

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application No:** 19/1477/FUL **Grid Ref:** E. 297087, N 282209

**Community Council:** Llanidloes Without CC and Llangurig **Valid Date:** 25/09/2019 **Officer:** Gary Nancarrow

**Applicant:** Mr David Williams Sundorne Products (Llanidloes) Ltd, Llanidloes, Powys, SY186JJ

**Location:** Bryn Posteg, Tylwch, Llanidloes, Powys, SY18 6JJ

**Proposal:** Regularisation and retention of over-tipped material on the existing landfill, additional landfilling operations in accordance with revised restoration profile and phasing details together with associated landfill infrastructure.

**Application Type:** Full application, part retrospective.

**Environmental Statement:** Application accompanied by an Environmental Statement.

**Reason for Committee:** Major waste development. Powys County Council has an interest in the site because the applicant provides waste management services operating from this site to the Council.

### Site Location and Description

Bryn Posteg Landfill and Waste Management Site is located on high ground 320m AOD on the site of a former lead mine adjacent to the north eastern side of the B4518, some 3 kilometres south east of Llanidloes, and is surrounded by upland agricultural pasture. Bryn Posteg is an existing and long established landfill and waste management site covering an area of approximately 17 hectares. The application area covers the existing permitted waste disposal site. The nearest occupied residential properties to the site are Valley View 200 metres to the north west and Bryn Posteg Farm and Maes Socyn 350 metres and 370 metres to the west and south west of the site. A small number of other rural properties are located at distances in excess of 500 metres from the site.

### Consultee Responses

**Local Member** – Cllr. Phyl Davies, Blaen Hafren. No comment to date.

**Adjacent Ward Member** Cllr. Karl Lewis, Llandinam. No comment.

**Adjacent Ward Member** Cllr. Gareth Morgan, Llanidloes. No comment.

**Llanidloes Without Community Council** – Due to the current problems of smell at the site are reluctant to support this extension at the present time.

Llanidloes Without Community Council discussed the application at Brynposteg Landfill site in great detail, given the many years difficulties in dealing with the operation of the site, and representing views of those residents with the Community Council area.

The consensus of the meeting was that Brynposteg Landfill Site should continue to operate until such a time as the last cell within the site has been completed and capped. The works must be undertaken to a high standard with all works then ceasing on the site. Previous planning contents have been secured but have not been completed as per the detail of the Site Managers and Llanidloes Without Community Council do not wish this to continue. Finishing the cell and restoring the land to a green cover is the wish of this Council.

The above does not prejudice the Council in relation to any further applications of the Landfill Site.

**Llanidloes Town Council** – Llanidloes Town Council oppose the application as further to a public meeting where approx. 40 residents were present, it was agreed that "The residents of Llanidloes and surrounding areas have put up with the smell for long enough. We are being asked to support something which is illegal, has poor infrastructure and would increase traffic passing 2 busy Schools and residential areas. Any attempt to make that worse should be opposed to, therefore Llanidloes Town Council unanimously strongly oppose this application".

**Llangurig Community Council**– Llangurig Community Council discussed the above planning application and are strongly opposed to it for the following reasons.

Llangurig Community Council acknowledges that at present the landfill site is working well as there are no birds circling overhead, minimal odour and the water quality has been good. These are all issues which were very much present and causing serious concern to local residents previously. This is the current situation since the gates were closed to fresh waste being brought to the site.

Llangurig Community Council feels very strongly that a new cell should not be opened and the old cell should also not be opened in order to continue to fill it. The concern is that the issues felt locally before the gates were closed to fresh waste would return straight away if this happened.

Llangurig Community Council also wishes to assert that NRW must ensure that regulations are upheld in relation to this site at all times as there were very great concerns previously that the site was not regulated effectively.

**Llandinam Community Council** – No comments received to date. Will liaise with other Community Councils who may attend the planning meeting.

**Powys Highways** - Based on the information submitted to support this application, the Highway Authority does not wish to comment on this application.

**Powys Environmental Health** - No objection. Thank you for the consultation in respect of this application. Landfill operations are regulated by NRW under Environmental Permits and as such would be more appropriate to comment on the detail of the proposed works onsite.

Having said this as a consultee I also have to consider I do have a duty to consider the impact of the proposal on the amenity of nearby residents. My principle concern is that arising from odour and I have given consideration to the both chapters of air quality and odour.

I note that the application is for a regularisation of over tipped waste and whilst I am not in a position to comment on the technicalities of further works onsite, I would be extremely concerned about the alternative which would be removal of the over-tipped waste. Any such operation is likely to have major impacts on amenity as it would be a very odorous process and there are receptors living in close proximity.

I therefore support the proposal being put forward to retain this waste onsite.

**Powys Contaminated Land** - No Objections. In relation to pre-application consultation 19/1477/FUL, there would be no requirements in respect of the investigation, assessment and mitigation of potential land contamination risks.

As the planning application proposal relates to an active landfill site, the works should be completed in accordance with the requirements of any existing Environmental Permit and to the satisfaction of the regulating authority i.e. Natural Resources Wales.

**Natural Resources Wales** - We have no objection to the proposed development as submitted and provide the following advice.

#### Industry Regulation

We received an amended Pre-Application Consultation report on 01/11/2019 (document titled 'Land at Bryn Posteg Landfill, Llanidloes, Powys, Pre-application Consultation Report', document referenced 3456.CAU .XX.XX.RP.T.0300.S4.C2 dated October 2019 by Caulmert Ltd.) submitted in support of this proposal.

The report confirms all the drawings and documents submitted in the planning application are the same as the current documents provided to NRW for the application to vary the Environmental Permit for this site. We can confirm the requirements made during the pre-application application process have been addressed.

We advise the technical determination of the Variation to Permit is still ongoing, and

more formal advice on industry regulation matters will be made under this regulatory process.

#### Air Quality

We advise matters of air quality relate mainly to dust. We advise levels of dust should not exceed nuisance levels. The documents provided relate to matters which the Human Health department should comment on.

#### Protected Species

Based on the content of the ecological submission (Ecology chapter of the Environmental Statement 'Land at Bryn Posteg Landfill, Llanidloes, Powys' by Caulmert Ltd, Doc ref: 3456.CAU.XX.XX.RP.T.0301.S4.C1 dated April 2019), we are of the view that the proposal

- i (i) Is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; and
- ii (ii) Is not likely to adversely impact any local populations of British fully protected species

We therefore have no objection to the proposed scheme on any protected species reasons.

