring disposal within other local authority areas, or whether nor not landfill facilities will exist in each respective area.

Clarification of Waste Requiring Disposal

- 10.13 At the previous Committee, clarification was sought over the amount of waste requiring disposal within Flintshire. It is to be noted that the availability of data for waste arisings and disposal is limited, and the reporting methods have altered over time. Some confusion may have arisen because landfill capacity is generally reported in cubic metres, whereas the amount of waste requiring disposal is generally reported in tonnes, and the two are not interchangeable. A cubic metre typically accommodates between 0.8 to 1.3 tonnes of waste, depending upon the nature and composition of the waste, the degree of compaction and volume reduction settlement that occurs once waste is landfilled due to water loss and the conversion of solid matter to landfill gas by biological activity.
- 10.14 The variable nature of waste, and the commercially confidential records of private waste collections and disposal to landfill, means that no precise

figures are available in the public domain. At the present time and at present recycling and waste diversion rates, Flintshire County Council is responsible for the disposal of about 60,000 tonnes of household and trade waste per annum compared with 84,000 tonnes in 1998/99. However, this is only one element of the wastes requiring disposal and in addition there are commercial, industrial, construction & demolition, agricultural and hazardous wastes also requiring disposal capacity. In 1998/9 there were 284,000 tonnes of commercial and industrial waste arisings in Flintshire.

- 10.15 The total North Wales household waste arisings in 2004/5 were about 0.5 million tonnes, whereas the total waste arisings for North Wales in 2004/5 was 2.9 million tonnes, predicted to grow to 3.1 million tonnes by 2013. The indicative new capacity to treat waste by means other than landfill is in the range 1.6 to 1.9 million tonnes in 2013, suggesting a total North Wales landfill requirement of some 1.2 to 1.5 million tonnes in 2013.
- 10.16 A further indicator of capacity is from the disposal rates at the previous open gate landfill sites operating in Flintshire. The Brookhill and Standard landfill sites accommodated some 150 to 180,000 tonnes of waste per annum serving the Flintshire area. In addition a number of private waste collection providers serve the commercial and industrial sectors, and will utilise their own or other landfill sites which may be some distance away.
- 10.17 The new Hafod landfill in Wrexham has a capacity of about 5 million cubic metres, though the amount of capacity available to serve the North Wales market is limited because this site is owned and operated by Mersey Waste to provide landfill to serve the Merseyside area and the site will have an input limitation. Landfill capacity in North West England is also limited, and principally serves English market areas. These sites are not well located to serve the Flintshire market area.

Commentary

- 10.18 There is no available non-hazardous open gate landfill capacity within Flintshire at the present time, and the North Wales regional capacity is very limited, with capacity only available within Wrexham and Conwy. There are no definitive figures for the precise amount of waste requiring landfill now or in the future, but the percentage requiring landfill will reduce over time. There is a clear need for new local and regional capacity to come forward. The regional data indicates that 176,000 to 400,000 tonnes landfill capacity will be required in 2013 assuming new treatment facilities are developed to recycle and recover waste, and due to a lack of treatment facilities, considerably more at the present time. On this premise, there remains a case for one or more new landfill sites capable of serving a local and regional market within North Wales.
- 10.19 There is a separate and unrelated planning application for a materials recycling and landfill facility at the immediately adjacent quarry made by AD

Waste. The advice remains that both applications may be considered on their own merit.

- 10.20 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention

11.00 RECOMMENDATION

- 11.01 That the Planning Inspectorate be advised that Flintshire County Council does not oppose the proposed development and would wish to see the grant of conditional Permission as set out in the appended report.

12.00 APPENDICES

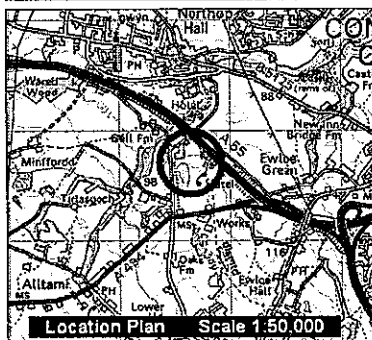
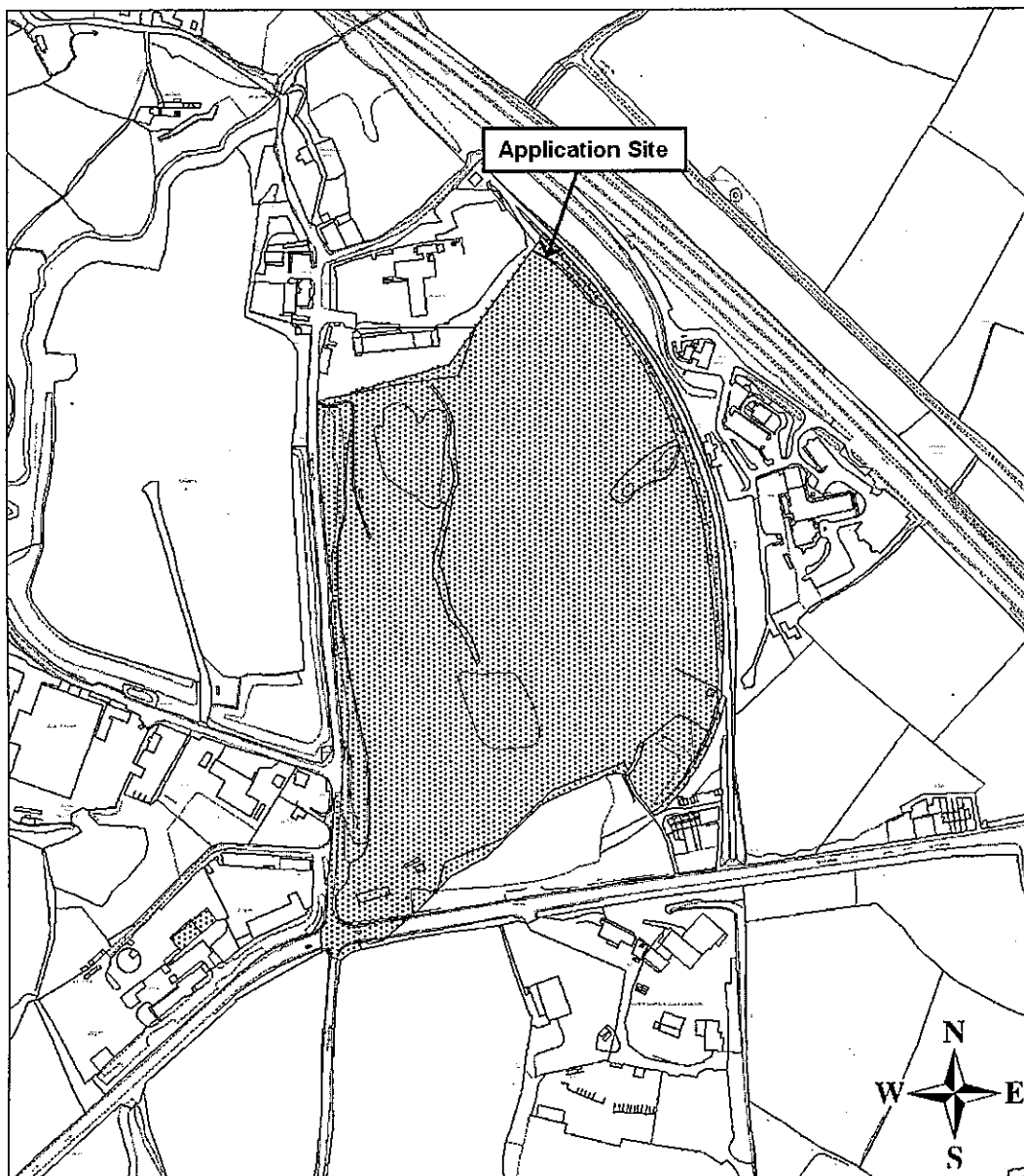
- 12.01 Special Planning & Development Committee Report dated 18th February, 2008.

The approved minutes of the meeting dated 2nd April, 2008.
Late observations dated 18th February, 2008.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 **BACKGROUND DOCUMENTS**




Planning application
Environmental statement
Consultation replies
Representations

Contact Officer: Gary Nancarrow
Telephone: 01352 703275
E-Mail: gary_nancarrow@flintshire.gov.uk



Directorate of Environment and Regeneration,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Acting Dir. Mr. David Faulkner

Key to Settlement Boundaries

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Flintshire County Council, 2007.

Map Scale 1:5000

Ordnance Survey Sheet SJ 2766

Planning Application 42468

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 0

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE : **18 FEBRUARY 2008**

REPORT BY: **CHIEF PLANNING SERVICES OFFICER**

SUBJECT : **CONSTRUCTION AND OPERATION OF A SOLID WASTE
LANDFILL WITH ASSOCIATED INFRASTRUCTURE AND
ENHANCED SITE ACCESS**

1.00 APPLICATION NUMBER

1.01 042468

2.00 APPLICANT

2.01 Robin Jones & Sons Ltd

3.00 SITE

3.01 Parry's Quarry,
Alltami Road,
Alltami,
Mold, Flintshire

4.00 APPLICATION VALID DATE

4.01 21/11/2006

5.00 INTRODUCTION

- 5.01 This is an application to develop a waste landfill facility, including enhanced access to the site and A494, at Parry's quarry in Alltami. The site lies approximately midway between the communities of Ewloe, Northophall and Buckley in a parcel of land defined by the A494 Queensferry to Mold road to the south and the minor road known as Pinfold Lane which runs northwards from Buckley to Northophall to the west, the eastern boundary is coincident with a service area for the A55 which includes a hotel, service station and other motorist refreshment facilities.
- 5.02 The site is currently a working quarry, its original purpose was to produce clay for the local brick making industry, following the demise of that industry it now produces low grade fill material for the construction industry. There is also a facility for the recycling of construction and demolition waste.

Date: 28/05/2008

- 5.03 The site extends to some 16Ha, the landfill proposal will occupy approximately 10ha. which will provide a waste capacity of approximately 2.6 million cubic metres. Infilling will take about 15 years based on a rate of input of 100,000 tonnes per annum, which is considered to be a conservative estimate of waste arising for the area, and the site will eventually be restored to a mixture of wildlife habitat and informal recreation. The consideration of this application involves a number of complex issues including, the role of landfill in a sustainable waste management strategy, suitable alternatives and the impact of such a facility on the local amenity and on sites of recognised ecological value.
- 5.04 This report considers both the information provided as a part of the initial application, including an Environmental Statement and the additional information submitted to the Council by the applicant on or by the 21 May 2007 and any conclusions and /or recommendations have been reached based on the sum total of the information received.
- 5.05 A letter dated 30th November 2007 from Robin Jones & Sons Limited was sent to Councillors the week prior to the originally intended Special Planning Committee meeting of 7th December 2007. This letter made reference to the proposed establishment of an environmental trust fund at 20p per tonne to benefit the local community, amounting to a potential £450,000. This raised concern with a number of Councillors and the matter was referred to the Council's Monitoring Officer, who advised the Chief Planning Services Officer to cancel the meeting until the circumstances of this letter had been explained by Robin Jones & Sons Limited. In their response, Robin Jones & Sons Limited explained that "The proposed scheme is simply an enhancement of the Landfill Tax Environmental Funding Scheme that most landfill sites set up to give something back to the community".
- 5.6 Officers have not made any requirement for the establishment of an environmental trust; this is not material to the planning circumstances, and the Committee report is made on this basis of the development proposals alone. Any such offer must be disregarded in making a planning decision.

6.00 CONSULTATIONS

Local Member

Councillor Carol Ellis

Requests a site visit.
Observes that

1. The tipping of 100,000tpa of waste will generate an unacceptable increase in HGVs on the local road network,
2. The scheme requires an alteration to the highway that will create increased traffic problems and pollution,

3. There is insufficient consideration provided to control odour and to the eventual height of the tip,
4. The proposed improvements to the A494/A55 could result in a closure of the joining slip road which would result in unacceptable levels of HGV traffic being diverted through residential areas,
5. The development needs to be questioned in relation to the North Wales Regional Waste Plan and where the waste is coming from needs to be considered. Requests a Committee determination and a site meeting.

