

Local Member	
Councillor S. Tagg	Newcastle - Westlands and Thistleberry

Planning Committee 01 December 2022

Waste County Matter

Application No (District): [SCC/22/0078/FULL-MAJ](#) (Newcastle under Lyme)

Applicant: Walleys Quarry Limited

Description: Application to allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays)

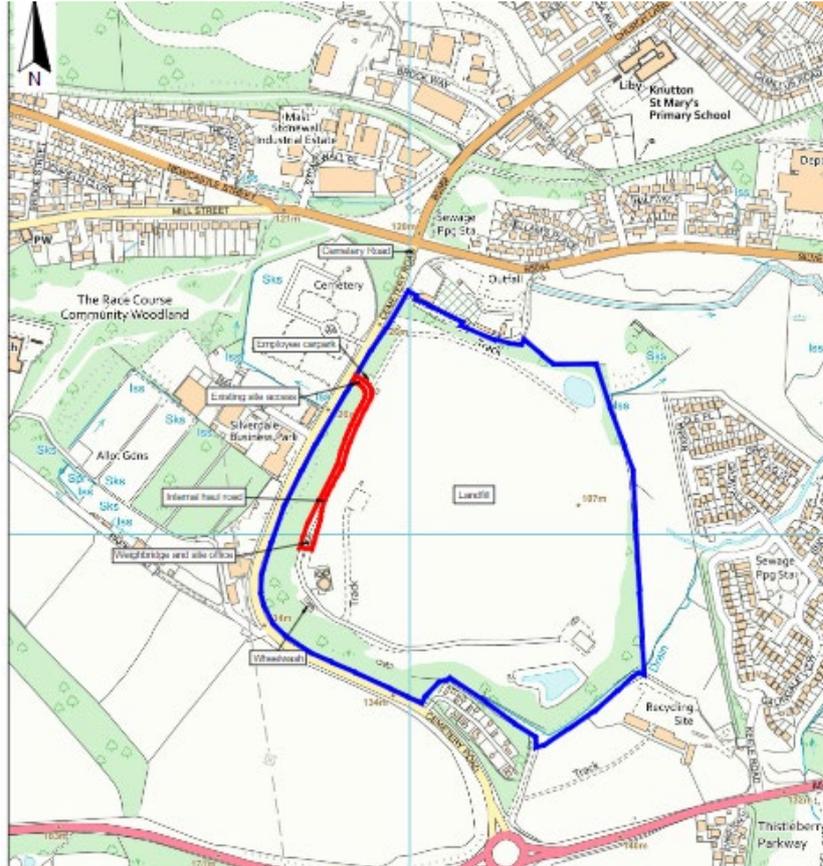
Location: Walleys Quarry Landfill, Cemetery Road, Newcastle-under-Lyme, ST5 6PJ

Background/Introduction

1. Walleys Quarry Limited have indicated that they are aware of concerns raised by the local community regarding instances where HGVs importing waste have arrived at the site prior to 07:00 and have been queuing on the local road network prior to the site gates opening at 07:00. The Planning Statement states that the gates were opened from 06:00 to allow vehicles to park at the site (prior to 2021).
2. This is an application has been submitted to regularise historic operations undertaken that enabled waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday.
3. No physical changes to the existing access, the internal haul road or the site layout are proposed.

Site and Surroundings

4. Walleys Quarry Landfill site is located approximately 1.5km west of Newcastle-under-Lyme town centre and 1.5km east of Silverdale.
5. The site is approximately 24 hectares in size and is bounded to the west and southwest by Cemetery Road with industrial premises beyond and open land directly to the east.
6. The boundary of the landfill site is showing in blue on the plan and the planning application boundary is shown in red.

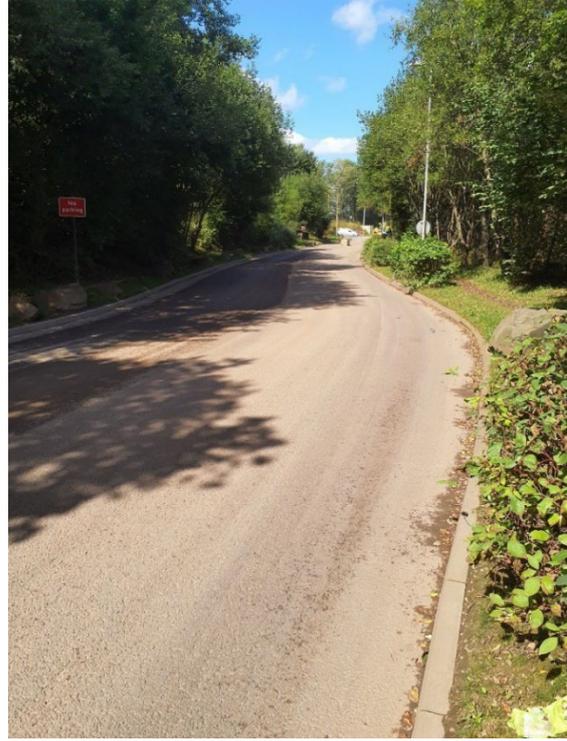


Plan showing landfill site boundary edged in blue, and the planning application boundary edged in red.

