

<b>Local Member</b>	
Councillor S. Thompson	Cannock - Cannock Villages

## **Planning Committee    01 December 2022**

### **Waste County Matter**

**Application No (District):** [SCC/22/0021/VOC-ES](#) (Cannock Chase)

**Applicant:** Biffa Waste Services Ltd ('Biffa')

**Description** Application to vary conditions 2 (approved plans), 3 (finished levels) and 23 (restoration and aftercare) of permission [CH.446/88](#) (as amended by [CH.446/88/721 MW D10](#) (revised restoration scheme) and [CH.446/88 PWA \(4\) D3](#) (phasing)) to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations.

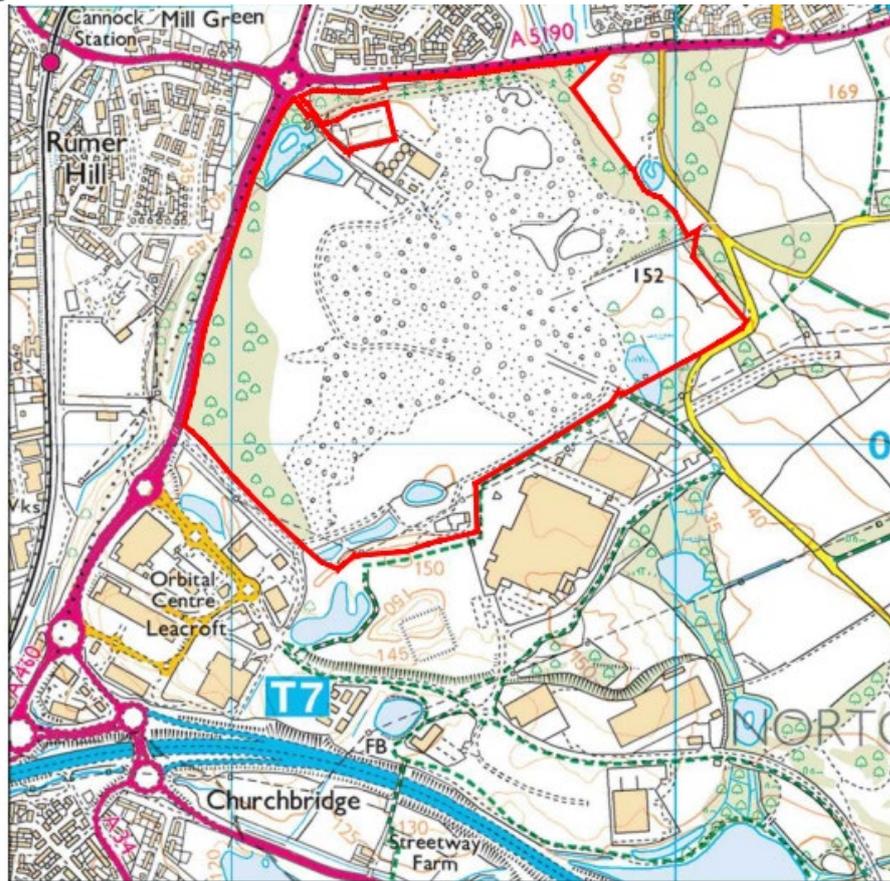
**Location:** Poplars Landfill Site, Lichfield Road, Cannock, WS11 8NQ

### **Background/Introduction**

1. The Poplars Landfill site has been operating since the mid 1970's, originally as a County Council facility and since 1999 under lease to Biffa Waste Services Ltd in accordance with a permission issued in 1989 (ref: CH.446/88). This application seeks to amend the approved plans; to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations.
2. Additional information and revisions to the plans have been submitted to address matters raised by the consultees and a neighbouring business.

### **Site and Surroundings**

3. Poplars Landfill Site is located to the south-east of Cannock (approximately 1.8 kilometres), and to the north-west of Norton Canes (approximately 1.8 kilometres).