Councillor P.J. Walkden (Adjacent Member-Ewloe)

Requires assurance that traffic generated by the development will be confined to the A494 and Pinfold Lane and will not be dispersed to local roads in the vicinity especially Liverpool Road past Ewloe Green school and Smithy Lane, the latter being totally unsuitable for any heavy traffic. She is concerned that the residents of Parry Cottages are not subjected to operational noise for a great length of time, requests further clarification on the suggested "minor adverse impact" on these properties. What noise controls measures will be taken after the construction phase of the development? A condition is placed on any planning permission to enforce wheel washing at all times.

Councillor W. M. Warburton (Adjacent - Member-Ewloe)

No response at time of writing

Councillor T. Sharps (Adjacent Member-Northop Hall)

Objects to the proposal. FCC should not "hide" behind the Regional Waste Plan. The application is being dealt with in "indecent haste" given that the Unitary Development Plan is late in preparation and work has not commenced on the Local Development Plan.

Buckley Town Council

Recommends refusal for the following reasons;

1. The tipping of 100,000tpa of waste will generate an unacceptable increase in HGVs on the local road network,
2. The scheme requires an alteration to the highway that will create increased traffic problems and pollution,
3. There is insufficient consideration provided to control odour and to the eventual height of the tip,
4. The proposed improvements to the A494/A55 could result in a closure of the joining slip road which would result in unacceptable levels of HGV traffic being diverted through residential areas,
5. The development needs to be questioned in relation to the North Wales Regional Waste Plan and where the waste is coming from needs to be considered.

Hawarden Community Council

No objection subject to adequate wheel washing facilities being conditional to any approval.

Northop Hall Community Council

Requested further information and a presentation by a planning officer

Chief Highways and Transportation Engineer

Should permission be granted recommends that conditions be included to cover the following matters;

- No work to commence until a detailed scheme for the improvement of the A494/Pinfold Lane junction is submitted and approved, the approved scheme to be subject to a legal agreement, scheme to be completed before the development commences,
- Visibility splays provided at the access,
- Access details to be approved and implemented prior to the development commencing,
- Site facilities for loading, unloading, parking and turning of vehicles to be submitted for approval, Scheme to be implemented prior to commencement of the development,
- Construction of a footway along the site frontage,
- Prevention of site run-off onto the highway,
- Wheel cleaning facilities.

Welsh Assembly Government- Trunk Road Highway Authority

No objection in principle. Detailed plans for the amendment to the A494/Pinfold Lane junction will be required. Planning permission will be required for the junction alterations and site access and should include conditions to cover the submission of the scheme and the requirement of Section 278 of the Highways Act 1980.

Chief Environment and Resources Officer

No objection to the grant of planning permission but observes

- Requirement for a construction noise management plan,
- Noise control scheme agreed prior to commencement of work,
- An operational noise scheme to be submitted and agreed prior to operational works commencing,
- Air particulate monitoring to be carried out, details for wording of a condition are provided,
- Suggests that condition is required to cover dust control as it would be regulated by Pollution Prevention and Control (PPC) permit controls,

- Further controls beyond those suggested by the applicant to control odour may be required, although it is considered unnecessary to include a condition relating to odour control as this is more appropriately dealt with by PPC,
- A condition is include to address the light nuisance.

Chief Regeneration Officer

No comments. Site is in a strategic location and is adjoined by low intensity industrial/commercial uses. The site should be considered for development following landfilling rather than proposed use as public access open space.

Environment Agency (EAW)

Response to initial application recommended deferral pending the submission of additional information on hydrology and hydrogeology, an action plan to deal with fish in the pond on site and the ability of the local sewerage system to deal with leachate discharge. The development will need to be assessed for an Appropriate Assessment in relation to the Dee Estuary European designated sites and the Deeside and Newt Site Special Area of Conservation (SAC).

In response to the additional information consultation the EAW remained of the opinion that there was still insufficient information to allow an assessment of the risk of the proposal to controlled waters and requested that the application be further deferred pending the submission of the necessary information or that the application be refused.

However following further lengthy discussions between the Agency and the applicant's expert hydrogeological advisors, the EAW was able to provide an opinion that, given the location of the site in relation to the surface water, the overall sensitivity of the ecology and the long term failure scenarios, it considered that the long term risks could be managed. The EAW stated that this should not be taken to mean that it necessarily agreed with all the information and interpretation submitted by the applicant to date, but was of the opinion that *"the detail can now more appropriately be dealt with at the PPC Permit stage."*

Coal Authority

No response.

Countryside Council for Wales (CCW)

In response to the initial application CCW's response was as follows;

- Site is likely to have a significant effect on the Deeside and Buckley Newt Sites SAC and therefore under the terms of regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 an Appropriate Assessment is required. Likely that there will not be a direct adverse impact on the SAC but indirect impacts, for instance from seagulls and vermin attracted to the landfill, could occur. Accepts that other impacts such as dust, litter, noise and odour are unlikely to cause impacts on the

integrity of the SAC. States that in line with the precautionary principle further operational detail is required before an Appropriate Assessment can be carried out,

- A permission should be conditioned to submit details as to how the site will play a role in establishing linkages between the component parts of the SAC, SSSI and wider countryside,
- EIA fails to mention the Maes y Grug SSSI given its close proximity and similar ecological interest features,
- The EIA has not considered the possible impact of water discharged from site into Alltami Brook which flows through the Connah's Quay Ponds and Woodlands SSSI and part of the SAC,
- The area has the potential to support a number of species under the provisions of Section 9 and schedule 5 of the Wildlife and Countryside Act 1981 (as amended); the EC Habitats and Species Directive Regulations 1994 and the Badgers Act 1992. The applicant has carried out a number of surveys but appears to have not effectively considered the presence of reptiles, particularly grass snake, and bats. Advise that further ecological assessments be undertaken in respect of reptiles and bats,
- The amphibian survey has discounted certain water bodies for reasons of health and safety and limited ecological value. The assumption that these water bodies are of limited value is incorrect. Owing to the absence of detailed amphibian/reptile/bat information it is considered that the precautionary principle applies and it must be presumed that the water bodies do support relevant populations. This presumption will consequently inform and direct decisions on the suitability of the site for landfilling and, if acceptable, what conditions should be applied to a permission and what compensation areas are necessary,
- The presence of protected species will require a licence from WAG, the grant of a licence can only be issued for reasons of preserving public health or public safety or other imperative reasons of overriding public interest is a matter for planning authorities, where there is no satisfactory alternative and the development will not be detrimental to the population of the protected species. These issues should be considered by the Planning Authority,
- Appropriate mitigation measures in the case of the Great Crested newt will entail the implementation of licensed Reasonable Avoidance Measures, such as the construction of amphibian fences and grids, the relocation of protected species and appropriate de-watering,
- Welcomes proposals for compensation for the loss of a non-statutory site affected by the proposal,
- The proposal under the terms of Natural Environment Rural Communities Act 2006, Section 42, Species and Habitats requires that the impacts of the proposal on species and habitats considered to be of importance for

Wales will need to be subject to critical assessment by the planning authority. More information is required on mitigation and compensation proposals,

- Alternative options to the management and disposal of waste have not been addressed by the applicant. Application does not include a materials recycling facility, a major omission,
- Notes the inclusion of activities designed to ensure the effective operation of the facility but fails to include sufficient information to give confidence that the proposals can be operated effectively,
- Require further information on the flaring of landfill gas, for example the possible effect on migrating birds,
- The restoration design should include consideration of such features as wildlife corridors and green wedges,
- Restoration should consider local and national biodiversity objectives,
- No objection in principle in the concept of using Parry's Pit for landfill. Key concerns relate to the size, location and design of submitted mitigation and compensation schemes and the lack of information in respect of the future operation of the site.

In response to the submission of additional information CCW responded;

- Maintained its opinion that the application requires Appropriate Assessment. Aware of additional factors causing adverse impacts on the SAC and SSSI, namely the loss of woodland in 2001 and 2006 to the west of Parry's Cottages,
- Key issues of concern lack of information on phasing and associated impacts on newt habitats; proposed perpetuity land use and long term operation issue in respect of landfill gas management,
- Requires sight of 2007 newt survey,
- Long term management for amphibian conservation,
- No objection in principle, acknowledge that many of CCW's concerns addressed, remain concern about lack of detail in relation to size, quality and condition of mitigation and compensation habitats, once addressed CCW willing to withdraw its objection,
- In a further response following the submission of additional information CCW has responded as follows,
- No objection in principle subject to,
- The issue of mitigation is addressed by planning condition and legal agreement,
- The imposition of conditions precedent to safeguard and protect amphibians and their habitats
- The mitigation scheme should address,

Relocation,
Continuous mitigation on an equivalent area,
Wildlife corridor within the site,
Management of mitigation areas,
Security,
Monitoring,
Annual Report,
Audit Procedures,
Bio-security techniques,
Provision of resources.

Airbus

Opposed the initial application. In order to consider withdrawing the objection the applicant would need to submit a robust Landfill Bird Hazard Management Plan. Following the submission of a Bird Management Plan, Airbus conditionally withdrew their objection and noted the following. The plan should be covered by a suitably worded condition attached to the planning permission and a Section 106 legal agreement to which Airbus would be a party. The plan should be implemented and monitored. The dewatering lagoon shall be landscaped so as not to attract large concentrations of birds. The response also listed the relevant guidance and offered to provide any additional guidance required to produce the management plan. A subsequent response confirms that Airbus require a Section 106 Agreement, and/or other legal agreement, between the Council, Robin Jones & Sons Limited and Airbus to cover the requirement for, and monitoring of, a Bird Hazard Management Plan, and schemes for landscaping and dewatering lagoon to ensure that these features do not attract birds.

Clwyd Badger Group

No response.

North Wales Fire Service

Advises that the Fire Service is consulted in relation to the access for Fire Service appliances which in this case is satisfactory. By virtue of the Regulatory Reform (Fire Safety) Order 2005 the Fire Service is the Enforcing Authority for fire safety matters when the site is in operation and can then assess the suitability and sufficiency of the Fire Risk Assessments which need to be produced by the responsible persons. The issues regarding the liquefied petroleum gas compound on the A55 service area are the concern of the Flintshire County Council's Trading Standards Department as the licensing authority.

Clwyd Powys Archaeological Trust

From the Regional Historic Environment Record it appears that no known features will be affected.

Cheshire County Council

The landfill should provide a valuable facility to serve local need in line with the proximity principle and wishes to raise no objection to the proposal.

RSPB Wales

No response.

NEW Wildlife

States that the ongoing mineral extraction activities could have resulted in new water bodies that could have been colonised by Great Crested newts. Concerned that newts could be present on site and are using the soil mounds as hibernacula. Recommends that a programme of monitoring is undertaken as soon as possible. Any development of this site should be considered important to the long term survival of the SAC amphibian populations given its location relative to the Deeside and Buckley Newt Sites SAC. Opportunities need to be explored and developed to secure adequate green corridors linking the newt sites of Deeside with those in Buckley. The former railway line adjacent to the site should be included in the mitigation area.

Health Protection Agency

The development has the potential to impact adversely on public health. Does not object from a land use planning perspective as the matter should be dealt with in accordance with the principle of Best Available Technology (BAT) and it will need to be demonstrated to the Regulator (The Environment Agency) when the site is considered for a Pollution Prevention and Control permit, that the site is capable of being operated within BAT and as such will not impact adversely on human health.

Dwr Cymru Welsh Water

Should permission be granted request the inclusion of conditions to cover foul and surface water drainage.

Community & Housing – Waste Disposal

No response.

7.00 PUBLICITY

7.01 Press Notice, Site, Notice

Notice placed on site on the 6th December 2006 and in the local press on 8th December 2006.

A copy of the application was placed in the rooms of all the Council Member Groups. The applicant held a public exhibition on 7th December 2006 which was advertised in local newspapers.