7. The nearest residential properties are located on Cemetery Road (Residential Caravan Site) which are 10 metres from the boundary of the landfill site.
8. Residential properties are also located to the southeast of the site (including Gallingale View, Gadwall Croft, Barnacle Place, Brent Close, Reedmace Walk, Snowgoose Way, Greylag Gate).



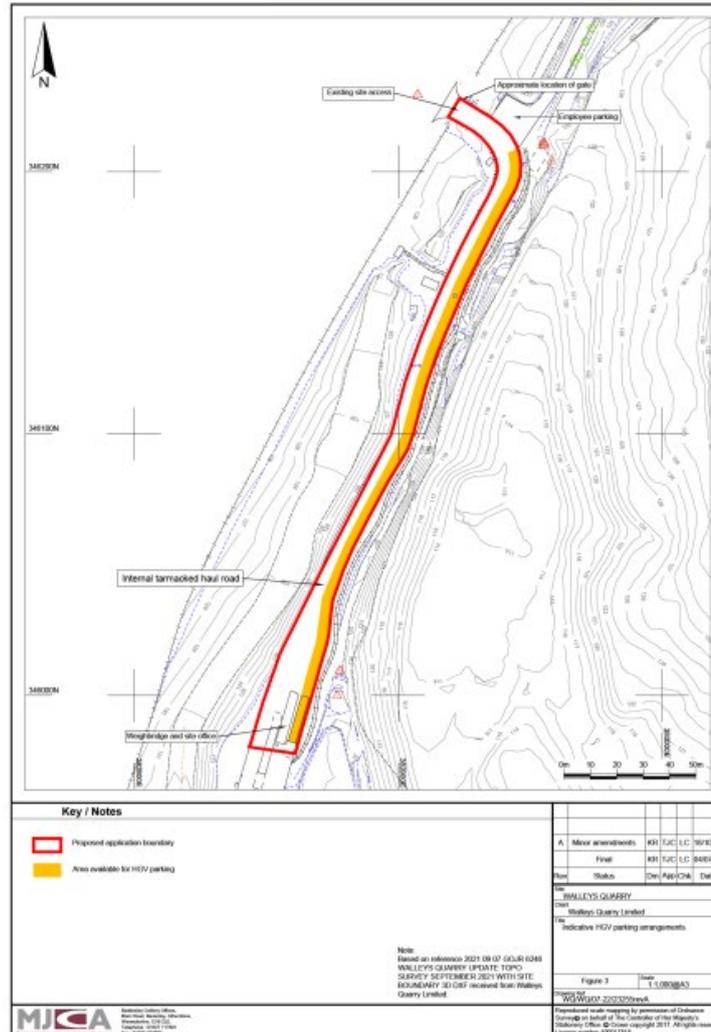
Photographs of the access (left) and the view along Cemetery Road towards the layby (right).



Photographs of the internal site haul road.

Summary of Proposals

9. This is an application to allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays).
10. The existing haul road and weighbridge area would provide temporary parking. The applicant initially indicated that between 12 HGVs or if doubled then up to 23 HGVs could be parking within the site. A revised plan (Indicative HGV Parking Arrangements) showing an area for the HGV parking rather than a specific number of HGV's was later submitted.



The Revised Indicative HGV Parking Arrangements plan

11. The landfill site operating hours are set out in Condition 10 of the planning permission (ref. [N.12/09/216 MW](#)). The condition states that:

No operations except for loading, water pumping, servicing, maintenance and testing of plant shall be carried out other than between the following hours except in the case of emergencies:

- 07:00 to 19:00 Mondays to Fridays and
- 07:00 to 13:00 on Saturdays,

No such operations shall take place on Sundays, Bank and Public Holidays.

12. The HGV parking would be linked to the life of the landfill and restoration operations at Walley's Quarry and would cease no later than 21 February 2042 (as stated in condition 2 planning permission [N.12/09/216 MW](#)).

13. There would be no change to the number of HGVs entering or leaving Walleys Quarry (880 movements per week (as stated in condition 15 of planning permission [N.12/09/216 MW](#)), and no change to the approved vehicle routing (ref. [IDO/N/1 216 MW D4](#)). No additional buildings, fixed plant or machinery would be erected.
14. The supporting statement indicates that all HGV drivers visiting the landfill site would be provided with an update to an existing leaflet. A copy of draft leaflet was submitted with the application along with a draft site induction for visitors, contractors and hauliers.
15. The application is accompanied by a number of documents and plans including:
 - Application Statement
 - Waste Development Statement
 - Application Submission Letter
 - Application Submission Letter (Additional Information)
 - Location Plan
 - Site Layout Plan
 - Indicative HGV Parking Arrangements plan (a revised plan was submitted)