#### Flood Risk

The part of the proposal site in consideration is in Development Advice Maps zone A with no known main river flood issues, in accordance with Technical Advice Note 5: Development and Flood Risk (July 2004). Detailed drainage comments should be made by the Lead Local Flood Authority. This is to ensure that sustainable drainage techniques are employed in line with best practice.

#### Landscape

The site is not near any National Parks or Areas of Outstanding Natural Beauty, therefore does not meet any landscape criteria on our planning advice remit.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

**Hafren Dyfrdwy** - With Reference to the above planning application the company's observations regarding sewerage are as follows:

As the proposal has minimal impact on the public sewerage system I can advise we

have no objections to the proposals and do not require a drainage condition to be applied.

**Welsh Water/Dwr Cymru** - We have no comments to make on the above Planning - Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

**Public Health Wales** – No Objections Overall Conclusion - We have no grounds for objection based upon the public health considerations contained within the application.

### **Comment**

Note that the consultation was extended to the immediately neighbouring Community Councils and County Council Ward Members because the site is located on or very close to the administrative boundaries, and because the potential effects of the site are not confined within the administrative boundary which the site is located.

### **Representations**

25 letters of objection and 1 letter of support. Concerns raised material to planning are:

Ecology

Climate and biodiversity emergency & zero carbon

Poor site access

Accidents and road blockages

Increase in traffic

Highway safety

Over-development

Too big

Site is too high

Not in keeping with the character of the area

Strain on existing community facilities

Close to residential properties

Loss of privacy

Potential contaminated land

Pollution impacts on people

Pollution of watercourses

Impact on groundwater

Impact on local water supplies

Flooding

Public health and safety

Odours

Noise

Litter nuisance off site

Crows and gulls littering surrounding area with food waste

Adverse impact on tourism and business due to odours

Better location required for waste management  
Will make matters worse  
Not compliant with the Wellbeing of Future Generations Act  
Waste not coming from Powys  
Waste travel distance not sustainable  
General dislike of proposal  
No reason not to reopen to complete the proposed works.

### Comment

Several representations made reference to the competency, environmental compliance history and prosecutions of the applicant. These are not material to planning, which considers land use. Financial provision and competency of the organisation carrying out the landfill development is a material factor for the variation to the Environmental Permit for the site which is being considered by Natural Resources Wales.

### **Planning History**

There are a number of implemented permissions for the established waste disposal landfill and ancillary offices, waste processing and environmental control mechanisms including landfill gas engines, leachate lagoons and a biomass boiler.

M2000/0224	Extension to existing waste disposal site.
M2004/1361	Section 73 to vary conditions 3 and 6 of permission M2000/0224.
M2004/1362	Regularisation of unauthorised over tipping.
P/2016/1197	Section 73 to remove condition 5 of planning permission M2000/0224 to not construct an amenity bund along the site's boundary with Tylwch Road.
P/2008/0443	Erection of 11kv overhead electricity line.
P/2009/1200	Relocation of surface water system & construction of two reed beds for polishing treatment of surface water arising from Bryn Posteg Landfill site.
PP 2010/0566	Erection of an anaerobic digestion plant including a combined heat and power plant, construction of internal access roads and associated earthworks and landscaping.
P/2011/1184	Construction of a replacement composting slab, erection of a storage tank and associated landscaping works.
P/2015/0236	Erection of a biomass boiler, fuel store and associated works.

P/2015/1192

Section 73 application to vary condition no.1 attached to planning permission P/2010/0566 (anaerobic digestion plant) to extend the commencement of development by a further 5 years.

### **Principal Planning Constraints**

Public Rights of Way, Landfill Contamination and a Minerals Site Safeguarding are listed, but note that the site is an existing landfill development and does not directly affect any right of way. The site is located in the Open Countryside.

### **Principal Planning Policies**

#### ***Government Policy and Guidance:***

Planning Policy Wales Edition 10 (2018)

Towards Zero Waste: The Overarching Waste Strategy Document for Wales (2010)

Technical Advice Note 21: Waste (2014)

Technical Advice Note 11: Noise (1997)

Landfill Sites: Development Control Circular 38/89

Waste Planning Monitoring Report North Wales 2018

Collections, Infrastructure and Market Sector Plan (2012)

The Waste (England and Wales) Regulations 2011

Directive 2008/98/EC on Waste

#### ***Local Planning Policy & Guidance:***

Powys Local Development Plan 2011-2026: The principle policies by which this application has been assessed are:

Policy SP7:	Safeguarding of Strategic Resources and Assets
Policy DM2:	The Natural Environment
Policy DM4:	Landscape
Policy DM5:	Development and Flood Risk
Policy DM6:	Flood Prevention Measures and Land Drainage
Policy DM7:	Dark Skies and External Lighting
Policy DM14:	Air Quality Management
Policy T1:	Travel, Traffic and Transport Infrastructure
Policy W1:	Location of Waste Development
Policy W2:	Waste Management Proposals
Policy RE1:	Renewable Energy
Policy M5:	Restoration and Aftercare

The main policies to be considered in the determination of this application are the policies of the Adopted Powys Local Development Plan, particularly those relating to, waste management, landscape and amenity. The policies within Technical Advice Note 21: Waste, are also material to the determination of this application. On balance, the development would comply with national policy and guidance and the policies of the development plan.

### ***Other Legislative Considerations***

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Planning Appraisal**

#### **Reason for Application**

The tipping levels at Bryn Posteg Landfill Site have exceeded the levels on approved drawing No 9 of planning permission M/2004/1362 which permitted a broad domed landform with a maximum elevation of 341.5 m AOD. The current surveyed maximum elevation (2018) is 349.65 m AOD, approximately 8 metres over the highest authorised level, and the depth of the overtipping varies from zero to a maximum overtip of 12.5 m. The overtip is not uniform and areas remain within or below the current consented levels. This application is to regularise the existing unauthorised over-tipped material and to seek planning permission for the remaining areas where additional disposal of waste will be necessary to achieve a final landform which links in to the profiles already created. The proposed final landform will have a maximum pre-settlement elevation on completion of restoration of up to 351 m AOD.

The total remaining volume of material, including existing consented capacity, to complete the restoration of the landfill is 179,690 m<sup>3</sup>. The difference between the existing and the proposed final levels, is the new capacity required and amounts to 122,412 m<sup>3</sup> and is split between 59,379 m<sup>3</sup> waste and 63,033m<sup>3</sup> capping and restoration soils.

