

Report date:05/05/16

Reference: PPAE/2016/0086

Author: Mr Robin Wynne Williams (Senior Minerals & Waste Planning Officer)

Report prepared by the North Wales Minerals and Waste Planning Service on behalf of Powys County Council in response to a pre application submission for a:

Proposed Landfill Extension at Bryn Posteg, Tylwch, Llanidloes, Powys

1. The pre application proposal (As described within the pre application form submitted)

Potters Waste Management proposes to undertake excavation and reprofiling works to the previously landfilled Phases 1 and 2 at the Bryn Posteg Landfill Site, to extend the existing landfill area, to construct attenuation/settlement lagoons and to divert an existing watercourse and footpath. It is accepted that the proposed development will constitute EIA development.

Phases 1 and 2 were the first areas to be landfilled at Bryn Posteg Landfill Site and accommodate municipal waste arising's. In order to address potential concerns regarding the effectiveness of their existing lining system, it is proposed to partially excavate the existing waste in Phases 1 and 2 and to install a clay liner, engineered to satisfy current standards. It is intended that approximately 240,000m³ of material would be excavated from Phases 1 and 2, comprising of waste and existing clay liner/in situ material. The excavated waste material would be placed in existing engineered landfill cells located elsewhere on the Bryn Posteg Landfill Site, whilst the excavated non-waste materials will be utilised in the development and restoration works.

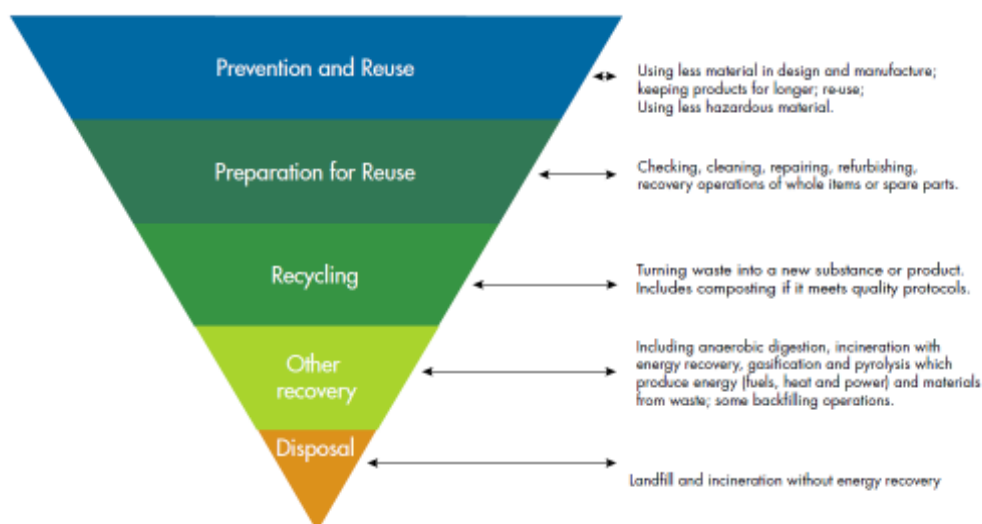
The proposed extension area to the south of the site, is partly within the existing Landfill site boundary and comprises of both made and virgin ground presently used for surface water balancing and treatment and agricultural land. It is proposed to excavate approximately 400,000 m³ of material from this area. The excavated material will be used for engineering and restoration purposes elsewhere on the Bryn Posteg Landfill Site.

It is proposed to fill the excavated Phases 1 and 2 and the extended excavated area to the south of the site with approximately 1,850,000m³ of material, comprising c.100,000m³ of engineered fill and lining material, c.400,000m³ of cap/restoration soils and c.1,350,000m³ of permitted wastes, to a revised restoration profile. As you will appreciate, these volumes are indicative, at the moment, and may change as detailed design progresses.

2. Key constraints

The contents of this section will be based on national planning policy and guidance together with information discussed in a meeting of the 19th April between Mr David Williams (Potters Waste Management), Mr Neill Foxall (Caulmerts), Mr Gary Nancarrow and Robin Williams (North Wales Minerals and Waste Planning Service).