The Applicant's Case

16. The applicant explained that they are aware of concerns raised by the local community regarding instances where HGVs importing waste to Walleys Quarry have arrived at the site prior to 07:00 and have been queuing on the local road network prior to the site gates opening at 07.00.
17. The applicant has explained that prior to 2021 the gates to the landfill site were opened from 06.00 to allow vehicles to park at the site and the application has been submitted to regularise historic operations that have been undertaken previously at the site.
18. The weighbridge is operational at 07.00, the vehicles parked on site would then be inspected and subject to approval would enter the landfill area to unload.
19. The revised plan showing the area for the HGV parking would maximise the number of HGVs that can park at the site and address some of the concerns regarding parking raised by the local community.
20. The applicant contends that the environmental effects of the proposed

development have been assessed and the conclusion reached that the proposal is consistent with local planning policy and would not give rise to materially harmful impacts in terms of traffic and amenity and would not conflict with the wider operations at the site.

Relevant Planning History

21. The landfill site operates in accordance with the First periodic review of conditions (under the Environment Act 1995) of permission IDO/N/1(ref. [N.12/09/216 MW](#) dated 26 May 2016).
22. [Appendix 1](#) lists other relevant planning permissions and approved details.

Environmental Impact Assessment (EIA)

23. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a "Screening Opinion".

Findings of Consultations

Internal

24. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections. The HA reviewed the submitted information and commented as follows:
 - a) a site visit was carried out on 10 August 2022.
 - b) Current Personal Injury Collisions records show that there were not any Collisions on Cemetery Road within 43 metres either side of the Quarry access for the previous five years.
 - c) the Site is served from a Priority Junction on Cemetery Road which is an unclassified, street-lit, publicly maintained highway subject to a 30mph speed limit.
 - d) the creation a holding area for quarry HGV traffic within the internal haulage road prior to operations commencing at 7am which will allow quarry traffic to queue within the site rather than on Cemetery Road which is fully supported by the Highway Authority for highway safety reasons.
 - e) the detail submitted states that between 12 -23 HGV's could be accommodated within the Internal Haul Road, however there are highway safety concern to more than 11 HGV's being parked within the Haul Road. More than 11 HGVs would impede staff car parking and parking on the outward access route has the potential to affect the

internal traffic circulation within the site which may impact the safe operation of the Priority Junction on Cemetery Road.

- f) A condition is recommended to ensure that a maximum of 11 Heavy Goods Vehicles are permitted to park within the internal Haul Road between the hours of 6.00am and 7:00 am Monday to Friday (see further response below).

25. Highways Development Control provided a further response in relation to the comments received from the Newcastle under Lyme Borough Council Environment Health (see response below) and the petition (see Publicity and Representations section below):

- a) a site visit was carried out on 12 October 2022 between the hours of 6.00 and 7.30 to observe the arrival and departure of staff vehicles and Heavy Goods Vehicles at the site access. and potential presence of HGV parking in the vicinity on Cemetery Road. No HGV parking on Cemetery Road and Layby opposite the site access was evident. The following vehicles were observed:

		12/10/2022 Walleys Quarry- Site Access, Cemetery Road, Silverdale					
	10 Minute Period	HGV (LGV*)		CAR		HGV ACCUMULATION	CAR ACCUMULATION
		IN	OUT	IN	OUT		
	6:00-6:09	0	0	1	0	0	1
	6:10-6:19	0	0	2	0	0	3
	6:20-6:29	0	0	0	0	0	3
	6:30-6:39	0	0	5	0	0	8
	6:40-6:49	0	0	2	0	0	10
	6:50-6:59	1	0	2	0	1	12
	7:00-7:04	7	0	1	0	8	13
	7:05-7:09	4	0	1	0	12	14
	7:10-7:14	0	0	0	0	12	14
	7:15-7:19	2	1	0	0	13	14
	7:20-7:24*	1	0	2	0	14	16
	7:25-7:29	0	1	0	0	13	16
	7:30-7:34	2	2	0	0	13	16
	Total	17	4	16	0		

- b) the Local Police also observed the site access on Cemetery Road on the 5th, 6th, 11th and 12th of October between the hours of 06:45 am and 7:30 am.
- c) A convoy of slow-moving HGVs (approximately 7-8) arrived at the site from Silverdale Road direction at exactly 7am when the gates are open. This caused some congestion due to slow moving traffic entering the site between 7:00-7:05am. The arrival of a convoy of HGVs suggests they are parking locally possibly overnight and within residential areas.
- d) The access was manned and operated well during the sit visit to permit all vehicles to enter the site without delay. During the site visit, an accumulation of HGVs within the site reached 14 during the survey period and did not present any operational difficulties at the site access.