Location Map

4. The Cannock Household Waste Recycling Centre, Anaerobic Digestion (AD) facility and municipal collection depot are located within the landfill site boundary.
5. The landfill site is surrounded by a mix of residential, business/commercial uses including on:
  - Lichfield Road (to the north of the site);
  - Sparrowhawk Way; Peregrine Way and Nuthatch Close (to the north of the Lichfield Road (A5190))
  - Designer Outlet West Midlands (to the northwest of the site)
  - Oxford Green and Oxford Road (to the west of the A460)
  - Orbital Centre (Orbital Way)
  - Kingswood Lakeside (to the south of the site including Cley Road and Hickling Road).
  - the M6 Toll (to the south of the site)
6. The site is accessed via an existing arm off the A5190 (Lichfield Road)/A460 (Eastern Way) roundabout and an existing internal site road.
7. The landfill site is the South Staffordshire Green Belt.

## Summary of Proposals

8. The proposal is to revise the approved plans to allow landfilling to take place in the south-east corner of the site rather than the northern part of the site. The relevant areas are shown on the [Current and Proposed Phasing plan](#) (Dwg No. BF5044/12/03).



Current and Proposed Phasing plan

9. Non-hazardous waste would be deposited on the land in the south-east corner of the site (adjacent to the Hickling Road). This is shown in 'orange' on the above plan and in the photograph below (taken on 23/3/22).

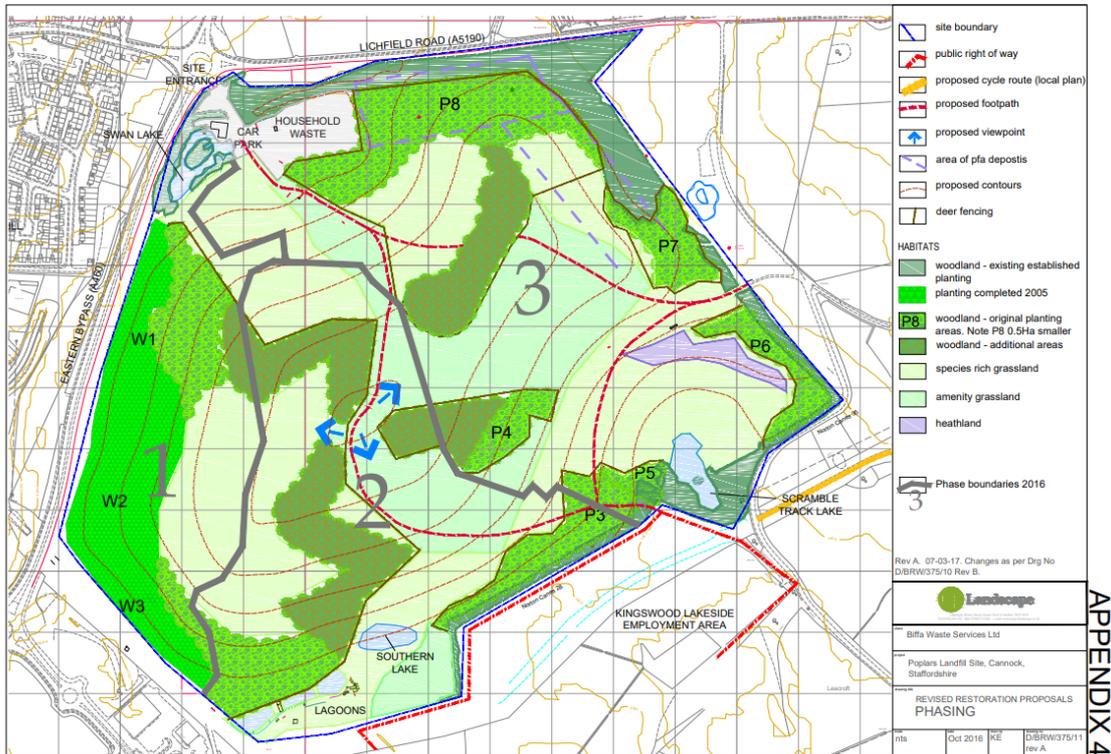


10. Biffa are proposing not to deposit waste in the northern phase of the site (the land adjacent to the Lichfield Road). This area would be graded using inert material to tie into surrounding levels. This is shown in 'yellow' on the Current and Proposed Phasing plan above and in the photograph below.
11. Biffa are currently landfilling the area shown in green on the above plan and in the photograph below.