A Screening and Scoping exercise was undertaken by the North Wales Minerals and Waste Planning Service on behalf of Powys County Council in 2011 in relation to two proposals (i) a 1,850,000 m³ extension and (ii) a 400,000 m³ extension to the Bryn Posteg Landfill Site, the exercise was undertaken to establish the environmental baseline and potential impacts of the proposal. It was not in any way or form an indication as to the possible planning acceptability of the proposals. However since 2011, Waste Planning Policy has changed significantly so as to reflect the principles of the EU: Waste Framework Directive which is a driver for treating waste as high up the Waste Hierarchy as possible and it was stated that landfilling sits at the bottom of the waste hierarchy under the definition of disposal. Refer to the following diagram.



Towards Zero Waste: The overarching Waste Strategy Document for Wales together with TAN 21 and the suite of Sector Plans have set an ambitious target to recycle 70% of all Welsh waste by 2025 with the aim of zero waste to landfill or recovery by 2050; with the preferred option for residual waste to be recovered rather than landfilled in the interim.

Notwithstanding, it is acknowledged that landfill still has a part to play as a waste treatment option – albeit a decreasing one as other recovery technologies are developed which are higher up the waste hierarchy. As a consequence it is a requirement for Local Authorities to identify where landfill capacity falls below a 7 and 5 year provision within the three regions in Wales (North, South East and South West). The identification of a 7 year void represents the level at which sufficient capacity is likely to exist in a region to meet future disposal needs and as such this is the level at which void capacity should ideally be maintained. The 5 year level should be identified as a trigger for pursuing any action which may be necessary to facilitate future provision.

Within Wales, sufficient void years remain within all regions and with the decreasing amount of waste that is landfilled year on year, void spaces are anticipated to increase rather than decrease over time. It was also stated that from NRW (Natural Resources Wales) records there were approximately 600,000 m³ of void remaining within the extant permission at Bryn Posteg; as such the submission of a 1.85 million m³ extension that could potentially accommodate 1.35 million m³ of waste would be refused purely on a need basis.

Discussion shifted towards the possible development of a smaller 400,000 m³ extension on site. Again, the application of the waste hierarchy demonstrates that the disposal of waste lies at its bottom and in the absence of a 7 year landfill void capacity a landfill extension can only be justified in exceptional circumstances. As such, exceptional circumstances discussed were the geographical location of the Bryn Posteg site; at a cross roads between the three Welsh regions and also within a relatively short distance to the English border and the relative dependence of English waste as feedstock within the site. Bryn Posteg could provide continuing residual waste disposal capacity for locations south of southern Snowdonia and north of Brecon, as between these limits the transportation distance to alternative landfill disposal or other treatment options outside of this geographic area is significant.

It was also stated that there are considerable issues relating to a diffective liner within cell 1 and 2 which is responsible for leachate escape from the site; and the company may face possible prosecution as a consequence. Possible remediation options, to mitigate this problem is to displace approximate 150,000 m³ of waste from the cells and reline both cells with 400,000m³ of waste, lining and capping material. In doing this there may be an improved long term benefit to the environment and upon the health of the adjaent community and it may also give an improved final landscape profile.

The demand for additional landfill void will be balanced against consented landfill void and against other consented and operational waste management facilities that are higher up the waste hierarchy on a regional and sub regional level. Any justification will also need to balance the existing void within the site and the current and forecasted waste to be disposed within the site.

In relation to current waste policy and targets, questions were asked within the meeting as to how economical, practical and sustainable a 400,000m³ extension would be? Although no figures were discussed in the meeting. From data provided within your submission it is estimated that capping and lining material to be 27% / 108,000m³. As you are also displacing 150,000m³ of waste to another area within the site this will give a net increase of tipping void of approximately 142,000m³.

Discussion focused also on the possible development of the consented energy from waste facility at Welshpool. Although the feed in tariffs are currently unattractive, such a facility could potentially process up to 30,000 tonnes per annum of residual waste which could potentially halve the amount of waste landfilled at Bryn Posteg per annum (waste at 0.9 tonnes per m³ together with 10% residual IBA) and possible increased energy generation compared to that of landfill gas.

3. Conclusion

It is highly unlikely that the pre application proposal as submitted could be supported primarily on need. As such other material planning considerations have not formed a basis for this pre application report. Should you be intent to proceed with this application, we will carry out further consultation and other material planning considerations will be included upon consultation with relevant departments within Powys County Council.

Should you decide on amending the original proposal, it is suggested that prior to doing so - National Waste Policy documents are read (Towards Zero Waste, TAN 21 and the accompanied suite of Sector Plans) in conjunction with a review of the company's operational and consented waste treatment methods. Consideration should also be given to other waste management operations both operational and consented within the region and sub region. It was also suggested that alternatives are investigated to the environmental mitigation of the leaking liner within cell 1 and 2.