- e) No one vehicle in/one vehicle out arrangement, queuing or parking on Cemetery Road was observed by the Highways Development Control and Local Police between 6:00am and 7:30am on 4 different occasions
- f) Having liaised with the Staffordshire County Council Community Infrastructure Manager, Highways Development Control are not aware of indiscriminate parking of vehicles occurring within nearby residential areas.
- g) There is concern about the option to prohibit HGV parking on residential streets and the layby on Cemetery Road. This option has the potential risk of displacing HGV parking elsewhere and does not fully resolve the issue. The implementation of a Traffic Regulation Order (TRO) would also require the Highway Authority to enforce this situation which presents some difficulties in practice.
- h) If a Section 106 Legal Agreement contribution was secured (provided the planning tests are met), HGV parking on residential streets could be monitored for a 5-year period by the Local Highway Authority and Traffic Regulation Order (TRO) put in place if an issue occurred or refunded.
- i) An alternative solution is for the applicant to set out ways to better manage the arrival and departure of HGVs throughout the day to reduce HGVs arriving at the same time particularly in the morning. A Waste Vehicle Management Plan could be secured via a Section 106 Legal Agreement (subject to planning tests) may be an option. Financial contributions could also be secured to monitor the situation and implement any TRO's as and when required.
- j) The implementation of a 'Red Route' on Cemetery Road would not be appropriate as these are primarily used on major busy routes to reduce congestion. Slow moving HGV traffic on Cemetery Road causes some congestion for a very short period when arriving at the site once the gates are open. Traffic flows during the site visit on Cemetery Road were light and a 30mph speed limit is in place. The highway safety risk to road users was not considered to be adverse and the collision record on Cemetery Road confirms no existing highway safety concerns are apparent.
- k) The proposal would potentially reduce congestion occurring by permitting vehicles to arrive at the site within a 1-hour window prior to waste operations commencing staggering the arrival of vehicles. The proposal therefore gives rise to no adverse safety issue that would require mitigation from a planning and highway perspective.
- l) A financial contribution/ planning obligation (Section 106 Legal Agreement) is not recommended, as is not considered necessary to

make the development acceptable in planning terms and would not be fairly and reasonably related in scale and kind to the development.

26. Highways Development Control concluded that the opening of the gates has the potential to stagger the arrival of HGVs to the site, minimizing some of the congestion that occurs on Cemetery Road therefore offers betterment of the current situation. However, they acknowledge that this may not fully remove all the congestion occurring on Cemetery Road. The Highway Authority acknowledge that indiscriminative HGV parking can raise concerns about highway safety, however in this case they consider that there are no grounds to recommend a requirement that the applicant enters into a Section 106 Legal Agreement to pay towards the cost of a traffic regulation order(s).
27. Having reviewed the additional information (the plan showing an area for HGV parking), Highways Development Control recommends a condition is included to ensure that Heavy Goods Vehicles are permitted to park within the internal Haul Road as specified within the HGV Parking Arrangement Plan (Figure 3) (dwg no WQ/WQ/07-22/23255 Revision A dated 18th October 2022) between the hours of 6.00 am and 7:00 am Monday to Friday.
28. **Planning Regulation Team** (the Regulation Team) – no objections subject to conditions. The Regulation Team reviewed the application and noted that:
 - a) Prior to 2021, the site operator would allow vehicles to park within the site before 7am (as proposed in this application).
 - b) The Regulation Team received complaints from members of the public that the operator was in breach of the planning permission because the operator was allowing vehicles to enter the site early.
 - c) The Regulation Team asked the operator to stop allowing HCVs into the site before 7 am, this led to the early morning queues on the public highway of HGVs waiting to enter the site as the gates open and complaints were received about the queuing vehicles.
 - d) If a second row of vehicles park on the haul road (23), the Planning Regulation Team would like clarification and consideration to be given to whether this would impact on access for site employees or emergency vehicles and arrangements for vehicles to leave the site (the revised plan submitted does not show a second row).
 - e) The Planning Regulation Team would recommend the inclusion of conditions to ensure that engines are turned off once vehicles are parked, that there is no sounding of horns from vehicles on site prior to 7am, and that the development ceases (and the land subject to suitable restoration) at a date which ties in with the main site permissions.

External

29. **Newcastle under Lyme Borough Council** - no objections to the principle of the development, however careful consideration should be given to the management of the vehicles entering the site during the proposed hours and the associated implications on noise, odour and traffic management.
30. **Newcastle under Lyme Borough Council Environment Health (Environment Health Team)** – raise some concerns. The Environment Health Team reviewed the application and noted that:
- a) conditions relating to the operating hours of the landfill etc will not be altered as a result of this application.
 - b) a noise assessment (in accordance with BS4142:2014) was not submitted with the application. However, given the distance to noise sensitive receptors and the current landform and the noise levels generated by HGV's whilst in motion or parked, it is not considered that loss of amenity by virtue of noise would be caused. A noise assessment is not likely to add any value to the application.
 - c) There is a concern that by allowing vehicles to access the site from 6am and to tip from 7am (as currently permitted), this has the potential to move vehicle movements on the surrounding road network to earlier in the morning.
 - d) There is also a concern that given the apparent distance travelled by some of the operator's transporting waste into the site and restrictions on driver hours, there would be a temptation to arrive and park during the night for drivers to reserve their position. There is anecdotal evidence of vehicles parking and moving on Silverdale Road, Knutton Lane, Keele Road causing disturbance to residents due to noise from engines/trailers and odour from waste contained within the trailer.
 - e) The Environment Health Team requests that the County Council as the Highways Authority safeguard local residential amenity by putting in place restrictions to prevent HGVs from parking adjacent to residences or in residential areas through the imposition of a Section 106 Legal Agreement or an appropriate Traffic Regulation Order (TRO).
31. **Silverdale Parish Council** – object to the application. The Parish Council commented that:
- a) there would additional noise generated along Silverdale Road to the junction with Cemetery Road arising from an earlier start at the quarry.
 - b) it is not clear how the planning proposal would ease congestion, as HGV's have to leave the parking area after 7am and the only access is at Cemetery Road.