The timescales to complete the landfill indicated on the Site Phasing Plan are 2 years from re-commencement of waste disposal to reach pre-settlement levels, capping works completed within 3 years and restoration works including the deposition of soils, seeding and tree planting completed within 4 years, albeit the dates provided assumed a start date of October 2019. A phasing plan with revised dates will be required to be submitted assuming that new Planning Permission and Environmental Permit are granted.

#### **Background**

Bryn Posteg landfill was originally owned and operated by Montgomeryshire County Council as a household waste disposal site up to the time of local government reorganisation in 1996, when Powys County Council sold the landfill to private ownership. The site has been operating as Sundorne (Llanidloes) Ltd, part of the Potters Group, who are a significant regional operator of waste management facilities in Mid and West Wales. The landfill site has been extended in the past, and the most recent pre-settlement profile plan for the final restoration levels dates from 2004, illustrated in “drawing number 9” submitted with this planning application. Following consideration of

drawings during scoping and pre-application queries for a possible lateral extension to the landfill, officers found a disparity between the plans. Following investigations by officers acting for the local planning authority, it became apparent that the site operator has been working to a different version of “drawing number 9” which illustrated higher levels compared to the version authorised by both Natural Resources Wales and the Local Planning Authority.

During the course of the investigation new surveys of the site were jointly commissioned by Natural Resources Wales and the Local Planning Authority to independently establish the extent of the overtipping, and for the preparation of an isopachyte plan showing the areas and depths of overtipping and areas which had not yet reached authorised levels. Following this Natural Resources Wales suspended the Environmental Permit which allowed waste disposal on the site pending a demonstration that the existing site infrastructure, such as the containment lining system and the leachate and gas extraction pipework, is capable of performing in the long term given the additional loading and settlement movement forces which will be acting on them. The basis of the Environmental Permit was on modelling assuming a given depth of waste. A new modelling assessment was required to demonstrate that the infrastructure will continue to perform in the long term and to ensure that the specification of the infrastructure within the landfill such as the landfill lining, capping, extraction wells and the leachate and gas extraction pipework meets a factor of safety which does not place it at risk of failure from the additional mass of material and settlement forces acting on the pipework.

In response to this the applicant has carried out assessments and modelling of loading stresses to demonstrate that the long term performance of the environmental control infrastructure is not compromised. Natural Resources Wales are satisfied with the outcome of the new modelling. The applicant has made an application for the variation of the Environmental Permit with Natural Resources Wales to take account of the new loading and modelling, and a revised final landform profile plan. In parallel, the applicant has submitted this planning application to regularise the overtip and for a new final restoration landform.

The risk assessment modelling is critical to ensure that the site does not pose an unacceptable risk of pollution to the water resources and natural environment in the long term, which is why the Environmental Permit was suspended. It is understood that Natural Resources Wales is close to making a decision on the variation of the permit, and will carry out a public consultation prior to the final decision. From a planning perspective, Natural Resources Wales have raised no objection to the planning proposal.

### **Current Site Situation**

The site covers a large area of approximately 17 hectares and the approved landform is for a gently rising whale backed hill reaching a high point of 341.5 metres AOD. The profile which is currently on site excluding the current open waste disposal cell was reached around 2011, to a high point of 349.65 metres AOD at which time the final

phase of cells was in preparation to accept waste, with landfilling rising up to tie in with the profile of the previous phases. The earliest phases to the east have been restored with vegetation now establishing. The more recent phases were capped over the top of the site, and restoration soil placed over much of the existing completed cells. The south eastern flanks are capped, but await further clay capping and restoration soils to be spread over them. A prominent mound of compost is placed on the restored profile ready to be spread as part of the restoration soils.

The proposed pre-settlement profile intends to retain all of the previously capped and restored areas of the site within the new pre-settlement profile to regularise the development which has occurred. There is no intention to carry out waste disposal over these areas again. There is a large area which has reached pre-settlement levels, capped and partly restored, and these require completion of the restoration. On the southwestern flanks an area has been capped with geomembrane but awaits the placement of capping clays and restoration soils. These elements represent the regularisation of the overtipped area of the development site.

There is a remaining phase of incompleting landfilling at the west of the site for which the current planning permission remains valid, but in order to tie in with the existing landform represents the other element of this application for the continued deposition of waste and subsequent capping and restoration of this area.

### **Options and Justification for this Application**

The options for how to manage the overtip were assessed by Natural Resources Wales, the Local Planning Authority, and by the Applicant. Whilst public reaction is for the excess material to be pushed into the remaining void, or simply to stop with the present profile, with an immediate cessation of new waste being brought into the site, these options present a number of practical difficulties. The timeline for carrying this out is not quick, as new gas and leachate infrastructure would have to be installed to replace the existing equipment. A very large area of the site already restored would be undone requiring the majority of the site to be re-restored. The logistics of stripping soils and clays and storing them for re-use presents serious challenges, and the risk of the company going into administration leaving the site unfinished and in a worse environmental situation would be unacceptable.

Furthermore re-exposing previously disposed waste will result in significant risk of odours, uncontrolled releases of landfill gas, leachate generation from rainfall on the newly exposed waste, visual litter, dust, pests and vermin and most critically, a risk of fire. The introduction of oxygen to waste which is in a state of decomposition is at high risk of spontaneous combustion due to the high temperatures generated in the decomposing waste, and paradoxically, the introduction of rainwater accelerates this biological process. Whilst surface fires can be extinguished readily, fires that become established in the body of the waste present a very serious challenge to extinguish, and a significant risk of harm to the environment if the containment and environmental control infrastructure system is damaged or destroyed.

Another option is to continue landfilling in the remaining consented areas up to the existing approved profile, however this would leave a prominent break in slope which is too steep to be capped and presents significant environmental risks, and the resultant landform is not in keeping with the area.

The best solution which provides effective long term environmental control, and a useable final landform in keeping with the landscape is the regularisation and continued disposal of waste to a newly approved landform which will see the completion of waste disposal within 2 years and the completion of the restoration of the site within 4 years.

### **Development Being Sought**

This application is to regularise the waste disposal which has taken place in excess of that permitted, together with a new final pre-settlement profile for the entire landfill site which will provide new tipping capacity and a coherent final restored landform. The disposal capacity sought for additional waste to complete disposal activities amounts to 116,657 m<sup>3</sup> (which equates about 99,158 tonnes of residual waste), which if disposed at 49,579 tonnes per annum, is 2 years disposal of non-hazardous household, commercial and industrial waste. This runs in tandem with the delivery of 63,033 m<sup>3</sup> capping and restoration soils (which equates to about 88,240 tonnes) at an assumed rate of 22,060 tonnes per annum for soils and clays, as set out in the application documentation and on the site phasing plan, Drawing No. 3456- CAU-XX-XX-DR-S-1815.