It is trusted that the North Wales Minerals and Waste Planning Service and Powys County Council's position is explained above. However, should you require further advice or additional information regarding the contents of this report, please do not hesitate in contacting. It should also be added that any future proposals you wish to discuss that may evolve from this pre application process can be discussed as part of the current pre application proposal. For your assistance a list of valid planning policies and documents are submitted as an appendix to this report.

Disclaimer

Any views or opinions expressed are given in good faith, without prejudice to the consideration given to any planning application. Any pre-application advice provided does not bind the local planning authority to any specific outcome. When a formal planning application is submitted, the final decision cannot be made until the Council has consulted with local people, statutory consultees and any other interested parties. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy, the Unitary Development Plan and the seven well-being goals of the Well-being of Future Communities Act (Wales) 2015.

Appendix

Key Planning Policies

When assessing the merits of an application for a waste management facility, consideration and weight should be given to the UDP Policies, Planning Policy Wales (TAN21, the suite of Sector Plans), The Waste Regulations, The Waste Framework Directive together with other National Policies and guidance.

In relation to this proposal it is considered that specific considerations should be given to TAN 21 – Waste with an emphasis on the following paragraphs and sections - 2.7.5, 3.2, 3.4, 3.8, 3.10, 3.13, 3.14, 3.15, 4.19, 4.20, 4.21, 4.22, 4.24. Particular attention should also be given to sections 3.6.2 to 3.6.6 and table 5 of the Collections, Infrastructure and Market Sector Plan.

Powys County Council's planning policy position at the moment is as follows; the Local Development Plan adoption process has not advanced sufficiently beyond deposit stage, and based on discussions with the Planning Policy department it is anticipated that the new Local Development Plan would be adopted towards the latter months of 2016 or early in 2017. As a consequence - no weight can be put to the Local Development Plan until that time and the current Powys Unitary Development Plan remains extant until July 2016. Currently the key strategic and general planning policies that are relevant to this proposal are as follows:-

UDP policy SP11 – Waste Management

This policy states that the provision of an integrated and adequate network of waste management facilities would be supported in accordance with regional waste plans and waste management and recycling strategies and plans. Proposals should incorporate sustainable principles for waste management processes and proposals would be assessed sequentially as to whether they:

- i) Reduce the creation of waste;
- ii) Re-use waste;
- iii) Recycle or recover waste;
- iv) Convert waste to energy;
- v) Dispose of waste to landfill with minimum environmental impact.

Proposals for sites and facilities that would reuse, recycle, recover, treat or safely dispose of waste will be required to demonstrate that they are the most sustainable option.

UDP policy GP2 – Planning Obligation

This policy will require planning obligations to be sourced by agreement with applicants, where appropriate, to ensure that the development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance arrangements are achieved; and benefits in the public interest are secured where these are relevant and reasonably related to the proposal, and required to enable it to proceed.

UDP policy GP3 – Design and Energy conservation

This policy requires that all proposals for development should make a positive contribution to their local environment and community through imaginative and good quality design, layout, materials and landscaping in accordance with the policies of the UDP. A design statement shall accompany all detailed applications and will describe the actions taken to design and adapt the development to fit its location. Wherever practicable, developments shall be designed to reduce energy

consumption and maximise energy conservation through the use of appropriate materials, design, layout and orientation.

UDP policy GP4 – Highway and Parking requirements

This policy states that permission for development proposals will be dependent on adequate provision for:

1. Highway access including visibility, turning, passing, dropped kerbs, circulation, and servicing space.
2. Parking in compliance with the county council's guidelines. The standard of parking provision required will be determined by both the nature and location of the development, its accessibility to services by public transport, walking or cycling, environmental considerations and any transport assessment and travel plan required under UDP policy T3. In support of the principle of maximum parking standards, planning obligations may be sought for improvements to public transport services and/or facilities for walking and cycling. All parking areas should be well designed in terms of safety, circulation and appearance and assist access by pedestrians, cyclists and the mobility impaired.

Environmental Planning Policies that should be considered in relation to this application.