- c) an alternative option is to require lorries to arrive at a pre-arranged times within the permitted access times to stagger arrival and departure.
32. **Environment Agency (EA)** - no objections. The EA reviewed the application and noted that the site operates under an Environmental Permit (ref. EPR/DP3734DC) and that the proposal to allow temporary parking on the haul road should not affect landfill operations and should not therefore have any environmental implications.
33. **Staffordshire Police** – no objection and commented as follows:
- a) The local police are aware of complaints from residents, businesses and visitors to Cemetery Road who are dissatisfied with the regular queuing of HGV traffic at peak times
 - b) The proposal to allow HGV traffic to occupy land within Walleys Quarry Ltd (WQL) when queuing for entry to the site is a positive step in addressing these concerns.
 - c) The majority of issues raised relate to peak time traffic between 0700-0900hrs daily.
 - d) The proposal would see Walleys Quarry Limited land occupied from 0600hrs which also supports a resolution to the problem and hopefully eases the volume of traffic impacting local road networks.
34. **Staffordshire Fire and Rescue** - no response.
35. **Cadent Gas Limited** – no objection and confirmed the existing gas asset/s in close proximity site (see Informative 3).
36. **Western Power Distribution (WPD)Limited** - provided a plan showing existing WPD Electricity / WPD Surf Telecom apparatus in the vicinity of the Site. Advice is also provided on work taking place in the vicinity of WPD plant (see Informative 4).

Publicity and Representations

37. Site notice: YES Press notice: YES
38. 13 neighbour notification letters were sent out. The Thistleberry Residents Association, the Poolfields Residents Association and the members of the Walleys Quarry Liaison Committee were also notified. 6 representations have been received and are summarised below:
- a) More HGVs would arrive on site and would result in a similar unsafe situation in future or during the earlier period.
 - b) The timing should be kept to the current permission and a parking area

- provided inside the site after the opening.
- c) There is no guarantee that waste disposal would not start earlier than the currently permitted.
 - d) Deliveries should be planned with allocate slots to arrive and agree on timings.
 - e) Noise and smell pollution.
 - f) Increase in the number of HGVs.
 - g) Disturbance to the local community.
 - h) Environmental Impact Assessment should be carried out [see Environmental Impact Assessment (EIA) section above].
 - i) The operator (Red Industries/Walleys Quarry Limited) are continually abusing the rules and regulations, local people, the Borough Council and the Environment Agency.

39. The Thistleberry Residents Association welcome and support the application and have commented that it is surprising that HGV have not been prohibited before now from forming, sometimes, large queues outside the site, that yellow and redlines were mooted some years ago but never came to fruition and the County Council seems somewhat averse to spending money to resolve some of its highway issues. The Association has also highlighted a right of way (Newcastle 0.766(a)) within the site (the right of way is not affected by this proposal).

40. Aaron Bell MP is 'broadly supportive' and has made the following comments:

- a) the problem of HGVs queueing to enter Walleys Quarry on the roads surrounding the landfill has been causing major and increasing concerns to residents.
- b) the queues have impeded residents getting to work and school, and some minor traffic accidents have occurred.
- c) there is increasingly concerned about the risk of a serious accident.
- d) the proposal would alleviate some of the traffic problems on Cemetery Road at the busiest time of the day.
- e) allowing HGVs to park on the site of the landfill an hour earlier would mean that they do not block Cemetery Road during the rush hour period and would not park elsewhere in the vicinity while waiting for access to the site.
- f) there is a concern that the proposed change could push the problem forward by an hour (HGVs parking and queueing outside the site in the lead up to 06:00). This scenario would reduce the likelihood of traffic delays and accidents; however, it would create an additional noise impact at a period when most residents are asleep.
- g) HGVs should not be parking or waiting on Cemetery Road. The Planning Officers and the Planning Committee should insist on stringent measures to prevent this from happening, either by proposing a suitable enforcement regime (e.g. road marking) or include penalties (e.g. loss of permission) to ensure that their customers comply.

- h) The operator should be reminded that HGVs from the site should not deposit mud on the roads.

41. Councillor Simon Tagg – no comments.

42. Councillor Derrick Huckfield requested that the following condition be added to any planning permission:

“Mindful of the problems at this site over a number of years, in the event that the operators, Walleys Red Industries fail and or above the planning condition, the operators agree that Staffordshire County Council can request that the Environmental Agency terminate the permit to deposit waste other than hardcore, soils and clay that is needed to cap the site”.