Waste input at reduced rates will correspondingly increase the life of the site. Once the deposited waste reaches the approved pre-settlement level, the capping system comprising a layer of HDPE (or similar) airtight geomembrane, a 1 metre layer of engineered clay and up to 1 metre of restoration soils is required to be progressively placed on the surface on completion of each working cell. The capping and restoration works will continue for up to 2 years after the completion of the final landfill cell. Thereafter the only activities on the landfill site will be restoration planting and aftercare, and periodic maintenance of the leachate and gas extraction wells.

The waste transfer station, composting area, offices, landfill environmental control infrastructure such as the landfill gas generating engines, biomass leachate heating boiler, and leachate treatment lagoons, will be retained on site until such time that they are no longer required. Some of these are subject to stand alone planning permissions. The revised landform is within the footprint of the existing permitted landfill site. Areas already restored or awaiting restoration will remain unaltered and the only additional alteration is the height profile and duration of the active landfilling activities and additional waste over and above the existing consented profile required to complete the infilling.

## **Landscape and Restoration**

The proposed landform will retain the profile of the completed cells which have been capped or temporarily capped. New disposal will take place in cells which will rise up to meet the top edge of the completed cells to create a whalebacked domed profile. The slopes are generally at a modest gradients of 10-15 % with steeper sections being between grades of 20 to 30%. Over time the profile will reduce due to the effects of settlement as the waste decomposes and compacts, and will eventually reach stability once the main stages of decomposition of organic content has ceased. Landfills are deliberately designed to have steep profiles to compensate for this and to avoid flat spots and dishing which would encourage water-logging of the restored soils, and to minimise risk of surface water entering the body of the waste. This is essential to avoid the generation of leachate, a liquid which contains the decomposition and leached products from the body of the waste.

The landform has infilled the upper reaches along the northern slope of a valley at the watershed between two river tributary valleys separated by the B4518 Llanidloes to Tylwch road which runs along the southwestern boundary. Previously the site was the location of a lead mine and spoil heaps. The valley follows a south-west to north-east alignment and falls away to the northeast. The northern valley slopes steeply drop to the valley floor, which contains a shallow basin of wet upland fenland or "bog" with scrubland succession developing. The site is set within a patchwork of upland agricultural fields in pasture grazing use, with thin hawthorn hedgerows and stock proof fencing defining the field boundaries. To the south the land rises to high hills characterised by a more open character with upland heathland and semi-improved grassland. Isolated farmsteads and residential properties are located along the main road and at more distant locations. Very few have a direct view of the site, mainly confined to properties on the hillside to the south, such as Talcen, 500 metres away.

Public footpaths run along the boundary of the site to the north and south, but there are only limited views into the site, and the impact is already existing. Users of the highway have very restricted views due to hedgerows and sunken nature of some of the unclassified roads. Agricultural workers will have the best uninterrupted views of the site from within surrounding fields. The visual impact is limited to a small number of people.

Whilst the site remains incomplete the impact is locally significant as it is incongruous in the upland rural setting, however, as the site is restored and on completion of the restoration, the local impact will diminish to the point that the landform will assimilate into the landscape. The landform being created will have a maximum pre-settlement top of restoration height of 351 m AOD with a modest rise and gentle slopes to the north and south-west, and the greatest rise and steepest slopes to the east and south-east where they drop into a natural valley.

The surrounding land along the northern boundary with the landfill rises in an easterly direction from 325 m AOD to 333 m AOD, giving a bottom to top of landfill rise of between 17 to 25 m over distances of 150 to 200 metres. The surrounding land along the southern boundary with the landfill falls in an easterly direction from 330 m AOD to

317m AOD, giving a bottom to top of landfill rise of between 20 to 33 m over distances of 150 to 270 m. The original consented highpoint was 341.5 m AOD, meaning that the proposed high point is an additional 9 metres higher, and given that the high point level is already at 349 m AOD, in practice the additional increase in height is simply to accommodate the capping and restoration soils with a nominal depth of between 1 to 2 metres above the existing tipped profile. The location of the high point has shifted from the originally intended northern part of the site 110 m to the south, and is now in a central position.

The restoration proposals are illustrated on Drawing No 18/03/RP/01. When completed, the site will be a whale-backed hill gently rising from the Llanidloes to Tylwch road and agricultural land to the north. The profile of the site will be more pronounced when viewed from the south because it rises up from the valley floor and in effect creates a steep sided valley slope, not uncharacteristic of small valleys with semi-naturalised vegetation characteristic of the Cambrian Mountains hill country. On the southern side of the site, restoration planting of native scrubland and a boundary hedgerow over the lower slopes will help to reduce and foreshorten the otherwise barren slope and the steepest slopes will be delineated by a native hedgerow to be established along the top of the break in slope. On the northern side of the site, scrubland planting will be established along much of the lower flanks, and a belt of native woodland 15 to 27 m deep will run for 175 m over shallow gradients which make up the middle flanks of the slopes. The central part of the site over the highpoint, and locations to the far north and far east will be restored to species rich grass pasture. The band of the steepest slopes will have scattered scrub. The grassland will be capable of being put to agricultural grazing. This reproduces what is most likely to occur in naturally occurring steep sided valleys.

The landscape and visual impact has been assessed in the Environmental Statement and an extensive landscape and visual impact assessment has been carried out for predicted impacts over a 7 year period in three phases of operational activity up to and including the final restoration, and takes account of existing, previously consented and proposed landforms. This was carried out over an 18 month period of assessment and included evaluation from areas of Historic Landscape 12 km distant. No long distance footpaths, designated or historic landscapes are predicted to be adversely affected. There are a limited number of closer moderately sensitive residential properties, and for these and users of the footpath and highway network, there will be a moderate impact during the phases of infill and capping. Following restoration this reduces to a negligible impact.

The findings of the landscape and visual impact assessment are that there are limited opportunities to view the site from longer distances, and coupled with the presence of mature vegetation, low receptor numbers and limited public access, the assessment concludes that the impact of the proposed landform is not significantly worse than the most recently approved restoration landform.