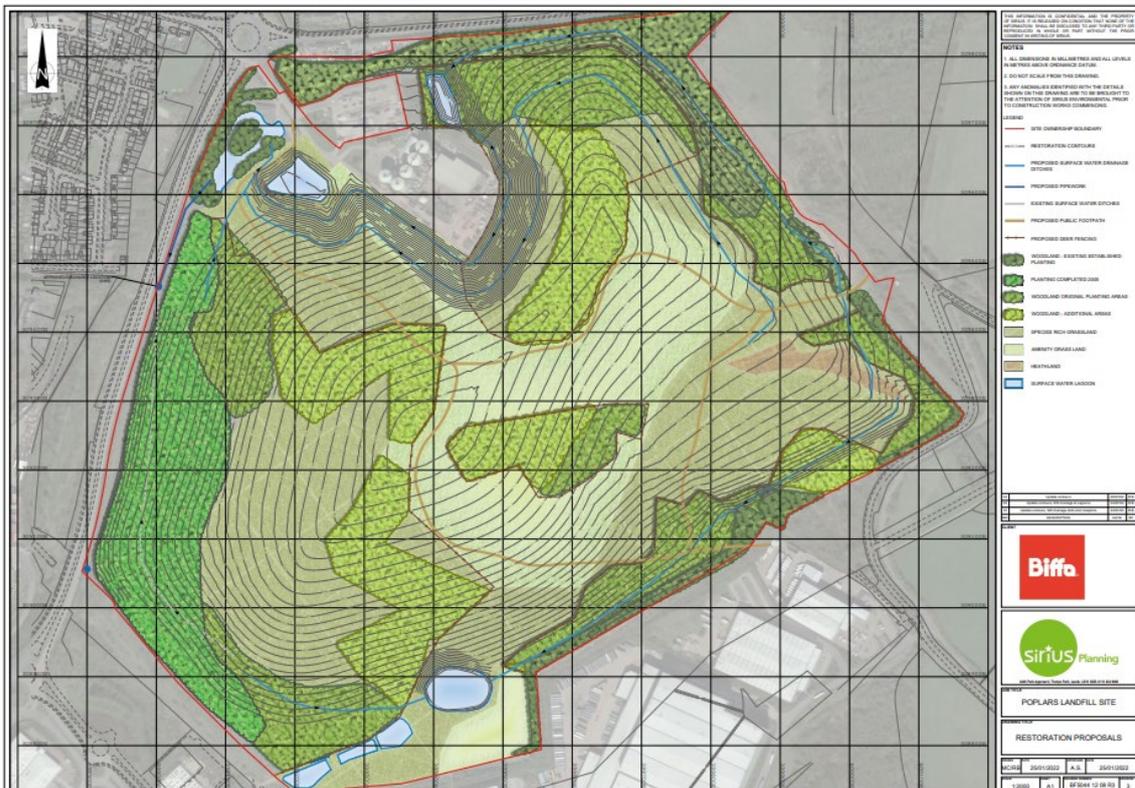


12. Due to the changes to the site, there is also a need to update the phasing and restoration plans.
13. A review of the phasing and restoration plans is required as the latest review was approved in July 2020 (ref. [CH.446/88 PWA \(4\) D3](#)). The Current and Proposed Phasing plan shows the revised direction of infilling.
14. Condition 23 of permission ref. [CH.446/88](#) requires the submission of a scheme for the progressive restoration, landscaping and aftercare of each