Neighbours

Consultation letters were issued to 28 neighbouring properties or businesses

and occupiers on the Ewloe Barn industrial estate were informed by hand delivered letter.

The consultation resulted in 47 letters of objection from the public and local business, of which 33 were signed duplicate letters and one letter of support. A letter supporting an objection was received from the Welsh Conservative Member for North Wales Assembly Member and Members of Parliament for Delyn and Alyn and Deeside.

The main reasons for objection cited by local residents were;

- The undermining of national waste strategy,
- Prematurity,
- Flawed assessment of need,
- Deficient EIA,
- Adverse impact on local amenity resulting from increased traffic, noise, odour, litter, vermin and risk to health.

Business situated on the A55 Service Area objected for reasons of;

- Safety,
- Proximity to sensitive development,
- Adverse environmental impacts,
- Adverse impact on the economic viability of the businesses due to the nature of those business, that is hotel accommodation and food outlets,
- Duration of the development,
- Impact on Landscape and Visual Impact,
- Landfill Gas,
- Adverse Impact from Noise, Odour, Dust, Litter, Vermin, Flies.

Observations have been received from the Welsh Conservative Assembly Member for North Wales and the Labour Assembly Member for Alyn & Deeside acting on behalf of their constituents and their representatives, who raise the following concerns;

- Determination should not be made until the UDP Inquiry process and publication of the first revision to the North Wales Regional Waste Plan,
- Determination should not be made until a health impact assessment is produced taking account of the Standard and Brookhill Landfill Sites and the proposed adjacent AD Waste application site,
- A Traffic Assessment should be carried out with respect to the proposed

expansion of the A55/A494 in conjunction with the existing and proposed landfill development.

Subsequent to the announcement of a special meeting of the Planning Committee to deal with this application a further 9 duplicate letters of objection and 3 individual letters of objection were received from local residents together with a letter of objection from a local business, citing the following as reasons for refusal:

- It would be inappropriate to deal with this application in isolation given the submission of a similar waste management scheme in an adjacent location on Pinfold Lane.
- A full health and welfare assessment on the impact of the local residents should be carried out prior to determination.
- The area has suffered enough from landfill operations
- The application should be called in and determined by the Welsh Assembly.

8.00 SITE HISTORY

- 8.01 The site is located adjacent and to the north of the A494 in the village of Alltami some 4Km to the east of Mold. It is currently a working quarry, formerly worked as a source of high quality clay for the manufacture of bricks at a works within the quarry and later as a supply of clay for the Lane End brickworks in Buckley both now demolished. It is now worked to supply the construction industry with low grade aggregate.
- 8.02 Planning permissions for the quarry, code numbers, B49/68 and 49/66 were granted in 1949. In 1996 the site was registered as an active site under the terms of Environment Act 1995, Schedule 13 and the operator was required to submit a scheme of modern conditions to the local planning authority for approval by 10th June 1997. The submission was made by the due date but the matter is in abeyance pending the submission of an Environmental Statement and other additional information.
- 8.03 Brick making ceased in the 1970's although the extraction of clay continued to supply the nearby Lane End brickworks. In 2003 for reasons of quality it was decided that the winning of clay was no longer viable and the Quarry was sold to the applicant in November 2003. The site has continued to work under the terms of the 1949 planning permission for the winning of shale for class 1 and 2 engineering fill. In February 2005 a conditional planning permission was issued for a waste transfer station including a weighbridge, highway protection, lorry parking and the raising of levels to create a hardstanding.
- 8.04 The site lies adjacent to the boundary of Buckley Claypits and Commons SSSI and Deeside and Buckley Newt Site of Community Importance (CSI).

9.00 PLANNING POLICIES

9.01 Clwyd Structure Plan First Alteration

Policy D2 -Transportation policy
Policy H9 - Nature Conservation
Policy H11 - Control of Pollution
Policy H12 - Quality of Water
Policy H14 - Waste Disposal

Structure Plan Second Alteration: Flintshire Edition

Policy GEN 1 - General Development Policies
Policy CONS 8 - Ramsar Sites, Special Protection Areas and Special Areas of Conservation
Policy CONS9 - Sites of Special Scientific Interest
Policy CONS14 - Control of Pollution
Policy CONS16 - Waste Disposal
Policy CONS18 - Environmental Improvement
Policy MIN 8 - Sterilization of Minerals

Alyn and Deeside Local Plan

Policy G1 - General Requirements for Development
Policy G4 - Planning Obligations
Policy E11 - Protection of Sites of Special Scientific Interest
Policy E13 - Safeguarding of other sites of nature conservation interest
Policy E21 - Landscape and wildlife
Policy WM1 - Waste Management
Policy WM2 - Waste Management

Emerging Flintshire Unitary Development Plan

Policy STR 1 - New development
Policy STR 7 - Natural environment
Policy STR10 - Resources
Policy GEN1 - General Requirements for Development
Policy GEN6 - Environmental Assessment
Policy WB1 - Species Protection
Policy WB2 - Sites of International Importance
Policy WB3 - Statutory Sites of National Importance
Policy WB6 - Enhancement of Nature Conservation Interest
Policy AC12 - Airport Safeguarding Zone
Policy AC13 - Access and Traffic Impact
Policy EM7 - Bad Neighbour Industry
Policy EWP6 - Areas of Search for New Waste Management Facilities
Policy EWP7 - Managing Waste Sustainably
Policy EWP8 - Control of Waste Development and Operations
Policy EWP12 - Pollution
Policy EWP13 - Nuisance
Policy EWP16 - Water Resources
Policy IMP1 - Planning Conditions and Planning Obligations

Other than those policies relating to the sustainable management of waste, the proposal would generally comply with the above policies, provided that any planning permission has attached to it suitable conditions and requirements for mitigation. The sustainable waste management issue is discussed in detail in below.

National and Regional Policy and Guidance

Planning Policy Wales: 2002,

"Wise About Waste" 2002; Welsh Assembly Government. A national strategy for dealing with waste in Wales,

Planning Policy Wales Technical Advice Note 21: WASTE 2001,

Regional Planning Guidance for North Wales. 2001,

North Wales Regional Waste Plan 2003 - 2013.

10.00 PLANNING APPRAISAL

10.1 The Need for Landfill Sites

10.1.1 Planning policy at all levels, including EU Directives, recognise that there is, and will be for the foreseeable future, a need for landfill even when the most rigorous of sustainable waste management strategies is applied. Notwithstanding, landfill lies at the bottom of the so-called waste hierarchy and as such must be considered as the least desirable option for the management of waste. As set out in the EU Council Directive 99/31/EC on the Landfill of Waste and implied by the waste hierarchy, there needs to be a significant move away from the disposal of waste to landfill whilst recognising that there will be a need for landfill for waste that;

- cannot be further treated,
- would not be economically viable to treat,
- would be impracticable or environmentally harmful to treat it in any other way.

In other words, landfill must be considered a last resort.

10.1.2 An assessment of any waste management proposal, including landfill, must take into account the following four key principles, set out in Technical Advice Note 21(TAN21): sustainability, proximity, regional self sufficiency and the waste hierarchy.

10.1.3 In TAN 21:Waste, November 2001, the National Assembly introduced a requirement to establish Regional Waste Groups to provide regional coordination and a strategic integrated approach to waste planning. This requirement is a recognition by the Welsh Assembly Government that the planning system is required to make adequate provision to allow the development of integrated network of waste management facilities to deal with all waste types.

- 10.1.4 In Wales the output of the Regional Waste Groups is contained in the Regional Waste Plans; these documents identify the need for landfill capacity on a regional and county basis to the year 2013. The North Wales Regional Waste Plan, November 2003 -2013, was adopted in March 2004 after endorsement by all of the respective North Wales Local Authorities, and is one of three such plans covering Wales. TAN 21 requires regional waste plans to be reviewed at 3 yearly intervals and the first review of the North Wales Regional Waste Plan is currently out to consultation. It is anticipated that the revised plan will be endorsed by the constituent local authorities and adopted in 2008. The extant adopted North Wales Regional Waste Plan will continue to inform decisions on waste planning until it is replaced by the first review.
- 10.1.5 The North Wales Regional Waste Plan is a non-statutory plan, but is a material consideration in determining planning applications in the absence of an up to date Local Development Plan (LDP). It provides a strategic framework for local authorities in the preparation of LDPs. Although Flintshire has not commenced preparation of an LDP, due to the timing of the preparation of the Unitary Development Plan, some recognition of the North Wales Regional Waste Plan has taken place in policies EWP6 Areas of Search for New Waste Management Facilities and EWP7 Managing Waste Sustainably (proposed changes 2006). The recommendations of the first revision to the North Wales Regional Waste Plan will be carried forward into Supplementary Planning Guidance and/or the LDP process, which will commence in Flintshire in 2008.
- 10.1.6 The North Wales Regional Waste Plan advises that the existing sites in the region will have reached full capacity by 2006 and that there will be a need for 1 or 2 large scale strategic sites in the region during the plan period. Clearly, the prediction that landfill capacity will run out by 2006 was wrong, however the principle holds true, and in Flintshire the remaining facility at Brookhill Landfill site in Buckley was filled in December 2007. The majority of waste including municipal waste, is now exported from the County.
- 10.1.7 Figures contained in the North Wales Regional Waste Group draft Annual Monitoring Report 2007, show that total Municipal Solid Waste(MSW) arising for Flintshire stood at 93,500 tonnes for 2005/6 and that in 2002/3 (the latest figures available) commercial and industrial wastes arisings were at around 230,000 tonnes. There is forecast to be a 4% increase in the growth of all waste to 2014, although the latest figures suggest that the actual growth may be less than forecast. Clearly not all waste is sent to landfill and by 2009/10 local authorities will be required to achieve at least 40% recycling/composting of MSW. What is certain is that there is a current landfill requirement for all wastes in excess of the 100,000tpa level used by the applicant in designing this scheme; nevertheless it is also certain that the current requirement will decrease significantly in the medium term as alternative, more acceptable, waste management facilities come on line driven by nationally set targets. The North Wales Regional Waste Plan, based on the predicted arisings,

influenced by current and anticipated legislation and targets, states that Flintshire will need the equivalent of 1.5 landfill sites by 2013.

- 10.1.8 The scale of this development proposal is not disproportionate to the identified need for landfill capacity, nor does it compromise the objectives of the extant or consultation North Wales Regional Waste Plan. The frequency of review has been set to avoid the plan becoming significantly out of date with regard to National policy and strategy. The published plan will continue to have weight pending adoption of the first review. National policy and strategy for waste targets and the acceptability of landfill of certain waste types will undoubtedly alter in the future. In the meantime development control decisions must continue to be made based on published policy in order to meet present day needs and to allow for the long lead times in developing alternative methods of managing waste.
- 10.1.9 The pressure to ensure that waste is managed sustainably has brought about changes in legislation which will lead to a reduction in the amount of material going to landfill. Until recently there was an argument that an application which included facilities higher up the waste hierarchy, such as an industrial and commercial material recycling facility, would offer greater scope to treat and recover a wider range of waste compared with one that simply accepts waste for disposal. However, from October 31st 2007 all waste sent to landfill has to be pre-treated, i.e. recoverable and recyclable materials removed with only "residual" waste sent to landfill. This new requirement is administered by the Environment Agency and originates from the Landfill Directive.
- 10.1.10 It follows that there is now little distinction between whether the pre-treatment of industrial and commercial waste takes place at remote locations prior to receipt for disposal, or whether such waste is treated at the point of disposal. It may well be the case that a site with a dedicated material recycling facility will be better placed to maximise recycling/recovery compared to a site that only accepts residue waste. However, the Council is not in a position to challenge or make this assumption, as it has to assume that the requirement to pre-treat waste prior to the disposal of the residues will be compliant with the Environment Agency Guidance and EU Directive requirements.
- 10.1.11 At this point, it is necessary to consider the issue of alternative sites for landfill in Flintshire. It is known that alternative sites offering the potential for landfill exist in the County and these have been listed in the EIA. At the current time only one other application has been received (in early September 2007) by the County Council and that is for Alltarni Integrated Waste Management Facility that lies, in effect, adjacent to this site, on the opposite side of Pinfold Lane. That proposal is for a combination of landfill and a materials recycling facility. It is unlikely that application will be ready for submission to this Committee for some time.