UDP policy ENV2 – Safeguarding the Landscape

This policy requires that proposals for the development and use of land should take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape. Where appropriate, account will also need to be taken of the special qualities or reasons for designation of the Brecon Beacons and Snowdonia National Parks. Proposals which are acceptable in principle should:

1. Contain appropriate measures to ensure satisfactory integration into the landscape;
2. Not unacceptably adversely affect features of importance for nature conservation or amenity; and
3. Not result in significant damage to ancient and semi-natural woodlands and should seek to conserve native woodlands, trees and hedgerows.

UDP policy ENV3 – Safeguarding biodiversity and natural habitats

This policy states the need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance for wild flora and fauna is recognised. Wherever possible, those interests will be protected against adverse forms of development and they will be maintained within development proposals.

UDP policy ENV4 – Internationally Important Sites

This policy requires proposals for development that might affect Special Protection Areas (SPAs) and potential SPAs, special areas of conservation (SACs) and candidate SACs or listed Ramsar sites, may only be permitted where:

- a. They are directly connected with or necessary to the management of the site for nature conservation; or
- b. They will not significantly affect the achievement of the conservation objectives for which the site is designated either individually or in combination with other proposals.

UDP policy ENV 7 – Protected Species

This policy states that developments which contravene the protection afforded to European protected species will only be permitted where they are necessary in the interests of public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. Evidence will be required to indicate that a developer has considered alternative sites for the development but that these have not proved suitable. Where other protected species are affected by a proposal, the applicant must conform to any statutory protection provisions and conditions to safeguard the species within the development and to provide appropriate mitigation measures.

UDP policy ENV 18 – Development Proposals affecting archaeological sites

This policy states that where it appears that a proposed development may affect a site potentially containing important archaeological remains, the applicant will be requested to undertake an archaeological field evaluation before determining any planning application.

UDP policy MW1 – Mining and Waste disposal

In relation to waste, this policy states proposal for the recycling, composting, transfer or disposal of waste will be permitted where the following criteria can be met:

1. All proposals will be expected to include a satisfactory vehicular access onto the public road network and that access should conform to the criteria set out in policy mw13.
2. Proposals should not involve the use by vehicles of highways that are of a residential or town centre character, have restricted facilities for the passing of vehicles or include steep gradients or substandard junctions.
3. Operations, excluding maintenance and other works essential for safety and pollution control, should take place only between the following hours:
 - Mondays to Fridays - 07.00 am and 18.00 pm.
 - Saturdays - 08.00 am and 13.00 pm.
 - Sundays, bank and public holidays – no operations should take place.

Exceptions will only be permitted where it can be clearly demonstrated that they can be undertaken in compliance with policy mw14 (noise), policy mw15 (reversing alarms), there would be no significant light pollution or adverse impact upon residential property and there would be no goods vehicles entering or leaving the site outside the stated hours.

4. Proposals will be expected to include measures to ensure that dust emissions would be within acceptable limits particularly having regard to the proximity of residential property and/or commercial undertakings carrying out operations of a dust sensitive nature. Waste disposal operations should demonstrate high standards of litter control.
5. Proposals will be expected to include full and adequate provisions for the prevention of pollution to watercourses or groundwater. It is anticipated that such provisions will include facilities for the treatment of surface water run-off, the collection and treatment of leachate and the containment of leaks or spillages of potential pollutants such as vehicle fuel.
6. The operations involved would not pose a significant risk to human health, water, air, soil, plants or animals.
7. Any proposal which would physically disturb aquifers, alter groundwater levels or impede or intercept groundwater flow, will be the subject of careful examination and proposals with an unacceptable adverse effect will be refused.
8. Proposals will be expected to comply with the criteria set out in policy env2 in respect of landscape conservation and policies ENV 3-7 in respect of nature conservation.
9. Any proposals interfering with the natural watercourse systems will be subject to careful examination and those with an unacceptable impact will be refused. Proposals will need to address the need for maintenance access to all watercourses and their capacity to accommodate increased run-off and pumped discharges. Proposals that include the culverting of natural watercourses will not normally be acceptable.
10. Any proposal interfering with public rights of way will be the subject of careful examination and proposals that include the interruption of public rights of way will be expected to provide alternative acceptable lines for such and proposals having an unacceptable adverse impact will be refused.
11. Any proposal that involves the loss of natural flood plain, even for a temporary period/s, will be the subject of careful examination and proposals having an unacceptable impact will be refused.
12. Proposals should comply with the technical policies MW13 – MW22.
13. Proposals will include a restoration and aftercare scheme that clearly demonstrates that a high standard of beneficial after use will be achieved in accordance with policy MW5 or policy MW20.