The issue is whether the new existing and proposed landform continues to meet the objectives of the new LDP policies. The principle of the development and a domed landform is long established, and the proposed landform and final restoration remains compatible with that which was originally intended, and is broadly compatible with the character of the local settings. There will be a visual impact during the operational stages, these are existing, and the current waste disposal cells may continue to operate and fill up to the levels consented by the extant planning permission. In the longer term the permanent landform and restoration will integrate with the wider and local landscape. The restored site will incorporate appropriate planting of woodland, scrub vegetation, hegerows and species rich grassland pasture which will provide biodiversity enhancement which will provide a linkage with the near by wet upland fen and nearby woodland. Culturally the site will be capable of providing agricultural pasture grazing, in keeping with the sheep farming typical of the locality. Footpaths are unaffected and views across the site will be improved compared with existing views. The development is considered to accord with LDP policy DM4 Landscape and SP7 Safeguarding of Strategic Resources and Assets subsection 3 iii) Public Rights of Way and subsection 4) The valued characteristics and qualities of the landscape throughout Powys.

### **Amenity Nuisances**

Waste disposal sites by landfill have the potential to generate disturbance and nuisance from odours, noise, dust, litter, gulls, crows, vermin and flies. It is the case that there has been adverse amenity effects from the operation of Bryn Posteg Landfill site, mainly due to odours from both freshly delivered waste and from the releases of landfill gas which contains hydrogen sulphide and volatile aromatic compounds. In recent years a programme of increased landfill gas collection wells and capping of the completed surface has been put in place to address the releases of landfill gas as part of a wider odour management plan agreed with Natural Resources Wales.

The applicant has prepared a detailed assessment of odour generation, comparing the existing and proposed development. The conclusion of the modelling is that the difference to the release of odour from the revised development at sensitive receptors is generally negligible to moderate impact. This would decline as the site is capped and the landfill gas is more effectively captured and managed through landfill gas engines.

The regulatory control for the protection of the environment and human health at the Bryn Posteg landfill site rests with Natural Resources Wales where the development is subject to an Environmental Permit. The existing permit is subject to a variation application to enable the site to be completed to a revised profile, which provides an opportunity to strengthen the permit conditions. Long standing government guidance and case law advises that one regulatory body should not seek to replicate or apply controls which are the responsibility of another regulatory body and it is not proposed to apply planning conditions to bring about controls of matters such as odour control, litter and dust.

The Planning Authority must still consider the impacts on amenity and be satisfied that the granting of the proposed development does not present additional unacceptable

adverse impacts on residential amenity compared with the situation which is currently permitted. It must also consider the consequences of not carrying out the proposed development which leaves the site in an unsatisfactory situation. On balance, whilst it is accepted that this site has caused problems in the past, the proposed development offers a certainty of completion, and improving environmental controls, especially those relating to landfill gas and odour. The Environmental Statement assesses the odour regime in detail and the conclusions are that the proposed development will have a insignificant to moderate impact on odour at sensitive locations dependent upon the stage of development. Once the site is fully capped the potential for odour releases is much reduced.

One of the reasons why it is necessary to complete the infill of the remaining cells is to enable the site to be fully capped which will progressively reduce the area of exposed waste, minimising the passive release of odours and landfill gas. The site cannot be capped in its current condition which has a very steep slopes leading into the incompleated disposal cells, because capping needs to be placed on gentle slopes to avoid long term stresses on the containment system which can cause failures of the lining system and erosion and landslip of the restoration soils. The capping needs to be stable over a very long time period to provide environmental controls to prevent the release of landfill gas, minimise fire risk and infiltration of surface water which generates leachate.

The proposals have been assessed by the Environmental Health and Contaminated Land Officers and Public Health Wales who raise no objection. Indeed, the Environmental Health Officer expressed concern if the currently capped waste was to be uncovered as it would cause significant risk of odour nuisance. Amenity nuisances are addressed by LDP Policy DM14 Air Quality Management, DM 13 Design and Resouces, and W2 Waste Management Proposals. It is considered the proposal complies with the policies because there are sufficient operational controls to manage nuisances to acceptable levels. In particular landfill odours will be subject to an odour management plan regulated under an Environmental Permit by Natural Resources Wales and the completion of the capping and restoration will result in a marked improvement in odour control in the long term.

### **Public Rights of Way**

Public footpaths are located outside of the application area and run adjacent to and parallel to the northern and southern boundary, and a path connects the two which runs along the eastern boundary and crosses the site in the vicinity of the water settling lagoons. None of the proposed development has any direct impact on the rights of way. Indirect impacts are the visual impact, mainly seen through hedgerows at close quarters, and these impacts already exist. The visual impact on the footpaths is considered in the visual impact section of this report, and is considered to be of minor significance. The development therefore complies with Powys LDP Policy SP7 Safeguarding of Strategic Resources and Assets and DM13 Design and Resouces.

## **Transportation**

The development will require the delivery of 99,158 tonnes of waste to be delivered for disposal and 88,000 tonnes of restoration soils over the course of 4 year period. The proposed development does not increase the rate of traffic which has historically visited the application site, or the routing arrangements, but will cause traffic to continue for a longer duration than if the current planning permission had been complied with. A proposed maximum 75,000 tonne per annum input rate to the site will keep HGV traffic within levels which can be comfortably accommodated by the local highway network.

Assuming a payload of 20 tonnes per HGV, this equates to 47 HGV deliveries per week, or a nominal 9 per day (18 movements of 9 in and 9 out). In practice deliveries may be bunched due to the availability of restoration soils, so there may be higher daily input rates, followed by a lull in deliveries back to baseline waste disposal deliveries.

The Powys Highway Officer has raised no objection. The continuation of deliveries of waste and soils to complete the development accords with LDP Policy DM13 Design and Resources subsection 10 and T1 Travel, Traffic and Transport Infrastructure which addresses traffic and access issues.

## **Ecology**

The site has been subject to ecological surveys and an assessment of surrounding land made in the Environmental Statement. There are no national designations applicable to the site. Much of the site is operational landfill, awaiting capping, or capped and awaiting restoration. The continued development of the site would have minimal impact on the ecology on or off the site. The site is partially restored, and areas which are vegetated will be largely retained. A significant area of the site remains unrestored, with exposed waste and daily cover, or capped with geomembrane, and has a very limited ecological value. Indeed, the presence of gulls and crows is likely to be having a negative effect on smaller bird species. As the site is completed and restored the scope for scavenging is reduced and eventually eliminated and the populations of scavenging birds will disperse. The existing habitats created at the site will be retained and the progressive restoration proposals includes a belt of native deciduous woodland, species rich grassland, scrubland and waterbodies. These will provide biodiversity enhancements and linkages with nearby habitats such as the upland fen, and nearby woodland.