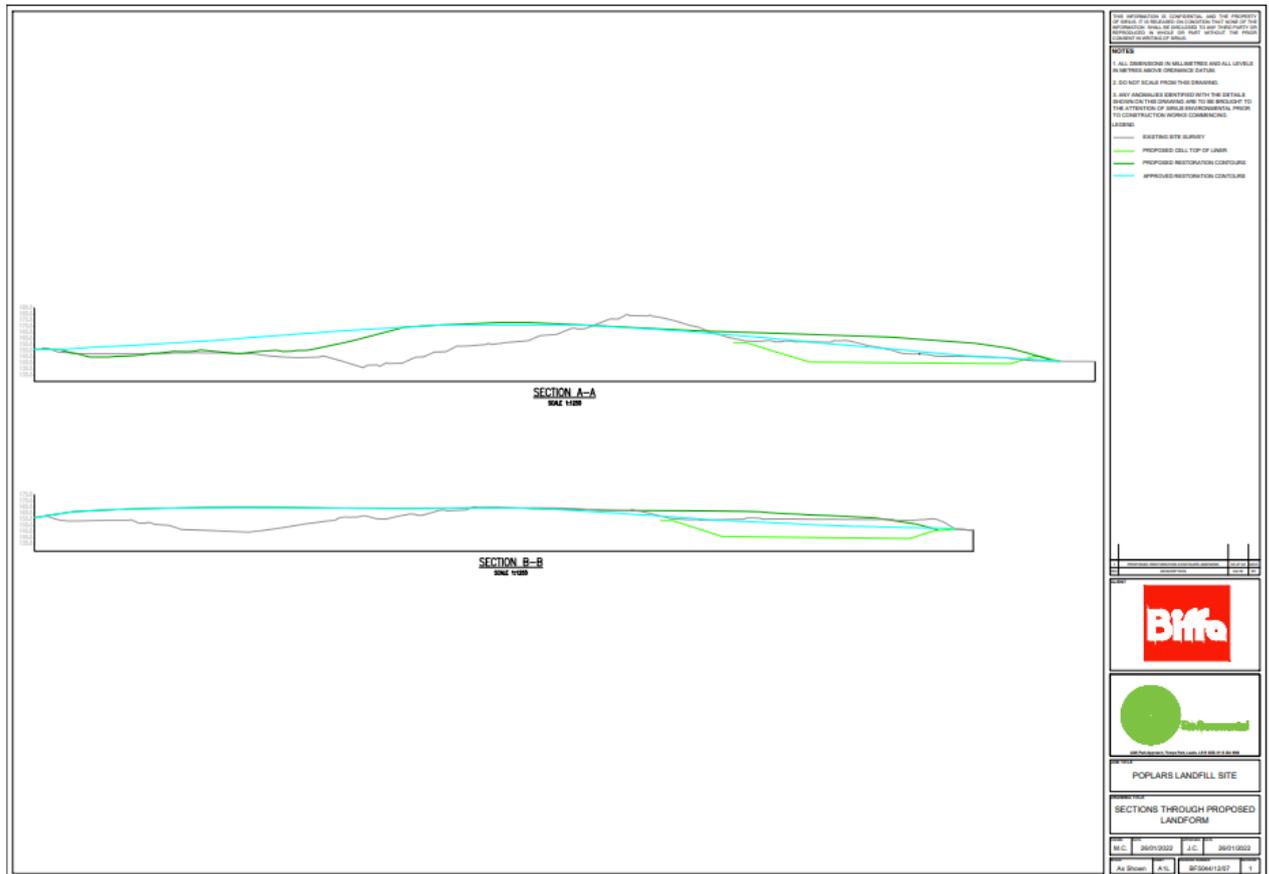
phase of the site (the latest scheme was approved in July 2017 (ref.[CH.446/88/721 MW D10](#))). The latest approved plan is shown below.



15. A plan has been submitted showing the revised restoration proposals for the site.



16. A plan has also been submitted showing the cross sections of the proposed restoration profile compared to the approved restoration profile. The plan shows the approved contours (blue line) and the proposed contours (dark green line). [The location of the cross sections is shown on the Sections Location Plan].