UDP policy MW11A – Sites for Waste Management facilities

This policy states that waste management facilities, including disposal and treatment plant, will be permitted on general business sites listed for B2 uses as identified in policy EC2 subject to their compliance with policy mw1.

UDP policy MW13 – Access onto a highway

This policy requires vehicular access from a proposed mineral working or waste disposal site onto the public highway should not prejudice highway safety and shall comply with generic policy GP4.

UDP policy MW14 – Noise

this policy requires proposals for waste disposal sites to be designed to comply with the following criteria:

- a. BETWEEN THE HOURS OF 0700 - 1900
 - 55 DB(A) (1 hour), where background noise levels exceed 45 DB(A).
 - Background noise levels + 10 DB(A) (1 HOUR), where background noise levels are less than 45 DB(A).
- b. Between the hours of 1900 - 0700
 - 42 DB(A).
2. The noise should be monitored at several points on or near the boundary of the working site that are chosen to be largely free of extraneous noise and suitably positioned in relation to the noise sensitive properties. The limits at these points should ensure that the limits at the noise sensitive properties are not exceeded and may be calculated by using the prediction methods contained in bs5228 and taking into account the attenuation provided by distance, soft ground and barriers.
3. Although there would be likely to be no specified limits to noise emissions during site preparation and baffle construction periods of the overall operation, the Planning Authority would need to be convinced that such operations would not present an unacceptable impact on the amenities of local inhabitants.

***NOTE:** All noise limits in Policy MW14 are to be taken as “freefield” measurements, i.e. at least 3.5 metres away from a building’s facade.

UDP policy MW15 – Reversing Alarms

This policy requires proposals for waste disposal sites to include measures to limit to a minimum (consistent with safe working) disturbance to the occupiers and users of neighbouring properties by reason of vehicle reversing alarms or other noises with outstanding tonal qualities. Applicants will need to demonstrate that the most appropriate option(s) have been adopted.

UDP policy MW16 – Dust and Litter

This policy will require development proposals for waste disposal or processing to include acceptable proposals in respect of dust and, where appropriate, litter control

measures. It is anticipated that the principle that would be adopted would be that of "Best Available Techniques not entailing excessive cost".

Policy MW17 – Settlement Lagoons

This policy will require developments where water settlement lagoons are proposed to be designed in a manner that facilitates their use and retention (possibly with modification following the cessation of works) as features of value as wildlife habitats.

Policy MW18 – Geomorphology, Archaeology and History

This policy states that proposals for the deposition of waste will be required to comply with the relevant policies in the environment chapter of the UDP and to include an assessment of the geomorphological, archaeological and historic content and value of the site to be worked or otherwise affected. Proposals that involve the destruction of damage to or an adverse affect on the setting of, known sites, features or structures of geomorphological, archaeological, historic or architectural interest will be the subject of careful examination.

UDP Policy MW19 – Developments affecting sites of Geological or Paleontological Interest

This policy state, where excavation works are known in advance or are subsequently revealed to be of geological or Palaeontological interest, facilities for research purposes should be offered to suitable educational, scientific or cultural establishments, if safety criteria can be met. Worked out areas known to be of geological interest, for research or educational reasons, should be considered as sites appropriate for suitable restoration which enhances their value. the disposal of waste in such sites would be the subject of very careful scrutiny and proposals prejudicing important geological or Palaeontological sites may be refused.

UDP Policy DC3 – External Lighting

This policy states proposals involving external lighting will not be permitted where they would cause:

1. A nuisance or hazard to highway users;
2. Unacceptable levels of light pollution, especially in the countryside;
3. Harm to the character and appearance of any building or the surrounding environment;
4. Adverse impact on wildlife. Special consideration will be given to those proposals essential for public safety.

UDP policy DC15 – Development on unstable or contaminated land

This policy requires proposals to develop land known or suspected to be unstable or contaminated would only be permitted where the applicant demonstrates that the proposal will not:

1. Result in problems of ground instability or contamination either on or off site.

2. Unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests. Planning applications shall be accompanied by a specialist site investigation report, which shall provide evidence on the nature and extent of ground instability or contamination and any remedial measures to overcome these problems. Where remedial works are acceptable, conditions will be attached to any planning permission or a planning obligation by agreement sought to ensure that these are carried out before the development commences.