[Note: The inclusion of conditions should meet the 6 tests set out in the Planning Practice Guidance ([Use of conditions](#), [What approach should be taken to using conditions](#)? What should a local planning authority do to ensure that the tests in national policy have been met? (paragraph: 003 Reference ID: 21a-003-20190723)). The condition relates to the termination of operations at the wider site. Your Officers consider the condition is not related to the development and would not meet the tests.]

43. An [ePetition](#) and a paper petition signed by a total of 2,765 people was submitted to the County Council, and requested the following action:

- a) Make Cemetery Road around Walleys Quarry a no parking area, indicated by double red lines painted on the road between Keele Road and Silverdale Road.
- b) Make the Silverdale Cemetery layby across from Walleys Quarry closed to lorry parking, with this made clear through signage.
- c) Make clear what agency is responsible for addressing daily complaints about this hazard and who is responsible for enforcing road traffic and safety measures.

44. The following context was included on the petition:

‘HGVs parked on Cemetery Road in Silverdale, Newcastle-under-Lyme, create dangerous obstructions and make the road unsafe to travel on. Cemetery Road is a main road in the area and is busy, particularly in the mornings and evenings. Queues of lorries, sometimes up to a dozen or more, on Cemetery Road between Keele Road and Silverdale Road (approximately 0.3 miles) turn that stretch into a one lane road and reduce or eliminate visibility around curves and at junctions, and it makes the road dangerous for all road users (cars, cyclists, pedestrians, motorbikes, work vehicles, lorries, etc). This is a daily occurrence,

starting around 6:30am and lasting through the entire morning. The lorries are queuing to enter Walleys Quarry Landfill site.

Lorries are meant to wait at designated areas, but they do not. Walleys Quarry has proposed that the gates of the landfill open earlier as a way to address the problem. The community does not feel that this is an appropriate solution - the capacity for stationary lorries in Walleys Quarry is small (8) and could not accommodate all lorries that park on Silverdale Road at most given times. Further, as the worst of the queues tend to form mid-morning, opening the gates earlier would not solve anything. We have tried reporting this to the police, to the county council, to the highways agency, to the borough council, to our local MP, to the landfill owner, and even through complaints pertaining to non-compliance with planning permission. Every agency tells us that the responsibility lies somewhere else. In the meantime, we wait to hear news about a tragic accident caused by lorries on Cemetery Road.

In light of the hazards of this situation, the community is asking that Staffordshire County Council act with urgency.'

44. The petition was submitted to the meeting of the County Council's Prosperous Overview and Scrutiny Committee on 29 September 2022 where the Committee was advised that the petition related to this planning application which would be reported to the Planning Committee ([see agenda item 6](#)). Since then, your officers have re-consulted the Highways Development Control Team specifically about the concerns raised in the petition (see above).

The development plan policies (and proposals) and the other material planning considerations relevant to this decision

45. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:

'To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 11 \[not 14 as stated\] of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.'

46. [Appendix 2](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

47. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultee comments and the representations received the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- The general development plan policy and other material planning policy considerations.
 - The site-specific development plan policy considerations including highway safety and the matters raised by consultees and in representations.

The general development plan policy and other material planning policy considerations.

48. The [National Planning Policy Framework](#) (NPPF) contains no specific waste policies. Instead, the [National Planning Policy for Waste](#) (NPPW) explains the need to:
- drive waste management up the waste hierarchy;
 - promote a more sustainable and efficient approach to resource use; and,
 - ensure that waste is considered alongside other spatial planning concerns.
49. The NPPW also emphasises the importance of:
- putting in place the right waste management infrastructure at the right time and in the right location;
 - providing a framework in which communities and businesses are engaged to take more responsibility for their own waste;
 - securing the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and,
 - ensuring that the design and layout complements sustainable waste management.
50. The Planning Practice Guidance (Planning Practice Guidance; [Waste](#); Should existing waste facilities be expanded/extended?) advises that:

'The waste planning authority should not assume that because a

particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing...'.

51. Policy 1.1 of the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (WLP) supports proposals for waste management facilities that demonstrate that there would be no unacceptable adverse impacts and that the economic, social and environmental benefits outweigh any material planning objections.
52. Policy 3.1 of the WLP supports proposals that would be compatible with nearby uses, and appropriate in scale and character to their surroundings, and which complement existing or planned activities, or form part of an integrated waste management facility.
53. Commentary: The proposal is intended to address a problem of HGVs parking on the road outside the site. The proposed parking of HGV's would create a temporary holding area within the site for HGV's between the hours of 06:00 and 07:00 (Monday to Friday).
54. The applicant has explained that the application would not result in an operational benefit for site operations but would restart a well-established practice which is not currently undertaken. The proposal would not result in any other changes to the operational activities or use of plant or machinery (in accordance with the requirements of planning permission.
55. Conclusion: Having regard to the general development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the proposal is the right type, in the right place and the proposals are at the right time. Therefore, the proposal is acceptable in principle. The site-specific considerations are discussed below.