17. A surface water management scheme has also been submitted with the application.
18. Biffa have estimated that the site would provide approximately 9-years of void capacity (2031), and on completion of the non-hazardous waste tipping, approximately 10-years would be required to import soils and restore the landfill and to implement the scheme of restoration landscaping and aftercare (2041).
19. The application is accompanied by a number of documents and plans including
- Environmental Statement and Non-Technical Summary
  - Planning Statement
  - Statement of Community Involvement
  - Great Crested Newt Survey Report
  - Flood Risk Assessment
  - Surface Water Drainage Calculations

- Maintenance for the Surface Water Management Scheme
- Current and Proposed Phasing
- Pre-Settlement Contours and Post Settlement Contours plans
- Sections through proposed landform
- Restoration Plan
- Proposed Catchment Areas plan
- Proposed Surface Water plan

### **The Applicant's Case**

20. The applicant has indicated that the void swap would reduce the potential for adverse effects to amenity for residents living along Lichfield Road. The proposal involves revisions to the restoration profile, amendment so the scheme of phasing and revisions to the scheme of surface water management. No other amendments are being proposed.
21. The applicant has indicated that the proposal would not result in a net loss/gain in overall void. The remaining landfill void capacity is approximately 3.9 million cubic metres and approximately 1.5 million cubic metres of the total void would be swapped from the north of the site to the south.
22. The supporting information also includes an estimate for the remaining void capacity at the site (9 years) and for the import soils, restore the landfill and to implement the scheme of restoration landscaping (approximately 10 years).
23. The applicant has indicated that the potential impacts have been fully assessed and where appropriate mitigated as a part of an iterative review process and through careful consideration of process management, abatement techniques and landscape design.
24. The applicant also considers there are no residual impacts which are significant in terms of intensity or characteristics.

### **Relevant Planning History**

25. Planning permission of the landfill was granted on 17 July 1989 (ref. [CH.446/88](#)). This permission was for the 'Reclamation of the partly restored opencast site by controlled landfill using domestic, commercial and industrial wastes, earth, hardcore and similar materials, including 50 tonnes per annum of special waste at The Poplars, Cannock'.
26. [Appendix 1](#) lists the other planning permissions granted at the site.

### **Environmental Impact Assessment (EIA)**

27. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 2](#).

## Findings of Consultations

### Internal

28. **Environmental Advice Team (EAT)** – no objections, subject to conditions. The EAT reviewed the application and commented as follows:
- a) Ecology – a great crested newt (GCN) survey was submitted which did not include a data search from Staffordshire Ecological Record (this would have shown a GCN record from the north of the site) or eDNA testing of the pond and site photographs appear to indicate that the margins of the pond are at least partly inaccessible. The survey concluded that GCN's are likely to be absent from the site, however, the County Ecologist had concerns. The County Council Ecologist recommended the submission of a reasonable avoidance measures method statement for GCNs or a certificate of participation in the District Level Licence Scheme. A GCN Method Statement was submitted, and the County Ecologist was satisfied with the information.
  - b) Landscape – where working Phase C2 (A to C) would be restored, the proposed contours create an un-natural looking landform along the southeast corner and the section shows the proposed landform over this area to gently decrease in height before a steep drop towards the boundary. A gentler slope closer to the boundary would be preferable, however it is stepped back from the edge of the site, so local visual impact would be reduced. The existing planting to the south east also helps to mitigate visual impact of the proposed gradient and woodland planting around this area will soften the view of the restored landform. The proposed slope adjacent to the AD Facility is very steep and would benefit from some tree and shrub cover to stabilise the soil. If physical planting of whips is not possible, hydroseeding with a suitable species mix would be an alternative solution. A detailed restoration plan should be required and should include details of the planting scheme, maintenance and aftercare.
  - c) Archaeology / Historic Environment - given the nature of the proposals and the developmental history of the site we do not wish to raise any archaeological/historic environment issues.
  - d) Public Rights of Way - the application correctly identifies Public Footpath No. 28 Norton Canes Parish which runs alongside the southern site boundary. The development does not appear to directly affect the right of way. The applicant should be made aware that planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. (Informative 2).
  - e) Tree protection – no concerns.