On completion of the restoration, a mosaic of habitats will be established which will be capable of supporting a range of farmland and woodland bird species, amphibians, bats, invertebrates and plant species which will make a positive contribution to biodiversity. The development accords with LDP Policy DM2 The Natural Environment and W2 Waste Management Proposals by providing ecological enhancements which are appropriate to the settings.

## **Hydrology**

Matters such as surface water, groundwater and flood risk are assessed in the Environmental Statement. The effects of the proposed development are considered to

be no more significant than for the existing development, as the catchment area has not altered. The landform has the potential to increase surface water runoff rates because of steeper slopes, but is offset by a greater surface area to hold water. Operational controls are in place to manage surface water, with existing attenuation lagoons continuing to settle out silt and discharge water at a controlled rate into the local watercourse. Local watercourses may potentially be affected by surface water runoff polluted by spilled contaminants and flushing of pollutants during the construction phase of the landfill. This risk will decline as the site is progressively capped and restored. The development accords with LDP Policy DM5 Development and Flood Risk, and DM6 Flood Prevention Measures and Land Drainage and W2 Waste Management Proposals.

### **Waste Planning Assessment**

Ordinarily, proposals for new waste disposal would be required to demonstrate a case for need, as it is clear Welsh Government Policy and Strategy that Wales should attain a zero waste to landfill by the year 2050. Other targets are in place which have encouraged local authority collected waste to be diverted away from landfill. The issue here is whether the completion of this landfill represents unreasonable new capacity which may undermine the greater objectives of the Welsh Government.

The landfill has existing planning permission under which landfilling may continue to take place. The total volume of waste to complete the development is 116,657 m<sup>3</sup> or 99,158 tonnes of which 59,379 m<sup>3</sup> or 50,472 tonnes would be new capacity. The market for this is predominantly going to be from the commercial and industrial sector as availability of residual waste from local authorities is diminishing on account of waste being sent to energy from waste facilities instead. The applicant is projecting that the input rate of residual waste will be about 49,600 tonnes per annum, approximately 2 years. The catchment for sourcing waste to infill Bryn Posteg may need to widen, and a proportion of the waste is likely to come from outside of Wales. The circumstances at this site are exceptional in that the new waste capacity being sought is required to be disposed to complete a site which cannot be left in its current condition. The new tonnages required and lifespan to complete development are not considered to unduly increase the remaining regional waste disposal capacity for North Wales, or undermine continuing efforts for diversion of waste away from landfill or recycling.

Disposal of waste by landfill is at the bottom of the waste hierarchy. Tan 21: Waste requires landfill capacity to be monitored and the most recent North Wales Waste Monitoring Report 2018 advises that landfill capacity in the North Wales catchment, which Bryn Posteg is located, is approximately 10.58 years with existing sites with an Environmental Permit where there is about 4 million m<sup>3</sup> of landfill capacity. A requirement for consideration of new capacity is triggered when the capacity falls below 7 years. The proposal for Bryn Posteg will add an additional 0.059 million m<sup>3</sup> to this capacity to put the effects into context. Whilst the need for new landfill is finely balanced, this level of increase is not considered to unduly affect regional patterns of waste movements.

The development is considered on balance to comply with LDP Policy W1 Location of Waste Development. Whilst there is not an overwhelming need for new mixed waste landfill capacity, this is an existing landfill site and the additional waste capacity created is modest in regional terms and is justified by the need to complete and restore the existing site in a reasonable time period to protect the natural environment, water resources and residential amenity of the area.

### **Key Application of LDP Policies**

Policy SP7: Safeguarding of Strategic Resources and Assets and Policy DM4: Landscape. The principal long term impacts of the development are the impact on the landscape of the landform proposed taking into account the existing approved development. The landform is considered to be compatible with the landscape setting and has an appropriate restoration proposal. Whilst there are short term adverse impacts on the near views and tranquillity, when completed the landform and restoration is considered to be compatible with the landscape setting and capable of being put to a productive biodiversity and agricultural use.

Policy DM2: The Natural Environment. The development provides for the enhancement of biodiversity, and the restoration will provide opportunities for a diverse range of habitats to become established.

Policy DM5: Development and Flood Risk, and Policy DM6: Flood Prevention Measures and Land Drainage. The development has the potential to generate surface water runoff. There are existing settlement and attenuation ponds to intercept water to minimise flooding off site. The steeper profiles of the proposed landform have an increased runoff rate compared with the original, however once restored the vegetative cover will arrest surface water flows from the site. The increased risk off site flooding due to the proposed development is negligible compared with the existing site.

Policy DM7: Dark Skies and External Lighting. The site is located in an upland rural setting, and measures are proposed in a condition to minimise lighting during the hours of darkness.

Policy DM14: Air Quality Management. The main issue for the development is the management of odours. This has been problematic and in the short term is likely to remain an intermittent problem until the capping and gas extraction infrastructure can be progressively installed. An odour management plan was agreed with Natural Resources Wales to improve the rate of gas collection infrastructure and capping of exposed waste faces at the development site. A new Environmental Permit, if granted by Natural Resources Wales, will have updated controls over this aspect of the development. The proposal is to enable the completion of the landfill in a realistically short timescale, and when the capping is completed the landfill gas system will be working at maximum effectiveness to minimise the escape of odourous gases.

Policy T1: Travel, Traffic and Transport Infrastructure. The transportation routing is well established, and the proposed development does not increase the rate of usage of

HGVs on the road network. Conditions will limit the maximum throughput and the hours of working which will keep highway impacts within acceptable levels.

Policy W1: Location of Waste Development and Policy W2: Waste Management Proposals. These are the principal policies applicable to this site. It is an existing facility, and the principle of waste management at this location is long established. Controls are proposed to minimise impacts of the development on residential amenity and the natural environment. A restoration and aftercare plan is proposed which is appropriate for the setting. The site is in urgent need of being completed and restored and the proposed development is intended to achieve this. There remains a need for landfill, albeit that it is reducing in line with Welsh Government policy and strategic aspirations for zero waste to landfill by 2050. The total volume of materials required to complete this site is 179,690 m<sup>3</sup> (116,657 m<sup>3</sup> waste and 63,033 m<sup>3</sup> capping and restoration soils) The additional new waste, capping and soils required to complete the site is 122,412m<sup>3</sup> (59,370 m<sup>3</sup> waste and 63,033 m<sup>3</sup> capping and restoration soils) which does not add an unreasonable increase in disposal capacity in the North Wales Region or beyond.