The site-specific development plan policy considerations including highway safety and the matters raised by consultees and in representations.

56. Policy 4.2 (Protection of Environmental Quality) of the WLP is relevant. This policy requires consideration to be given to the effect of the proposals on:
 - '(ii) The highway network and other public rights of way;'
57. The NPPF ([Section 9](#): Promoting sustainable transport – paragraphs 110 and 111 explain that:
 - '110 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of

development and its location;

- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

58. Commentary: Local representations and Newcastle Borough Council's EHO have raised highway concerns including the need for a Traffic Regulation Order /Section 106 Legal Agreement to restrict HGV parking on roads adjacent to the quarry (summarised above). A petition has also requested that Cemetery Road and the layby opposite the entrance to the site should be a no parking areas (double red lines painted on the road between Keele Road and Silverdale Road).
59. Guidance concerning Planning Obligations is set out in the National Planning Framework ([Section 4](#), paragraph 57) and these should only be sought when they meet all the following tests:
- '(a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development'.
60. The applicant has explained that it not possible for HGVs to arrive at the site at prearranged times due to the nature of road haulage management within the business sector and the provision of HGV parking at the site will provide a practical solution to parking HGVs by removing some of the vehicles on Cemetery Road. Also, the company contend that they cannot enter into agreements regarding the management and control of privately operated vehicles off-site on the public highway, and that this is a matter for other agencies to address.
61. Highways Development Control's detailed response to the concerns raised by residents (including in the petition) and by the Newcastle under Lyme Borough Council's Environment Health Team concluded that it would not be appropriate to recommend a Section 106 Legal Agreement/Contributions (a Planning Obligation) to be put in place to require HGV parking restrictions or the implementation of a red route Cemetery Road. Highways Development Control have no objection to the proposal subject to a condition to ensure Heavy

Goods Vehicles within the internal Haul Road as specified within the HGV Parking Arrangement Plan (Figure 3) (dwg no WQ/WQ/07-22/23255 Revision A dated 18th October 2022).

62. Conclusion: Having regard to the site-specific development plan policies, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts in terms of highway safety.

Site Management

63. The representations include concerns about the commencement of the landfill operations between the proposed additional hours, and the consequential additional noise and odour generated by the HGVs.
64. The day-to-day landfill operations are controlled by an Environmental Permit issued by the Environment Agency. Newcastle under Lyme Borough Council are responsible for monitoring air quality and statutory nuisance across the borough (e.g. noise and vibration, dust, odours and insects).
65. Members of the Planning Committee will be aware that the County Council has a Planning Regulation Team who check compliance with the planning permissions for minerals and waste developments, investigate complaints about minerals and waste sites and any unauthorised mineral and waste activity. Action can be taken by the Planning Regulation Team, if necessary, in accordance with the [Staffordshire County Council Local Monitoring and Enforcement Plan](#) (July 2012). [Paragraph 59](#) of the NPPF is also relevant along with the '[Enforcement and post-permission matters](#)' section of the Planning Practice Guidance.
66. The application relates to the parking of HGVs within the site between the hours of 06:00 and 07:00. It is also important to note that the government guidance on waste explains that:

'There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.' (ref. Guidance – Waste - [Regulatory regimes](#) (Paragraph: 050 Reference ID: 28-050-20141016)).

67. The existing planning permission already includes conditions relating:
- a) the duration of the development.

- b) the operating hours.
 - c) the access.
 - d) the number of vehicles.
 - e) the use of the weighbridge.
 - f) wheel cleaning and the prevention of mud, dirt or deleterious materials being deposited on the public highway.
 - g) the sheeting of waste carrying vehicles.
 - h) a sign to be erected detailing the approved routes.
 - i) vehicles, plant and machinery being operated with engine covers closed and with effective silencers.
 - j) the use of broadband "white" noise reversing alarms.
 - k) site attributable noise limits at the nearest sensitive locations; and,
 - l) noise monitoring and dust management.
68. Notwithstanding the above, it is considered appropriate to recommend conditions suggested by the Planning Regulation Team relating to the parking of HGVs, namely, HGVs engines are turned off once parked and that there should be no sounding of horns prior to 7 am. An informative is also recommend reminding the operator of the approved routes (shown on Route Options Report dated February 2007 – Appendix B ref [IDO/N/1 216 MW D4](#)).
69. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and in the representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

Overall Conclusion

70. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendations

- **To permit** the proposed development to allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays) at Walleys Quarry Landfill, Cemetery Road, Newcastle-under-Lyme, ST5 6PJ, subject to the conditions including those listed below.
- **That the Committee Clerk inform** the County Council's Prosperous Overview and Scrutiny Committee of the Planning Committee's decision.