29. EAT have also provided comments in relation to the existing conditions and recommend additional conditions:
- a) Condition 21 requires the submission of a scheme for the maintenance and management of the pond off Norton Lane. The management should cover all restored areas in the form for a restoration and habitat management plan.
  - b) Condition 23 requires the submission of a scheme for the progressive restoration, landscaping and aftercare of each phase of the site within 3 months of the commencement of each phase of filling. An overall scheme for the site should be submitted.
  - c) Condition 25 requires all the existing landscaping measures on the site not to be disturbed unless suitable alternative measures are approved. The wording of the condition should be updated.

Additional conditions:

- d) To require approval of any new lighting
  - e) To require pre-commencement checks for badgers and ground nesting birds
  - f) To require the submission of reasonable avoidance measures for newts, birds and badgers as part of a Construction Environmental Management Plan (Ecology) (CEMP Ecol).
30. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections. The HA reviewed the information submitted and the existing planning permission and has stated that conditions 5, 6 and 7 remain relevant and an amendment in relation to condition 22 is required to ensure that the wheel wash is provided and used by all vehicles leaving the site.
31. **Planning Regulation Team (Regulation Team)** – no comments.
32. **Noise Engineer** - no objections subject to a condition to ensure that noise attributable to the operations does not exceed an equivalent continuous noise level LAeq (1 hour) of 55 dB during the daytime operating hours at any noise sensitive properties.
33. **Flood Risk Management Team (FRMT)** –no objections subject to conditions. FRMT initially raised concerns in relation to the Flood Risk Assessment and Drainage Strategy submitted and the applicant has addressed these matters. The FRMT have confirmed that the measures detailed in the documents submitted with this application should be implemented and secured by way of a planning condition.

34. **Waste Management Team (WMT)** - no response.

#### **External**

35. **Cannock Chase Council** – ‘no adverse comments’.

36. **Cannock Chase Council Environmental Protection Team**- no objections.

37. **Norton Canes Parish Council** - no response.

38. **Heath Hayes and Wimblebury Parish Council** - no response.

39. **Environment Agency (EA)** - no objections and has indicated that the proposed activities may require a variation to their Environmental Permit and any pollution prevention measures in relation to the proposed activity would be enforced via this permit (see Informative 4). The EA have also confirmed that the permit will cover relevant pollution control activities such as engineering, site infrastructure, monitoring and waste types but won't cover operating hours. The EA were unable to provide more detailed comments in relation to the existing conditions.

40. **Natural England (NE)** provided general advice concerning Landscape; Best and most versatile agricultural land and soils; Protected Species; Local sites and priority habitats and species; Ancient woodland, ancient and veteran trees; Environmental gains; Access and Recreation; Rights of Way, Access land, Coastal access and National Trails, and Biodiversity duty. NE did not provide detailed comments on the application. NE stated that the lack of detailed advice did not imply that there are no impacts on the natural environment, and it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies (guidance has been obtained from the County Council specialists - see above).

41. **UK Health Security Agency (formerly Public Health England) (UKHSA)** – stated they are not responding to local planning authority requests and only provide advice concerning the content of Environmental Statements accompanying an application under the Nationally Significant Infrastructure Planning Regime.

42. **Cannock Chase Area of Outstanding Natural Beauty (AONB) Landscape Planning Officer** – no comments.

43. **Cadent Gas Limited** – confirmed the existing medium and low-pressure asset in the vicinity of the Site (see Informative 6).

44. **Fulcrum Pipelines Limited** - confirmed there are currently or is planning to have gas pipes in the vicinity of the Site (see Informative 6).

45. **National Grid Electricity Transmission** - no apparatus in the vicinity of

the Site.