Policy RE1: Renewable Energy. The development is and will continue to generate landfill gas and additional waste will increase this. The effective use of capping and extraction systems enables the gas to be used for the production of electricity in landfill gas engines, likely to remain generating for the next 20 years. As gas volume reduces in the longer term, a smaller engine may be substituted. The landfill gas engine also serves as the principal means of managing the gas and reducing odours.

Policy M5: Restoration and Aftercare. There is no specific policy for the restoration of a landfill site, and is covered by Policy W2, but the principles of M5 which relate to the restoration and aftercare of mineral working sites are applicable a landfill site.

It is considered that on balance the proposal meets the objectives of these policies and a sound recommendation may be made.

### **Planning and Environmental Permitting**

In order to be able to carry out waste disposal operations, the applicant requires both a valid planning permission issued granted by the Council and an environmental permit (permit) consented by Natural Resources Wales. The permit provides controls for the daily and long term operation of the site to ensure that human health and the environment is safeguarded from the potential effects that could arise from an unregulated site. The permit will provide controls over the landfill lining and capping specifications and performance, leachate and landfill gas extraction and treatment, management of disposal cells, surface water management and nuisances such as litter, dust, noise, pests and vermin. The Council in its capacity as local planning authority should not seek to replicate or apply more stringent controls over the regulatory responsibilities of Natural Resources Wales, which is why there are only limited number of environmental control conditions being proposed.

The planning authority is considering whether the development is an acceptable use of the land. The principle of the use of the land for waste disposal has already been long established, so the issue being considered now is the acceptability of that use continuing to complete the restoration of the site. The recommendation is that the continuation of the present use to bring about closure and restoration is necessary in the short and long term, in the best interests of bringing the land into a productive future use and in the interests of long term environmental protection.

The permit is presently suspended for the disposal of waste pending demonstration that the infrastructure in place has sufficient capacity to deal with the additional loading placed upon it. An application has been made to Natural Resources Wales for a permit variation, and it is understood that consultation will be taken place before any final decision is made whether to issue an updated permit. Any such permit will be subject to rigorous controls and scrutiny. From the planning perspective, compliance with the conditions and terms of any new planning permission granted will be regularly monitored. It is proposed to have a condition which requires topographical surveys to be carried out and supplied to the Council to assist with future compliance with any approved landform levels.

### **Environmental Impact Assessment**

The proposed development is subject to the provisions of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations. The development falls within Schedule 2 (11) (b) Installations for the disposal of waste, and exceeds the thresholds of 0.5 hectares, and is within 100 metres of controlled waters. The applicant requested a scoping opinion for the topics to be assessed at the pre-application stage. The scope of the environmental impact (EIA) assessment carried out was limited to the impacts arising as a consequence of the additional waste disposal capacity being sought. The primary topics assessed include, Landscape and Visual Impact, Air Quality, Ecology and Hydrology. Other topics such as traffic were scoped out and not subject to EIA because there is no change to the highways pattern of highways usage and effects associated with the continued use of the development site, but has nevertheless been addressed elsewhere within this report. The conclusions of the EIA are that the predicted effects are negligible to modest depending on the particular stage of completion of the development, and that these will diminish as the development is completed and restored. The most significant impacts are Air Quality and Landscape and Visual Impact. In making a determination in line with this recommendation the Council will be taking the environmental information provided about the development site into account.

### **The Wellbeing of Future Generations Act 2016**

The Act requires multi-faceted consideration of matters which affect people, places and the natural environment and sustainable development. There is a balance between the need to restore the development site and the continuation of waste disposal against the concerns raised by local residents about the adverse impacts of the development on their lives. Whilst disposal of waste is not a wholly sustainable practice, there is still a national need for landfill to manage residual wastes. The site needs to be restored to

render it in a safe condition to protect the natural environment and residents in the long term, and once restored to contribute positively towards the sense of place in the landscape. The proposal is considered to meet the overall objectives of the Act.

### **Section 106 Agreement**

A Section 106 Legal Agreement is required to be entered into between the applicant and the local planning authority to revoke existing planning permissions relating to the waste disposal element of the Bryn Posteg Landfill site to provide planning certainty and to assist with compliance with the new planning permission. Planning permissions relating to landfill gas engines, biomass leachate heating boiler, composting, waste transfer and anaerobic digestion will remain unaffected. Whilst Powys LDP Policy DM1 sets out criteria for planning obligations. The proposed S.106 legal agreement is not for on site provision or mitigation; instead it is to provide for certainty that only a single planning permission can be relied upon to define the extent of the development and to ease compliance by removing the uncertainty of the status of existing planning permissions. This will ensure that satisfactory restoration is achieved, and therefore complies with Policy DM1 Planning Obligations.

### **Recommendation**

On balance the proposed development complies with the policies of the LDP and does not conflict with national policy or guidance and officers recommend approval subject to the following conditions and the agreement to a Sections 106 agreement.

### **Conditions**

#### **Commencement**

1. The development shall be deemed to have commenced on the date of issue of this planning permission.

#### **Approved Plans**

2. Unless otherwise required by condition, the development shall be carried out strictly in accordance with the application form, supporting statement and the following plans (hereinafter referred to as the Approved Drawings):

- i) Site location plan 3456-CAU-XX-XX-DR-G-1801 P1
- ii) Restoration proposals 18-03-RP-01
- iii) Site phasing plan 3456-CAU-XX-XX-DR-S-1815 P5
- iv) Proposed pre-settlement top of restoration contours 3456-Cau-XX-XX-Dr-G-1813 C04
- v) Proposed pre-settlement top of restoration contours sections 3456-CAU-XX-XX-DR-G-1808 C04
- vi) Environmental Statement 3456-CAU-XX-XX-RT-T-0301-S4-C1

### **Tonnage and Waste Type Limitation**

3. This permission authorises the importation and deposition of an absolute maximum of 75,000 tonnes per annum of those materials detailed in the planning application and no other materials. The permissible materials are non-hazardous household, commercial and industrial, and inert residual wastes, together with clay/shale materials for engineering, soils for restoration, soil improvers and conditioning materials.