10.1.12 Members will be aware that, in determining applications for planning permission, local planning authorities are normally required to have regard only to the planning considerations relating to the development as proposed on the particular site in question. However, case law has established that, in certain cases, authorities must take account of the existence of alternative sites.

10.1.13 Alternative sites need to be considered where the proposed development is bound to have adverse environmental effects and where a major argument for the development is that the need for it outweighs those disadvantages. The relevant criteria are:-

- the presence of a clear public convenience or advantage in the proposal under consideration,
- the existence of inevitable and adverse effects or disadvantages to the public, or to some section of the public,
- the existence of an alternative site for the same project which would not have those effects, or would not have them to the same extent,
- a situation in which there could only be one permission granted for such a development.

10.1.14 This application satisfies the first three of the criteria set out above. However, as stated earlier, there is a need for more than one landfill site in Flintshire by 2013, and so the application fails the fourth criterion. Therefore, it is appropriate for this application to be determined without considering the availability of other landfill sites.

10.1.15 To summarise this section, the current situation is that Flintshire and the north east region of Wales will continue to rely on landfill at around the current levels of around 100,000tpa including 50,000tpa of municipal waste for probably the next 3 to 4 years at which point alternative waste management facilities should be available. However, it must be accepted that there will be a need for some landfill capacity for the foreseeable future, consisting of more than one site, regardless of the introduction of alternative waste management and reduction strategies. If that capacity is not provided in the County, waste will be exported.

10.2 Sustainable Waste Management and Best Practicable Environmental Option

10.2.1 The principle of sustainable waste management is clearly set out in WAG guidance and continued through the Regional Waste Plan, it is also reflected in extant and emerging local planning policy. The basis of sustainable waste strategy is the Waste Hierarchy which is "Reduction, Re-use, Recovery, Disposal", although landfill rests at the bottom of the hierarchy it is a fundamental component. The fact that landfill is not the most sustainable option does not in itself give a reason to reject such a proposal. Clearly there

is a need to manage waste and a planning authority can only deal with the applications it receives. Flintshire will from December 2007 have no major waste management facility for household, commercial and Industrial Waste. The question to be answered is, is it more sustainable to export the waste to a facility outside the County, probably a landfill, or to dispose of the material in County?

10.2.2 A further test to be applied to this application is one of Best Practicable Environmental Option (BPEO), this is a wide ranging assessment of the option in terms of, environmental, economic, social and practicable impacts. There is little doubt that in absolute terms this landfill does not meet the criteria set out in BPEO, nevertheless currently it is the best option, if only because there is no suitable alternative in the region. Alternative facilities for dealing with the amounts and types of waste likely to be tipped in Parry's quarry are not available locally and to export the waste to other more acceptable facilities would have the disbenefit of increased environmental costs arising from transport. Furthermore the nearest available waste management facilities outside Flintshire are in the main landfill. This is likely to be the position for at least the next three to four years and in the meantime Flintshire and its neighbouring authorities continues to produce waste, both industrial and commercial and municipal. In coming to any decision on the sustainability of landfill as a means of managing waste it must be borne in mind that from October 2007 all waste going to landfill must be pre-treated and that this regulation will be enforced by EAW, the aim of this is in effect to reduce if not eliminate the need for landfill.

10.2.3 To summarise, landfill is considered to be the least sustainable option and it is not the best practicable environmental option but at the moment Flintshire does not have, nor is it likely to have, a more sustainable better option for the next 3 to 4 years. It is not a practical option to operate a partial landfill; the filling of the quarry and its eventual restoration, in a way that meets all the relevant environmental controls, relies on a complete fully integrated scheme. If this proposal is to be permitted it is vital that it is controlled to ensure that its existence does not deter the emergence of more sustainable, better alternatives. It is strongly recommended that, should planning permission be granted, a condition is included to allow a review of the permission to take into account the inevitable changes that will occur in waste management during the life of the development, a course of action considered appropriate in TAN 21 national guidance.

10.3 **Environmental Considerations**

10.3.1 Landfill has the potential for causing a significant environmental harm unless rigorously controlled and managed. Those features most likely to have an impact are the potential for contamination of the ground and surface waters, the generation of landfill gas, odour, noise, dust and the potential for the site to attract birds and other vermin.

- 10.3.2 The applicant has carried out an Environmental Impact Assessment of the proposal which considered all the relevant issues, the EIA has been the subject of comprehensive consultation, which in turn led to the submission of additional information that is now considered adequate to deal with the application.
- 10.3.3 Undoubtedly the location of this development is a significant issue particularly in relation to the A55 Service Area, guidance at all levels from the European Council Landfill Directive to TAN 21 makes it very clear that any consideration of landfill must take into account the distance from the boundary to other sensitive land uses, for example residential areas. It has been suggested that the type of development that exists at the service area, a hotel and food outlets, constitute development which is highly sensitive to the potential adverse impact of landfill.
- 10.3.4 However, none of the guidance specifies what might be considered an appropriate distance between a landfill site and sensitive development. It is therefore left to those considering the application to decide whether all of any of the likely causes of adverse impact can be controlled so as to minimise that impact to an acceptable degree in this case. The fact that the landfill extends to within 30m of the site boundary and is therefore potentially within 50m of buildings on the service area, this is not in itself a reason for refusal if it is reasonable to assume that the potential adverse impact can be confined within the 30m buffer. All the following considerations are in the light of this premise.
- 10.3.5 Geology, Hydrology and Hydrogeology
The quarry was originally worked for the good quality clay and shale in the Upper Coal Measures for the local brick making industry. The geology is typical of Coal Measures consisting of layers of mudstones, siltstones and sandstones dipping to the east, the strata are intersected by two north south faults. There is some evidence of coal mining on the site but there are no coal seams within the geology of the quarry.
- 10.3.6 The site lies within the catchment of the River Dee, the surface drainage is largely into Alltami Brook approximately 250m. to the north west of the site which joins Wepre Brook which in turn flows into the Dee some 3,5Km to the north east of the site. There is a small pond in the north west corner of the site created by former quarrying activity.
- 10.3.7 The quarry extends below the water table which is designated a Minor Aquifer. The local strata has medium to low hydraulic conductivity but this has been increased by the presence of faulting, fissuring and the effects of mining, the general groundwater flow is to the north east. The EAW is of the opinion that given the location of the site in relation to the surface water, the overall sensitivity of the ecology and the long term failure scenarios it is considered possible that the long term risks could be managed, although at this stage that does not mean that it agrees with all the information and interpretation submitted by the applicant to date, but considers that "the

detail can now more appropriately be dealt with at the PPC Permit stage." In planning terms the corollary of this statement is that the site can be worked without an adverse impact on the local hydrology and hydrogeology.

10.3.8 Impact on Sites of Acknowledged Ecological Interest

The site includes an area of land that provides a suitable habitat for the Great Crested Newt (GCN); this land has been designated as a Site of Special Scientific Interest (SSSI) as part of the Buckley Claypits and Commons SSSI and as a Special Area of Conservation (SAC) as a part of the Deeside and Buckley SAC. The area is contained by a newt fence designed to prevent the straying of the GCN into the working quarry. As a part of the Environmental Impact Assessment the applicant has carried out comprehensive studies on the potential impact of the proposal on the protected sites as well on other features of ecological interest on and around the site including birdlife, reptiles and mammals. As a result of this assessment the applicant has made a number of commitments to advance nature conservation and mitigation proposals including providing for an increase in the area suitable for breeding GCNs, a programme of planting of British native trees and shrubs, the designation of the former railway lying on the eastern boundary of the site to assist with the creation of a linear wildlife park.

10.3.9 There has been considerable discussion and negotiation between the applicant and the Countryside Council for Wales about the proposal and generally most of the issues have been resolved to the satisfaction of CCW and, following the clarification of certain matters relating to mitigation and nature conservation management, has withdrawn its objection subject to any grant of permission being subject to a legal agreement and planning conditions as appropriate, to ensure the protection and management of matters of nature conservation importance in and around the site.

10.3.10 The application has also been considered by FCC under the terms of The Conservation (Habitats &c.) Regulations 1994 and consequently the application was subject to an Appropriate Assessment. This assessment examines the likely impact of the development on European designated wildlife sites and makes a judgement on whether the proposal is likely to have a significant adverse impact on those features of ecological importance, the regulations stating that where a development is likely to have a significant adverse impact then planning permission should be refused. In this case FCC, has carried out the Appropriate Assessment and has reached the conclusion that there is not likely to be a significant adverse impact on the relevant features of nature conservation providing relevant mitigation measures are implemented.

10.3.11 As a result of additional information and commitments on the part of the applicant to address the issue of mitigation and the protection and maintenance of amphibian habitats, CCW has withdrawn its objection. It is considered that the issues of concern initially raised by CCW and all other

wildlife issues arising from this development, can be dealt with by legal agreement and by suitably worded conditions.

10.4 Amenity Considerations

10.4.1 Traffic

This development will undoubtedly give rise to an increase in heavy goods vehicles visiting the site, it is predicted that the landfill operations and recycling operations would generate an increase in traffic flows at the site entrance at 190 movements per day based on 95 trips per day to the landfill site; this is in addition to the movements generated by the quarry operation currently at around 20 trips per day. The applicant has, as part of the proposal, put forward a scheme to modify the junction of Pinfold Lane and the A494 to accommodate this increase, the proposal has been accepted in principle by the WAG Trunk Roads Agency and the Highways Department should the development be permitted. A separate highway development scheme will be required and a Grampian style condition will prevent the implementation of the development until such a scheme has been approved and constructed. The applicant has carried out a Traffic Impact Assessment which includes a detailed analysis of existing traffic flows together with a consideration of the likely increase as a result of this development throughout the anticipated life, the additional traffic generated by the development would not exceed the acceptable capacity thresholds for rural capacity roads. The forecast increase in traffic resulting from the development at the A494 junction is less than 10% of existing traffic flows. Concern has been expressed about the possible impact of roads improvement works on the A494/A550/A55 corridor to the east of the site and that the works will result in HGVs being forced to use local roads in highly populated areas to travel to the site, albeit for a limited period. During the construction of the improvement works traffic works will be disrupted but measures will be put in place to ensure that network traffic does not divert along unsuitable local roads.

10.4.2 Odour

Odour emissions from landfill sites have great potential for adverse impact on local amenity. In recent years, despite the controls available, it is arguable that odour is one of the most likely causes for complaint about landfill operations. Odour is a result of the degeneration of the waste and will vary throughout that degeneration from that produced by the new waste to that resulting from the production of landfill gas and leachate. There is no doubt that, regardless of the source of the odour, if not properly controlled, the impact can be highly unpleasant. The applicant has produced an odour assessment and an Odour Management Plan designed to prevent the escape of odour from the site. Whilst the detail of odour management is a matter for the Pollution Prevention and Control Permit and hence within the remit of the Environment Agency, it is necessary for the planning authority to assess the likely impact and where it is judged that there is significant risk of harm to the local amenity, regardless of the management techniques

available and notwithstanding that the responsibility for ensuring there is no odour lies with another agency, the application should be refused.

The applicant has provided information to demonstrate that odour will not be a problem and that there will be procedures in place to ensure that odour generation is maintained at negligible levels. The Environment Agency has not commented on this aspect of the development in detail but is confident that the issue can be addressed when an application for a site permit is considered. Nevertheless some doubt remains about whether odour can be controlled absolutely and that it is considered that there will be, at some times during the life of the site, an escape of odour, but whether these incidents will be sufficiently isolated and short lived so as not to adversely affect the local amenity remains uncertain. However it is accepted that this landfill site could be operated so as to minimise the impact of odour if a condition were included to require the operator to design, install and implement an odour control system prior to the commencement of tipping of waste, for example a system that involves the use of neutralising agents. The use of masking agents, which can in themselves give rise to nuisance problems, is not considered acceptable. It should be noted that Government is requiring greater future reliance on the pre-treatment of waste, and in particular waste such as kitchen and food wastes. It follows that the nature of the residual waste for disposal to landfill is likely to change over time and this should significantly reduce the potential to generate odours.