The conditions to include the following:

1. To define the consent with reference to documents and plans.
2. To define the commencement of the development.
3. To require notification of commencement
4. To require notification of cessation of the parking arrangements in the event that the parking arrangements cease prior to the expiry of the permission.
5. To allow HGV parking on the internal site haul road between:
 - 06:00 and 07:00 Monday to Friday; and,
 - No HGV parking on the internal site haul road on a Saturday, Sunday or a Public / Bank holiday.
6. To refer to the HGV parking arrangements shown on the Indicative HGV parking arrangements plan (dwg WQ WQ-07-22-23255 rev A).
7. To require HGV parking to be carried out in accordance with the conditions of the latest planning permission (ref. [N.12/09/216 MW](#)) for example the noise and dust management.
8. In addition to condition 8 above, to specifically require the following:
 - a) The engines of all HGVs to be turned off once parked
 - b) No sounding of horns of the HGVs parked up on the internal haul road other than in the case of an emergency.
 - c) A sign to be erected and maintained to instruct drivers about the 10-mph site speed.
 - d) HGV lights to be turned off once parked.
9. To define the expiry of the planning permission as the date of the cessation of the importation of waste in accordance with the landfill permission (ref. [N.12/09/216 MW](#)).

Informatives

1. To ensure that the terms of the planning permission are made known to the site operators.
2. To remind the applicant of the approved routes (shown on Route Options Report dated February 2007 ref [IDO/N/1 216 MW D4](#)) and that HGV drivers should be made aware of these routes.
3. Cadent Gas Limited - the applicant should be advised about the infrastructure located near to the proposal.
4. Western Power Distribution – the applicant should be advised that there are Electricity / Surf Telecom apparatus located near to the proposal.

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The list of background papers for this report is available on request by email sent to planning@staffordshire.gov.uk.

Appendix 1 Relevant Planning History

- a) [IDO/N/1](#) dated 14 November 1997 - Scheme of Conditions. The decision was issued by the [Secretary of State](#) following an appeal in 1997. A [Section 106 legal agreement](#) was signed on 15 July 1998. The Section 106 relates to the approval of the 'lorry route' (see below), the issue of instructions to HGV drivers detailing the route; a condition in contracts concerning the use of the approved route; the erection of a sign concerning the routes, to discipline any HGV driver not using the route; concerning the winning and working of mineral after December 2010 and that the County Council does not carry out any activity or use involving the exploitation of void space for waste management, waste disposal recycling and related activities and anything ancillary.
- b) [IDO/N/1 D3](#) dated 25 August 2005 - Submission of details in compliance with conditions 21, 22, 26, 29, 30, 31 and 34 of planning permission IDO/N1 relating to landfill details (condition 21), stability (condition 22), landscaping (condition 26), sheeting of vehicles (condition 29), lorry routing (condition 30), drainage (condition 31) and skip storage (condition 34).
- c) [IDO/N/1 216 MW D4](#) dated 5 June 2007 - Submission of lorry routing details and options in connection with the requirements of the S106 legal agreement and condition 30 planning permission IDO/N/1.

- d) [N.12/09/216 MW](#) dated 26 May 2016- First periodic review of conditions (under the Environment Act 1995) of permission IDO/N/1. A [Unilateral Undertaking](#) signed on 25 May 2012 this relates to the use of the agreed routes; the County Council do not to use the site for any waste management purposes; to review the approved Final Restoration Plan every 5 years in consultation with interested parties; to provide for an extended 10-year period of aftercare in accordance with the approved 'Restoration and Aftercare Scheme' following the statutory minimum 5-year aftercare period and to formalise the liaison committee arrangements.

[Return to Relevant Planning History section of the report](#)

Appendix 2 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

The development plan policies and proposals

[Staffordshire and Stoke-on-Trent Joint Waste Local Plan \(2010 – 2026\)](#)
(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

The [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy](#) (2006 to 2026) (adopted October 2009) and in particular policies:

- Policy CSP1 – Design Quality
- Policy CSP3 – Sustainability and Climate Change
- Policy CSP4 – Natural Assets

[Newcastle-under-Lyme Local Plan 2011 'saved policies'](#) (adopted 2003); and in particular policies

- Policy T18: Development - Servicing Requirements
- Policy N16: Protection of a Green Heritage Network (Poolfields)
- Policy N17: Landscape Character - General Considerations

The other material planning considerations

- [National Planning Policy Framework](#) (updated 20 July 2021):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development
 - [Section 4](#): Decision-making
 - [Section 5](#): Delivering a sufficient supply of homes
 - [Section 6](#): Building a strong, competitive economy
 - [Section 9](#): Promoting sustainable transport
 - [Section 11](#): Making effective use of land
 - [Section 12](#): Achieving well-designed places
 - [Section 13](#): Protecting Green Belt land
 - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
 - [Section 15](#): Conserving and enhancing the natural environment;
- [Planning Practice Guidance](#)
 - [Design: process and tools](#)
 - [Environmental Impact Assessment](#)
 - [Health and wellbeing](#)
 - [Light pollution](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Planning obligations](#)
 - [Transport evidence bases in plan making and decision taking](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
 - [Waste](#)
 - [Determining planning applications](#)
 - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria

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