#### **Working, Restoration, Aftercare and Decommissioning Scheme**

4. Within 3 months of the date of this permission, a Working, Restoration, Aftercare and Decommissioning Scheme (WRADS) relating to the entire landfill site shall be submitted for the approval of the Local Planning Authority. The approved WRADS shall be implemented in full throughout the lifetime of the development and for the aftercare period of each Phase. In the event that the WRADS has not been approved (by either the local planning authority or, on appeal, by the Welsh Government) within 6 months of the date of this permission, all landfill operations shall cease until such time that a revised WRADS has been submitted to, and approved in writing by, the local planning authority. The WRADS shall include the submission of a revised Site Phasing Plan 3456-CAU-XX-XX-DR-S-1815 to reflect the dates and timescales once waste disposal is recommenced.

The WRADS shall include details relating to the:

- i) Commencement of each remaining phase of waste disposal.
- ii) Completion of each phase of waste disposal and capping.
- iii) Handling, storage and placement of soils, soil conditioners and soil making materials.
- iv) Pre-settlement restoration of each phase.
- v) The landscaping of the site's perimeter and final restoration of the site.
- vi) Planting and species mix for the restoration.
- vii) Aftercare of each phase of restoration and landscaping.
- viii) Cessation of landfilling operations on site.
- ix) Continual decommissioning of the site.
- x) Final decommissioning of the site.

#### **Review of the Working, Restoration, Aftercare and Decommissioning Scheme**

5. The Approved Working, Restoration, Aftercare and Decommissioning Scheme shall be reviewed and updated at 12 month intervals or at times to be agreed in writing with the Local Planning Authority.

#### **Annual Topographic Survey**

6. From the date that waste disposal resumes at the site, a topographic survey of the landfill site shall be undertaken at the end of year and the results provided to the local planning authority within 1 month of the survey setting out the levels and contours, and defining those areas which have been filled to final pre-settlement levels, areas which have been capped, and areas on which restoration soils have been placed and completed.

#### **Clearance of Site on Cessation of Working**

7. All vehicles, plant, machinery and equipment not required for pollution control shall be removed from the site within 3 months of its final restoration or otherwise agreed in writing with the local planning authority.

### **Hours of Operation**

8. Except in emergencies, no waste, soils or cover material shall be admitted into the site, or deposited on the site, except between the following hours:

08.00 – 17.30 Monday to Friday

08.00 – 13.00 Saturday

No vehicles or other mobile plant shall be operated on the site (apart from cars in the staff/visitor car park), except between the following hours:

08.00 – 18.00 Monday to Friday

08.00 – 13.00 Saturday

There shall be no site preparation or other civil engineering type, works undertaken on Saturday afternoons, Sundays and Public Holidays.

### **Noise**

9. All reasonable steps shall be taken to minimise noise from vehicles and machinery. Within 1 month of the date of this planning permission a scheme for the control and monitoring of vehicle and machinery noise shall be submitted to the Local Planning Authority and upon written approval shall be implemented with immediate effect in accordance with the timescales set out in the scheme. The details of the scheme shall include:

a) efficient silencing equipment and/or acoustic covers fitted to and used by all vehicles and machinery on site.

b) employment of the best practicable means to minimise noise and disturbance from reversing sirens fitted to mobile plant and vehicles on the site.

c) employment of best practicable means, including, restricting the operational hours, to reduce the noise and capability for disturbance of the aerators serving the leachate lagoons.

### **Highway Cleanliness**

10. All reasonable practical steps shall be taken to ensure that all vehicles leaving the site are in such a condition as not to emit dust, or deposit slurry, mud, refuse or other material upon the highway. Efficient means shall be installed/retained and used for cleaning the wheels of all vehicles leaving the site before they enter the highway, which includes the use of the existing wheel wash.

### **Storage of Fuel, Lubricants and Other Liquids**

11. Any tanks/containers for the storage of oils, fuels or other liquid chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the total capacity of the tank(s) plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. All filling points and tank overflow pipe outlets shall be designed so as to discharge into the bund. Bunded areas shall be monitored and accumulations of rain water shall be periodically removed to maintain the bunded capacity. In the event of a leak or spillage

the appropriate means of managing and disposing of the substances in accordance with published data safety information shall be employed.

### **Lighting**

12. Lighting levels at the site shall be kept to a minimum necessary for the safe operation of the site during hours of darkness. Outside of the operating hours lighting at the site shall ordinarily be turned off, except where maintenance or emergency works are necessary.

### **Reasons for Conditions**

1. To comply with the provisions of Section 91 of the Town and Country Planning Act. To take account that the development is already occurring at the site. To provide a reference date for the monitoring and compliance with the approved development and for the submission of additional schemes required by conditions attached to this planning permission.

2. To define the plans and documentation which the development shall take place and to assist the developer and the local planning authority with monitoring and compliance with the approved development. For the avoidance of doubt. To comply with LDP Policy DM13 Design and Resources and W2 Waste Management Proposals.

3. To limit the impact of the development on the public highway. To limit the scope of the development to non-hazardous waste only. In the interests of the protection of public amenity and the environment. To comply with LDP Policy DM13 Design and Resources, W2 Waste Management Proposals and T1 Travel, Traffic and Transport Infrastructure.

4. To provide detail and certainty on the progress of infilling and completing the restoration of the site. To comply with LDP Policy DM4 Landscape , DM13 Design and Resources, W2 Waste, and insofar as it is applicable, the principles of M5 Restoration and Aftercare.

5. To maintain the scheme in an up to date condition to reflect the progress of the infill and restoration of the site. To comply with LDP Policy DM13 Design and Resources, W2 Waste.

6. To enable the site operator and the local planning authority to monitor progress with the infill, capping and restoration of the site and to ensure that the development is carried out in compliance with the approved pre-settlement, phasing and final restoration plans. To comply with LDP Policy DM13 Design and Resources, W2 Waste.

7. To avoid dereliction and potential harm to the environment which could arise from decaying vehicles, plant, machinery and equipment. To comply with LDP Policy DM13 Design and Resources, W2 Waste.

8. In the interests of the amenity of residents and visitors to the area, including along the local highway route. To comply with LDP Policy DM13 Design and Resources, W2 Waste.

9. In the interests of the amenity of residents and visitors to the area. To comply with LDP Policy W2 Waste.

10. In the interests of highway safety, including avoiding the siltation of the highway drainage gulleys. In the interests of the amenity of residents and visitors to the area who may be adversely affected from debris, mud and consequent dust that may be raised along the local highway route. To comply with LDP Policy DM13 Design and Resources and W2 Waste.

11. In the interests of the protection of water resources and the natural environment. To comply with LDP Policy DM13 Design and Resources, W2 Waste.

12. Reason: To minimise light pollution in the open countryside and maintain dark skies. To comply with LDP Policy DM7 Dark Skies and External Lighting.