10.4.3 Leachate

Landfill sites generate leachate. Standard systems will be installed to collect and remove leachate for treatment, thereby minimising the risk to ground and surface water resources. The detailed design is a matter for the Environment Agency in determining the application for the PPC Permit.

10.4.4 Landfill Gas

All landfill sites that accept biodegradable wastes will, over time, degrade and generate landfill gas, which is a variable mix of carbon dioxide, methane, water vapour and other volatile substances. Landfill gas presents a hazard because it is capable of asphyxiation, it flammable and in certain conditions is explosive. Methane gas in particular is a very potent global warming gas. The process of landfill gas production and control is well understood and measures will be implemented to collect and safely manage the gas. This is primarily the subject of the provisions of a PPC Permit administered by the Environment Agency. Good landfill gas management also minimises the release of odour, and controls will include collection pipework, capping and venting to a flare. In the event that landfill gas is produced in a viable quantity, engines may be installed to utilise the gas to make it safe and generate electricity for sale to the grid, or self power plant and equipment at the site.

10.4.5 Health Impact

The applicant has carried out a Health Impact Assessment (HIA) in accordance with the definition produced by the Welsh Health Impact

Assessment Unit, the HIA outlines the potential impacts on the health of people in the vicinity of the site. The assessment reviews the relevant literature, highlights those requirements contained in The Landfill (England & Wales) Regulations 2002 with respect to the protection of human health and assesses the potential health impacts and risk. The Assessment concludes that there would not be a significant adverse impact on human health. The National Public Health Service was also consulted but, whilst conceding that "this is a fairly large landfill site with a potential to impact adversely on public health" does not object to the proposal as, it states, the site must be operated in accordance with Best Available Technology which is designed to minimise any likely adverse impacts on health in the community; this is a matter covered by the Pollution Prevention and Control (PPC) regime administered by The Environment Agency. There is clearly a perception that landfill can have an impact on health and this is a matter that must be dealt with as part of the consideration of this application. The applicant has carried out a Health Impact Assessment and has undertaken a site specific risk assessment and concludes that, if properly controlled, there is unlikely to be a significant adverse impact on the health of people living or working near to the site. This concurs with the conclusion of a comprehensive study into the matter commissioned by DEFRA and published in 2004, that there is no consistent evidence that people living close to landfill sites suffer worse health than people in other areas.

In view these comments it is considered that, in principle, operations of this nature can be carried out without significant harm to the health or perceived health, of the local community. However as a further safeguard should the applicant be unable to demonstrate to the Environment Agency how this specific development will be carried out so as to not adversely affect the health of the local community then a permit for operating a landfill site would not be issued.

10.4.6 Noise

The applicant has carried out a detailed noise assessment with particular reference to noise sensitive properties around the site, including as an addendum recently developed catering establishments situated near to the eastern boundary of the site on the A55 service area. The assessment looks into the possible noise impacts at all stages of the operation including the long term proposals for a gas flare and gas engines designed to use landfill gas for electricity generation. The report concludes that with certain mitigation measure such as the erection of an acoustic screen to protect the residents of Parrys Cottages and providing that the site is operated in accordance with best practice it is considered that residents and workers around the site should only experience a temporary minor adverse impact due to noise arising from operational activities during the day and there would be no adverse impact during the night. There is some confidence in this assessment as to date the quarrying activities currently being carried out on site and using similar types of machinery have generated few complaints from local residents or businesses, the exception being when a mechanical breaker was employed on site an item of plant which is known to be a cause

of complaint but would not be required for the landfill preparation or operation.

A further consideration with particular reference to noise is the hours of working at the site. Clearly, there are times when the working will be more intrusive for example during the night and on days when it is usual for there to be little or no industrial activity, including Sundays and Bank Holidays. It is considered that with the inclusion of suitably worded conditions, for instance limiting the hours of operation and requiring certain mitigation works to be carried out prior to the commencement of operations, together with noise limits appropriate to circumstances based on the current noise regime in the area, that the impact of noise generated by the operation can be contained within acceptable limits.

10.4.7 Air Quality including Dust

An assessment of the potential impact of the proposed development on air quality during the construction, operational and post closure phase has been submitted; it includes both quantitative and qualitative assessments, identifies sensitive receptors and evaluates the likely impact on these receptors together with the impact on sensitive habitats and species.

The potential for dust generation and vehicle related exhaust emissions during the construction phase is recognised whilst during the operational and post closure phase air quality could be impacted by the production of landfill gas, emissions from gas flares and engines, dust generation and exhaust emissions.

Modelling has demonstrated that the impact on air quality resulting from NO₂ and PM₁₀ will not be significant. Other impacts can be controlled by good operational practice, for example, in the case of dust the use of water suppression and frequent cleaning of haul roads can be effective in reducing dust to levels which are unlikely to cause complaints and in the case of landfill gas the provision of an engineered layer and the provision and employment of a gas management system, including wells and pipes connected to the gas plant would ensure that there would be no adverse impact on air quality. All of these matters can be controlled by a combination of planning permission conditions and permit conditions.

10.4.8 Litter

Litter can be and often is a highly visible cause for complaint in relation to landfill if adequate steps are not taken to prevent the nuisance occurring. The applicant proposes several measures to minimise wind blown debris leaving the site, including the use of a netting system, covering of all vehicles transporting waste to and around the site, daily covering of waste in the active tipping area, minimising the active tipping area at any one time and the use of portable litter control. The control of litter is a matter that is covered in the conditions attached to the Pollution Prevention and Control Permit issued by EAW and it is accepted that the measures proposed by the applicant will prevent the escape of litter if properly implemented.

10.4.9 Birds & Vermin

The potential impact of birds and vermin attracted to landfill cannot be underestimated in terms of the potential impact on health and from the perceived aesthetic impact for the area, there is also the additional concern arising from increased bird activity for the safety of aircraft using the nearby Hawarden airport.

With regard to the health and aesthetic issues there are recognised methods of dealing with both birds and vermin so as to minimise the impact on the area and these are recognised in the application. As with other matters relating to landfill operations these potential causes of harm are dealt with by the PPC permit and it is with the EAW to ensure that the matter is properly controlled. It is therefore, accepted that there are controls available to ensure the development can be carried out without unacceptable harm arising from birds and vermin.

The matter of aircraft safety lies with the Civil Aviation Authority and in this area Airbus UK has the duty to ensure that the development is assessed from an aerodrome safeguarding aspect. As a result of comments and observations by Airbus UK the applicant has carried out a risk assessment and produced a Bird Hazard Management Plan which includes a bird exclusion netting system together with a protocol to ensure that the Plan is regularly monitored and reviewed to maintain safety from the operation stage through restoration to final afteruse. Airbus is satisfied that if operations are carried out in accordance with the Plan and that any permission includes conditions requiring the implementation of the Plan in full, the development does not pose an unacceptable risk to aircraft safety.

10.4.10 Duration

The duration of a landfill is a significant consideration for the assessment of the suitability of a site for such a land use. The applicant has stated that the overall project lifetime will be approximately 16 years which anticipates the import of waste for 15 years. The timeframe is based on an input rate of 100,000 tpa. The timescale does not include the aftercare management of the site including the long term landfill gas and leachate management which will continue for an indeterminate length of time until the site is considered no longer a hazard or has the potential for causing harm to the environment.

The rate of input is, at this stage very much a "guesstimate", although increasing the input rate to a level that would give rise to a significant reduction in the life of the site is considered unlikely, in fact, with the anticipated pressure to reduce the amount of waste going to landfill, it is considered possible that the life of the site will be longer than anticipated as discussed above. However this increase does not necessarily mean that the development is unacceptable as, from October 2007, all waste going to landfill must be pre-treated. Consequently the amount of putrescible waste will be reduced with the result that the impact of the landfill on the local amenity should be reduced. It is accepted that notwithstanding the

anticipated reduction of waste going to landfill there would be commercial pressures to ensure that input rates do not fall below that which makes the operation viable and that it might prove necessary to increase the market area to ensure sufficient waste is obtained, furthermore it is accepted that it is likely that for the anticipated life of this site there would be sufficient waste available to ensure that the development could be completed within an acceptable timescale. The trend for a reduction in the number of operational landfill sites also means that greater emphasis is placed on their potential future role in serving regional markets. The issue is, therefore, the balance between the length of time the site will be operating and the risk to, primarily in this case, the local amenity. It is considered that the balance of expected life against the likely adverse impact on the local amenity is about right but, as outlined above, a periodic review of conditions would address future developments in waste management that could impact on this site.

10.4.11 Landscape and Visual Impact

Landfill can have significant adverse impact on the landscape at two distinct stages in the development, firstly during the filling of the site, secondly after restoration when, if not in sympathy with the local landscape, the site can appear highly intrusive.

The EIA has considered the visual aspects of the development including a visual analysis based on the principal view points. The site itself is generally well screened although there are distant views from Northophall, from where the site can be clearly seen but it does not form a dominant feature in the landscape. Locally there are substantial tree belts which obscure the site from nearby residential properties. The A55 Service Area is screened from the site by both trees and topographic relief, although to address the concern that it might be possible to view site activity from the service area when the trees are not in leaf, the applicant proposes to erect a 4 metre high screen fence along the relevant section of the eastern boundary. There are close views of the site from the adjacent industrial premises to the north but the applicant proposes to mitigate any impact by screen fencing along the boundary. Visual screening around the site will be further enhanced by additional planting and the strengthening of the existing tree and shrub areas around the site boundary.

It will be possible to see the final stages of landfill and the initial stages of restoration from Northophall, Ewloe Green and possibly from some properties on Liverpool Road, Buckley but it is considered that these phases will be relatively short lived before the site is sown with grass and the impact reduced.

The applicant has provided a worst case scenario in terms of the visual impact of the site following completion of infilling and capping. A plan has been submitted showing the maximum height to which tipping will take place prior to settlement, a plan showing post settlement contours has not been submitted, although the final contours will have to be agreed with EAW to ensure that there is adequate surface drainage. The reason for this is that

the prediction of settlement of landfill has proved to be highly inexact and resulted in serious concerns on the part of local residents arising from expectations on anticipated final landforms, furthermore it has proved impossible to enforce on this area of landfill development. To address this problem this application proposes final tipping level contours and the visual impact has been based on these, the future settlement will ensure that the final levels will be lower and, regardless by how much, the visual impact will be lessened. This makes the assessment of the proposal more valid and should planning permission be granted it would be possible to take appropriate enforcement action should the need arise. It is considered that the maximum final landform will not have a significant adverse visual impact.

10.4.12 Restoration

The application includes a plan showing a draft restoration concept, it is intended the site will be restored to provide new woodland, grassland and wildflower meadow habitats with the objective that parts of the site will be made available for public amenity open space served by a network of footpaths. During the life of the site the ecology mitigation measures will be implemented including the extension of those features that are of ecological interest which will eventually be integrated into the final site restoration. The applicant has submitted a list of those species of trees to be planted and the wildflower meadow seed mix to be used in the landscaping and restoration of the site. Should permission be granted there would be a requirement for the developer to enter into a legal agreement to cover such matters as the safeguarding and protection of amphibians and their habitats, the provision of compensation habitats and the long term after care and wildlife management of the site in addition to the usual planning conditions requiring the submission and implementation of a detailed restoration scheme.

10.5. Policy Considerations

There are two issues that require further detailed discussion and consideration.

10.5.1 Prematurity

An issue of prematurity has been raised by a number of parties and individuals responding to the consultation for this development, given the national context which seeks to encourage the development of a waste management infrastructure. The matters raised from includes:

- The need for a new landfill site within the County,
- The identification of significant portions of the application site for development purposes (albeit not specifically for waste disposal) within the adopted plan,
- The context for the consideration of proposals for waste management facilities provided by policies WM1 & WM2 of the adopted plan,
- The identification of the site as a potential area of search for a waste management facility within the Emerging UDP.

However it is considered that the proposal currently presented to the Local Planning Authority is not premature and sufficient policies and justification exist to allow the determination of the planning application.

It is considered that the waste policies in the emerging UDP generally conform with the adopted plan and therefore the issue of prematurity does not arise (one of the 'tests' in Planning Policy Wales (PPW)). In coming to this decision the proposal has been considered not only in the light of the preferred policy in the draft UDP but the possible amendments have also been considered. Also it is not considered that to determine the application at this time would prejudge decisions about the scale, location or phasing of new development which ought properly to be taken in the context of the UDP process; neither is it considered that it would go to the heart of the plan (another one of the 'tests' in PPW). Clearly there is at the current time a degree of uncertainty about the final wording of policies in the UDP pending the outcome of the on going Public Inquiry into the UDP, nevertheless, the proposal has been considered against all the relevant draft policies and the possible amendments and it is considered that there is no conflict which compromises this assessment. Consequently it is considered that there are insufficient grounds for refusing the application on the basis of prematurity as set out in Planning Policy Wales.

10.5.2 Ewloe Barn Development Zone

The second matter for consideration is that a significant portion of the existing application site is included within the Ewloe Barn Development Zone as designated within the adopted Alyn and Deeside Local Plan. Within the Ewloe Barn Development Zone the development plan makes provision for a broad range of employment uses including general industrial.

Waste management is *sui generis*, that is it falls outside any specific uses class in the Town and Country Planning (Use Classes Order) 1987, therefore whilst the Development Zone designation in itself does not convey the acceptability of such uses, it is relevant in so far as the Ewloe Barn Development Zone does provide a context for the location of industrial uses and such sites are likely to be the most appropriate locations for waste management facilities. The Development Zone also closely mirrors one of the areas of search for waste management facilities that is now proposed in the UDP. Perhaps of more relevance is the fact that the adopted A&D LP includes waste management policies (WM1 & WM2) which do provide a framework for the consideration of proposals for the handling, treatment or disposal of waste. It is considered that these policies are not at odds with current national guidance, other than they do not identify specific areas of search that WAG is now looking for.

In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention

10.6 Conclusion

10.6.1 Whilst it is recognised and understood that there is a public perception that landfill is wholly unacceptable and, that landfill should not be permitted as the very nature of the development is such that it cannot be controlled to an extent that would remove any risk of there being no adverse impact on the local amenity and the environment, there is evidence that supports a current and continuing need for landfill and there are powers available to the regulatory bodies to ensure that landfill operation can be carried out in an acceptable manner. Furthermore, there are techniques and mechanisms available which, if properly employed, will ensure that those aspects of landfill which can have a serious adverse impact are ameliorated to an extent that would mean that such a proposal would otherwise be unacceptable. A decision to refuse the grant of planning permission must be based on sound planning reasons and a decision to refuse a permission based on a perception that the regulatory bodies cannot or will not take the necessary action to ensure a scheme is properly carried out is not in itself a reason for refusal anymore than is a reason based on the public perception that the development is unnecessary and unacceptable.

10.6.2 This is a complex scheme and if granted will require a number of different means of ensuring that the scheme is delivered and completed, these include a full set of modern planning conditions, conditions and/or a legal agreement for a Bird Hazard Management Plan, landscaping and dewatering lagoon to protect the aerodrome flight path from the presence of birds, a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to cover certain aspects of wildlife management, restoration and aftercare and a legal agreement under the terms of Section 39 of the Wildlife Countryside Act 1981 to cover wildlife management and the issue of mitigation.

11.00 RECOMMENDATION

It is therefore recommended that a conditional planning permission be granted subject to the completion of a legal agreement/or conditions for a Bird Hazard Management Plan, landscaping and dewatering lagoon, a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to cover certain aspects of wildlife management, restoration and aftercare and a legal agreement under the terms of Section 39 of the Wildlife Countryside Act 1981 to cover wildlife management and the issue of mitigation.

Conditions

1. Commencement.
2. Notification of commencement
3. Copy of permission to kept on site
4. Periodic review of permission
5. In accordance with approved documents

6. Working programme and phasing
7. Preparatory works
8. Annual/phased topographic survey
9. Wildlife protection and management, nature conservation
10. Landscaping, screening
11. Noise control and Limits
12. Hours of working
13. Site access, surfacing, vehicle cleaning, condition of highway
14. Highway scheme
15. Odour management
16. Site security and lighting
17. Dust controls
18. Bird management and controls
19. Litter
20. Plant and equipment
21. Stockpiles
22. Drainage, water protection, storage of fuels
23. Leachate and landfill gas facilities
24. Limits on tip elevation
25. Progressive restoration, scheme and implementation
26. Aftercare
27. Afteruse
28. Any other conditions as may be required to control the development/use in the interests of environmental control and amenity.

12.00 APPENDICES

12.01 Extracts from the application and supporting documentation

- aerial photograph of the site
- phasing plan
- cross sections
- schematic restoration plan

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 **BACKGROUND DOCUMENTS**

Planning application
Consultation replies
Representations

Contact Officer: Roger Bennion
Telephone: 01352 703253
E-Mail: roger_bennion@flintshire.gov.uk



Client: Robb, Jones & Sons Ltd

Job: Pump Quarry Job Ref: J1071

Date: 08/11/08 Drawn by: LB

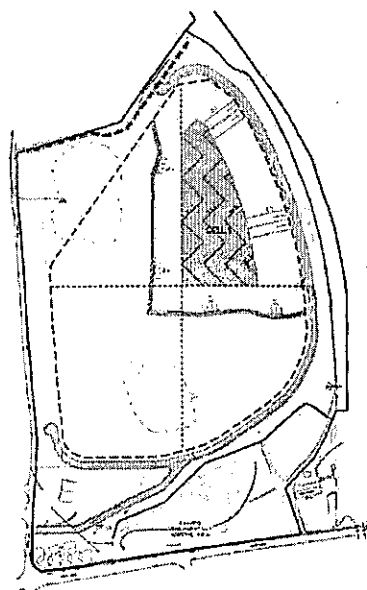
Figure 1: Aerial Photograph Showing

Planning Application Boundary (approx)

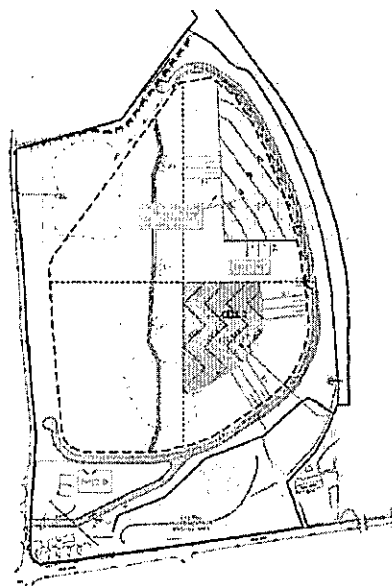
Planning Application

Boundary

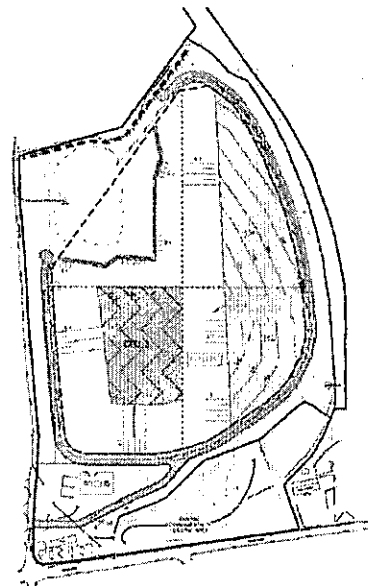
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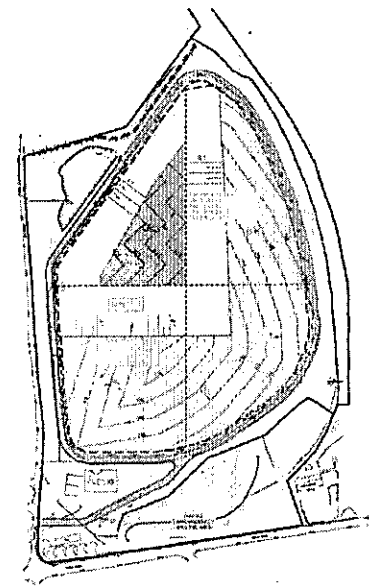
PHASE 1
Below perimeter
grade landfilling



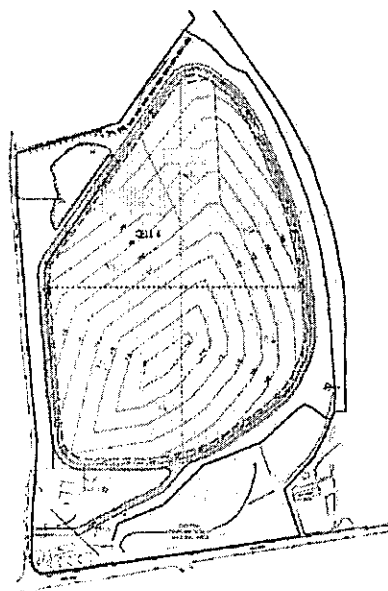
PHASE 2
Below perimeter
grade landfilling



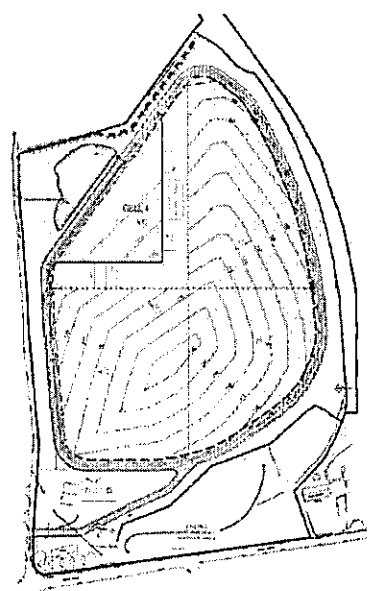
PHASE 3
Below perimeter
grade landfilling



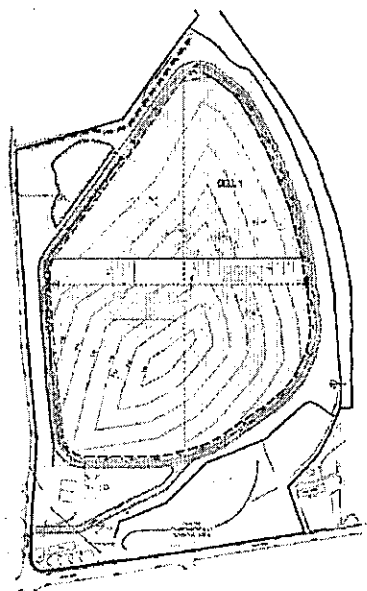
PHASE 4
Below perimeter
grade landfilling



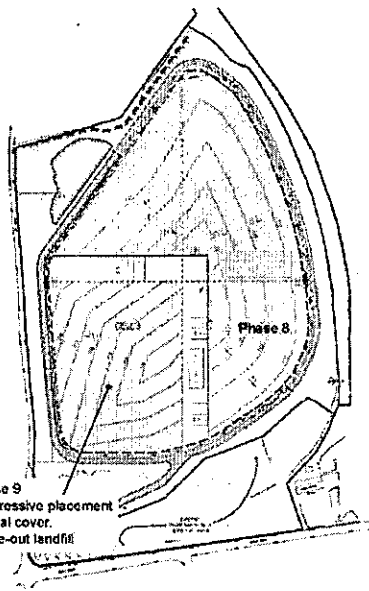
PHASE 5
Below perimeter
grade landfilling



PHASE 6
Above perimeter
grade landfilling









PHASE 7
Above perimeter
grade landfilling



PHASE 8 & 9
Above perimeter
grade landfilling

Legend

-  Excavation to landfill base
-  Construction of perimeter landfill road
-  Installation of 4m high screening fence
-  Completion of landfilling to perimeter grade
-  Extension of perimeter landfill road
-  Completion of landfill to top of waste contours

PARRY'S QUARRY
A55/A424 Junction

Landscape & Visual
Assessment

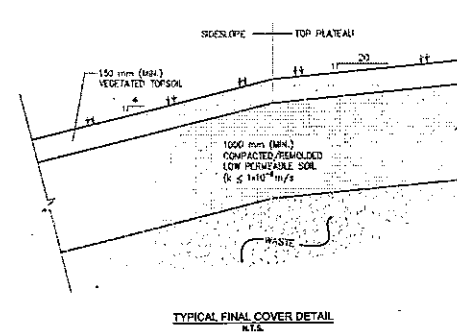
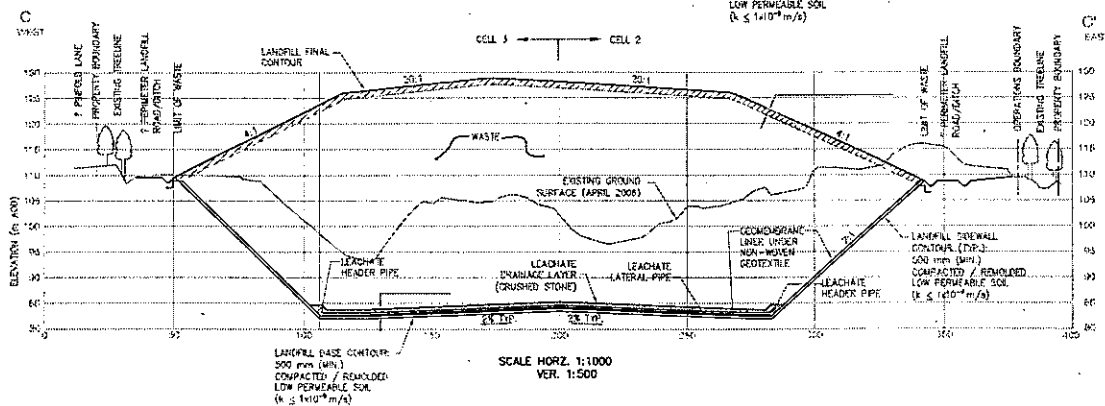
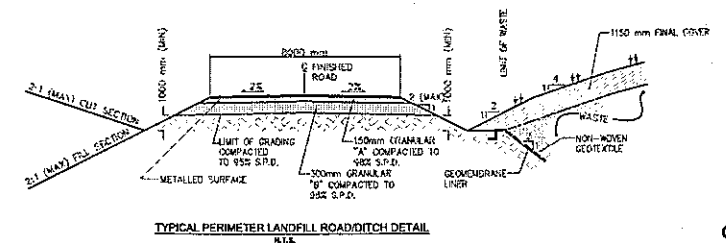
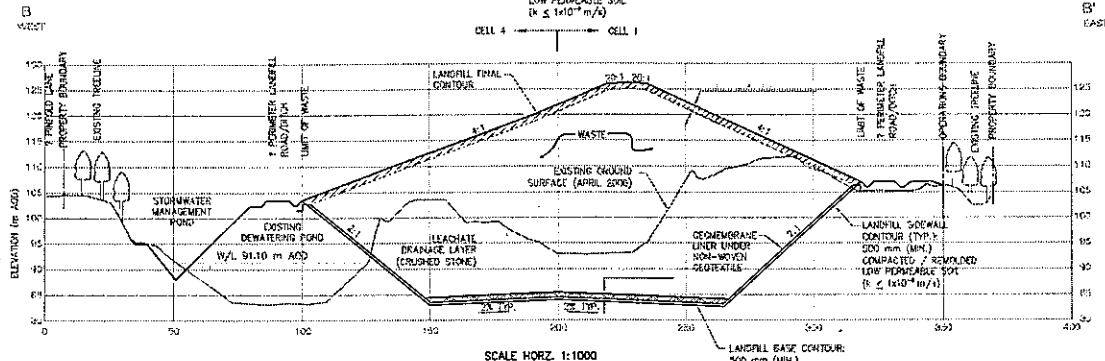
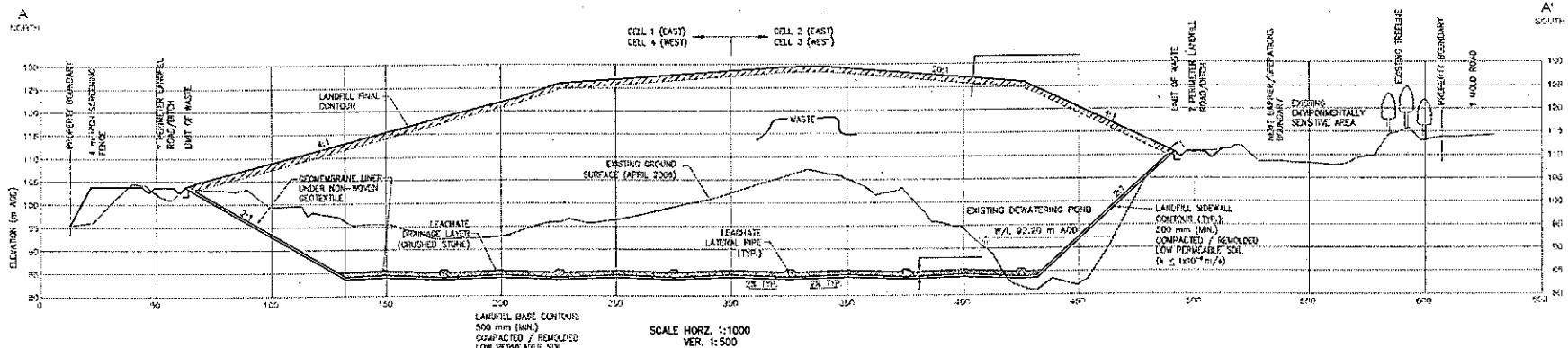
Not to scale

Figure 6.6



Planit EDC Ltd
10 Cecil Rd, Hale, Cheshire WA15 3PA
Tel: 0161-928-9281 Fax: 0161-928-9284
e-mail: mail@planitedc.com

Landfill Phasing



SOURCE:
EXISTING GROUND CONTOURS PROVIDED BY M.R.G.
ENGINEERING SERVICES LTD. (CONNY, WALES)
BASED ON TOPOGRAPHIC SURVEY UPDATE
COMPLETED IN APRIL 2006.

AMEC EARTH & ENVIRONMENTAL
UK LTD.

amec

PLANNING APPLICATION
PROPOSED LANDFILL DESIGN
PARRY'S QUARRY
ALLTAMI, FLINTSHIRE, WALES

CROSS-SECTIONS AND MISCELLANEOUS DETAILS

REV.	DATE	ISSUED FOR PLANNING AUTHORITY CONSENT	PROJECT NO.	DRAWING NO.	REV.
A	NOVEMBER 2006	DISCLOSURE	578800107/0001	8	A
REVISIONS					
DATE					
SCALE					
CHECKED BY:					
DRAWN BY:					
DESIGNED BY:					
APPROVED BY:					
PROJECT NO.					
DRAWING NO.					
REV.					



Indicative Restoration Planting

Legend



Existing trees



Proposed trees

PARRY'S QUARRY
A55/A424 Junction

Landscape & Visual
Assessment

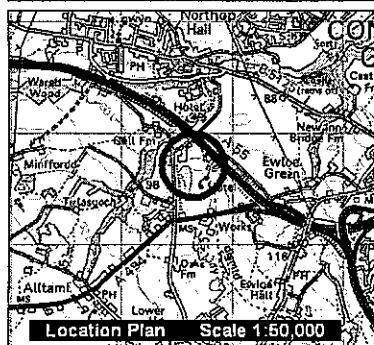
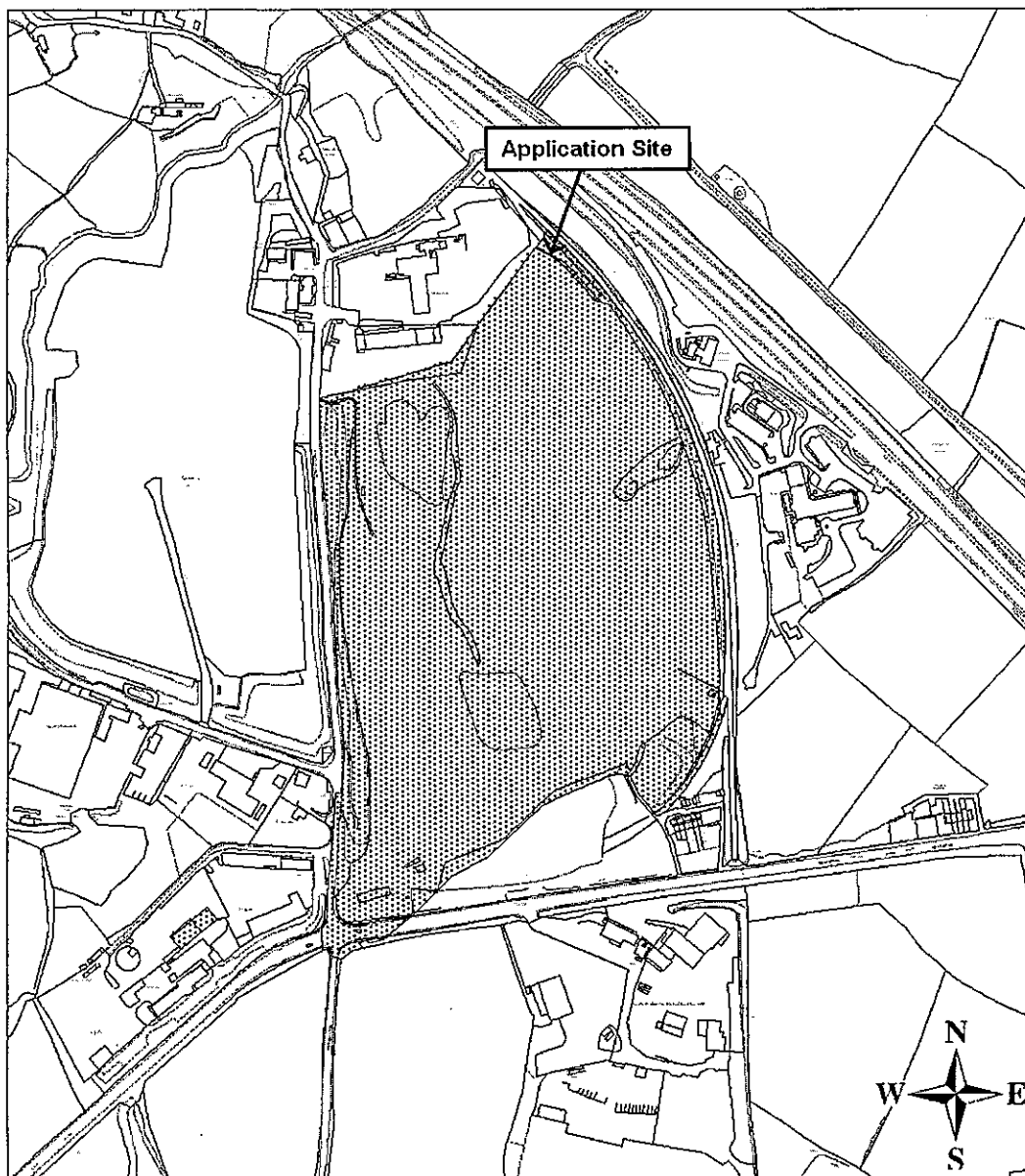
Not to scale

Figure 6.7






PLANITEDC

Plant EDC Ltd
10 Cecil Rd, Hale, Cheshire WA15 1PA
Tel: 0161-928-9281 Fax: 0161-928-9284
e-mail: mail@plantedc.com



Directorate of Environment and Regeneration,
Flintshire County Council, County Hall,
Mold, Flintshire, CH7 6NF.
Acting Dir. Mr. David Faulkner

Key to Settlement Boundaries

-  Alyn & Deeside Local Plan Settlement Boundary
-  North Flintshire Local Plan Settlement Boundary
-  Emerging Flintshire Unitary Development Plan Settlement Boundary

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Flintshire County Council, 2007.

Map Scale 1:5000

Ordnance Survey Sheet SJ 2766

Planning Application 42468

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
18 FEBRUARY 2008

Minutes of the special meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Monday, 18 February 2008.

PRESENT: Councillor D. E. Wisinger (Vice Chairman in the Chair)

Councillors: Mrs D. S. Banks, J. G. Beard, R. C. Bithell, D. Butler, D. L. Cox, C. J. Dolphin, E. F. Evans, F. Gillmore, P. G. Heesom, E. E. Matthews, W. Mullin, N. Phillips, K. W. Richardson, H. G. Roberts, N. R. Steele-Mortimer, W. O. Thomas and P. J. Walkden.

APOLOGY:

Councillor S. R. Baker.

SUBSTITUTES:

Councillors: J. B. Attridge for J. F. Jones and L. A. Sharps for C. Shone.

ALSO PRESENT:

The following Members attended as local Members or Members whose wards would be significantly affected:

Councillors: B. Dunn, C. A. Ellis, M. Peers, M. Warburton and A. Woolley.

Councillors: D. M. D. Clayton, G. Hardcastle and M. Higham were also present.

IN ATTENDANCE:

Chief Executive, County Legal and Democratic Services Officer, Chief Planning Services Officer, Head of Development Control (Highways), Section Manager (Minerals and Waste), Senior Planner (Minerals and Waste), Principal Planner, Principal Solicitor and Principal Committee Services Officer.

286. DECLARATIONS OF INTEREST

Councillor Woolley declared that he was a voluntary director of Zero Waste Alliance UK.

In accordance with the Planning Code of Practice, Councillor D. Butler indicated that he had been contacted by the applicant on more than three occasions.

287. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

288. **FULL APPLICATION - CONSTRUCTION AND OPERATION OF A SOLID WASTE LANDFILL WITH ASSOCIATED INFRASTRUCTURE AND ENHANCED SITE ACCESS AT PARRY'S QUARRY, ALLTAMI ROAD, ALLTAMI (042468)**

At its meeting held on 14 November 2007 the Committee agreed that this application be considered in accordance with the procedure for dealing with major applications. The Committee had visited the site, and other locations in the vicinity of the site, earlier in the day.

The Committee considered the report of the Chief Planning Services Officer in respect of the application.

The Chief Planning Services Officer presented the report and said there had been wide consultation undertaken and the responses received were detailed in the report.

The application was to develop a waste landfill facility including enhanced access to the site and A494 at Parry's Quarry in Alltami. The site was approximately midway between the communities of Ewloe, Northophall and Buckley. The site extended to some 16Ha and the landfill proposal would occupy approximately 10Ha. Infilling would take approximately 15 years based on the rate of input of 100,000 tonnes per annum which was considered to be a conservative estimate of waste arising for the area.

The site would eventually be restored to a mixture of wildlife habitat and informal recreation. The consideration of the application involved a number of complex issues including the role of landfill in a sustainable waste management strategy; suitable alternatives; and the impact of such a facility on local amenity and on sites of recognised ecological value.

A letter had been sent by the applicant, Robin Jones and Son, to Members on 30 November 2007, which was a week prior to the originally intended Special Planning Committee of 7 December 2007. The letter made reference to the proposed establishment of an environmental trust fund at 20p per tonne to benefit the local community, amounting to a potential £450,000. The matter was referred to the Council's Monitoring Officer who advised that the meeting be postponed until the circumstances of the letter had been explained by the applicant. In response, it was explained that "The proposed scheme is simply an enhancement of the Landfill Tax Environmental Funding Scheme that most landfill sites set up to give something back to the community". Officers had not made any requirement for the establishment of an environmental trust and this was not material to the planning circumstances. The Committee report was made on the basis of the development proposals alone and the Chief Planning Services Officer said any such offer must be disregarded in making a decision on the application.

The Chief Planning Services Officer referred to the response by the Health Protection Agency who said the development had the potential to impact adversely on public health. However, they did not object from a land

use planning perspective as the matter should be dealt with in accordance with the principle of Best Available Technology (BAT). It would need to be demonstrated to the Regulator (the Environment Agency), when the site was considered for a Pollution Prevention and Control permit, that the site was capable of being operated within BAT and as such would not impact adversely on human health.

The site was a working quarry which supplied the construction industry with low grade aggregate. The site was adjacent to the boundary of Buckley Claypits and Commons SSSI and Deeside and Buckley Newt Site of Community Importance (CSI).

The Chief Planning Services Officer explained that planning policy at all levels, including EU Directives, recognised that there was, and would be for the foreseeable future, a need for landfill even when the most rigorous of sustainable waste management strategies was applied. Nevertheless, landfill was at the bottom of the waste hierarchy and as such must be considered as the least desirable option for the management of waste.

The Chief Planning Services Officer then turned to the issue of alternative sites for landfill in Flintshire. It was known that alternative sites offering the potential for landfill existed in the County and they had been listed in the Environmental Impact Assessment. Another application (number 043948) had been received in September 2007 for Alltami Integrated Waste Management Facility that was, in effect, adjacent to this site on the opposite side of Pinfold Lane. That proposal was for a combination of landfill and a materials recycling facility. The determination of that application was some months away.

Alternative sites needed to be considered where the proposed development was bound to have adverse environmental effects and where a major argument for the development was that the need for it outweighed those disadvantages. The relevant criteria, as set out at paragraph 10.1.13 of the report, were:

- The presence of a clear public convenience or advantage in the proposal under consideration;
- The existence of inevitable and adverse effects or disadvantages to the public, or to some section of the public;
- The existence of an alternative site for the same project which would not have those effects, or would not have them to the same extent;
- A situation in which there could only be one permission granted for such a development.

The application satisfied the first three of the criteria. However, there was a need for more than one landfill site in Flintshire by 2013 and so the application failed the fourth criterion. Therefore, it was safe for this proposal to be determined at the present time.

Landfill had the potential for causing significant environmental harm unless rigorously controlled and managed. Those features most likely to have an impact were the potential for contamination of the ground and surface waters, the generation of landfill gas, odour, noise, dust, and the potential for the site to attract birds and other vermin.

In relation to the amenity considerations, the Chief Planning Services Officer explained that the applicant had produced an odour assessment and an Odour Management Plan designed to prevent the escape of odour from the site. The applicant had provided information to demonstrate that odour would not be a problem and that procedures would be in place to ensure that odour generation was maintained at negligible levels. The Environment Agency had not commented on this aspect of the development in detail but was confident that the issue could be addressed when the application for a site permit was considered.

Standard systems would be installed to collect and remove leachate for treatment thereby minimising the risk to ground and surface water resources. All landfill sites that accepted biodegradable wastes, would, over time, degrade and generate landfill gas. The process of landfill gas production and control was well understood and measures would be implemented to collect and safely manage the gas. Good landfill gas management also minimised the release of odour.

The applicant had carried out a Health Impact Assessment (HIA) which outlined the potential impacts on the health of people in the vicinity of the site. A site specific risk assessment was also carried out and the assessments concluded that, if properly controlled, there was unlikely to be a significant adverse impact on the health of people living or working near to the site. This concurred with the conclusion of a comprehensive study into the matter commissioned by DEFRA, published in 2004, that there was no consistent evidence that people living close to landfill sites suffered worse health than people in other areas.

A detailed noise assessment had also been conducted. This had concluded that, with certain mitigation measures such as the erection of an acoustic screen to protect the residents of Parry's Cottages, and providing that the site was operated in accordance with best practice, residents and workers around the site should only experience a temporary minor adverse impact due to noise arising from operational activities during the day and that there would be no adverse impact during the night. In relation to litter control, the applicant proposed several measures to minimise wind-blown debris including the use of a netting system.

With regard to birds and vermin and the health and aesthetic issues, there were recognised methods of dealing with them so as to minimise the impact on the area.

There were substantial tree belts which obscured the site from nearby properties. The A55 Service Area was screened from the site by both trees

and topographic relief. However, in order to address the concern that it might be possible to view site activity from the Service Area when the trees were not in leaf, the applicant proposed to erect a 4 metre high screen fence along the relevant section of the eastern boundary. There were close views of the site from the adjacent industrial premises to the north but the applicant proposed to mitigate any impact by screen fencing along the boundary. Visual screening around the site would be further enhanced by additional planting and the strengthening of the existing tree and shrub areas around the site boundary.

The Chief Planning Services Officer said the issue of prematurity had been raised by a number of parties and highlighted the matters raised. It was considered that the proposal presented to the Council was not premature and sufficient policies and justification existed to allow determination of the application. The waste policies contained in the emerging UDP were acceptable to the Welsh Assembly Government and generally conformed with the adopted development plan. Therefore, the issue of prematurity did not arise.

Prior to the Committee being addressed by the agent and other representatives, it was moved and seconded that consideration of the application be deferred. Several Members raised various concerns about the application before them. The issues were:

- (1) How many landfill sites did Flintshire require and in determining the application that day, would it prejudice the determination of a subsequent application?
- (2) The figures in the report did not appear to back up the need for more than one landfill site – according to the figures, the application being considered would last for 26 years.
- (3) Should the present application and the application for the Alltarni Integrated Waste Management Facility be considered at the same time so that Members could determine which was the best of the two sites?

A number of Members were not convinced that there was a requirement for more than one landfill site based on the figures and information in the report.

The Principal Solicitor referred Members to paragraph 10.1.13 of the report which explained that, in relation to the consideration of alternative sites, the fourth criterion had not been met. He advised that the application could be determined without considering possible alternative sites.

The Section Manager, Minerals and Waste Planning, explained that the information in the report was based on details provided by the applicant which stated that approximately 100,000 tonnes per annum of household waste would be accepted into the site. However, if one took into account the

generation of commercial and industrial wastes in Flintshire, the figure could be as high as 300 to 400,000 tonnes per annum.

Officers suggested that the Committee might wish to adjourn for a short time in order that officers could then clarify the information contained in the report. However, Members generally felt that the proposal to defer the application should be put to the vote.

On being put to the vote, deferment of the application was CARRIED.

RESOLVED:

That the application be deferred to enable clarification of the issues raised by Members at the meeting.

289. DURATION OF MEETING

The meeting commenced at 2.00 p.m. and ended at 2.40 p.m.

290. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were 25 members of the public and 2 members of the press in attendance.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

PLANNING AND DEVELOPMENT CONTROL COMMITTEE	DATE: 18 FEBRUARY 2007
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MEMBER	ITEM	MIN. NO. REFERS
Councillor A. Woolley	Full Application - Construction and Operation of a Solid Waste Landfill with Associated Infrastructure and Enhanced Site Access at Parry's Quarry, Alltami Road, Alltami	286

FLINTSHIRE COUNTY COUNCIL
PLANNING AND DEVELOPMENT CONTROL COMMITTEE
LATE OBSERVATIONS
COMMITTEE DATE: 18TH FEBRUARY 2008

Agenda No.	Application Number	Location	Consultee / Date Received	Observations
	042468	Parry's Quarry, Alltami, Mold, Flintshire.	18 th February 2008.	A petition has been received, signed by one business in Alltami and 17 local residents and stating that the signatories have no objection to the Robin Jones & Son landfill in Alltami.
			18 th February 2008.	A copy of an undated note addressed to Councillor Carol Ellis has been received. It complains of inadequate consultation on the application and expresses concerns over the existence of old colliery workings linking clay pits and tips in the Buckley area, which may result in contaminated water affecting the Alltami Brook and the River Dee.
			18 th February 2008	Letter dated 14 th February 2008 from Brock Plc alleging that the Environmental Impact Assessment is deficient because it fails to properly address RGN3. The Environment Agency has been consulted and has considered the environmental information and responded in the light of RGN3 in a letter dated 30 th October 2007. The Environment Agency has advised that full consideration of ground water in the context of RGN3 can be addressed at the pollution prevention control permitting stage. Ground waters has been considered in Section 10.3.7 of the Committee report.