46. **Western Power Distribution** - existing Western Power Distribution (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 6).

## Publicity and Representations

47. Site notice: YES      Press notice: YES
48. 293 neighbour notification letters were sent out and 9 representations have been received. The concerns raised in the representations are summarised below:
- a) Air quality with gases and odours which are detrimental to humans and animal wildlife
  - b) Flooding from the site
  - c) What consultation will take place to explain the documents?  
[Note: the applicant carried out pre-application consultation which was summarised in a Statement of Community Involvement]
  - d) Impact on property – prices/mortgages/insurance
  - e) Noise from vehicles and reversing alarms/bleepers
  - f) Dust
  - g) Poor site management
  - h) Impact on wildlife
  - i) Impact on the Designer Outlet West Midlands (McArthur Glenn)
  - j) Contaminated ponds
  - k) Impact on water table in the Hawkes Green Nature Reserve.
  - l) Traffic disruption around associated with the traffic island leading to landfill site
  - m) Compensation should be paid due to the impact
  - n) Unacceptable landform
  - o) Impact on food storage business including flooding and contamination of the facility (noise, odours, air quality, ground gasses and groundwater), insufficient detail has been provided
49. Cllr Samantha Thompson (Local Member) has stated a cessation date for the operations at the landfill site should be conditioned, the land should then become an area for residents/wildlife, the operations along Lichfield Road should be finished and the operations moved further away from residents. Cllr Thompson has also expressed her concern that the final levels should not exceed the levels set out in the submission.
50. Cllr John Kraujalis (Cannock Chase Council Councillor) has also requested a 'closure date as soon as possible'.

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

51. 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.’

52. [Appendix 3](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

### **Observations**

53. Having given careful consideration to the application, environmental and other information, including the environmental information subsequently received, 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:

- Any material changes to the site, its surroundings or in terms of general development plan policy considerations
- The site-specific development plan policy considerations including the cessation date for the landfill site and other uses with the site; the changes to the restoration scheme, the Green Belt and Flooding and drainage, and the matters raised by consultees and in representations.
- The need to review and update the planning conditions
- **The Need for a Legal Agreement**

#### **Any material changes to the site, its surroundings or in terms of general development plan policy considerations**

54. As indicated earlier, the landfill site has been operating since the mid 1970’s and the current operations are being carried out in accordance with the

planning permission granted in 1989 (ref. [CH.446/88](#)). This permission allowed the reclamation of a partially restored opencast site by controlled landfill.

55. In 1989, the [Planning Committee report](#) stated that:

‘The proposed enlargement of the landfill operation does not bring the deposit of waste any closer to the existing housing at Rumer Hill or the existing and proposed housing at Hawks Green’.

‘The proposal fully accords with Structure Plan Policy 152 on the incorporation of waste disposal into the reclamation of land to beneficial after-uses, and with Policy 153 on the standard of access for waste disposal sites...’

56. Commentary: It is important to consider the effects of the changes with regard to the development plan policies, any other material considerations, the site and its surroundings, particularly with regard to any relevant changes since the decision was made.

57. In respect of the material changes to the site and the site’s surroundings, the site continues to accept waste and there have been significant changes in the immediate vicinity of the site. The changes to the site include the construction of other waste developments – the Household Waste and Recycling Centre and the AD facility. The developments in the vicinity of the site including the construction of residential properties to the north and the Designer Outlet West Midlands to the northwest, and also Kingwoods Lakeside and the M6 Toll to the south.

58. In terms of the policy considerations, there have been material changes to the development plan policies and the other material planning policy considerations (see [Appendix 3](#)).

59. 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.

60. 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...'.

61. The NPPF ([Section 12](#) Achieving well-designed places - paragraph 130) also explains that:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and,
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

62. 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.

63. Paragraph 5.53 of the WLP is also relevant:

'Although the Waste Local Plan promotes management of waste higher up the waste hierarchy, landfill will still continue to be required for the disposal of non-combustible residual waste and certain hazardous wastes. Policy 2.4 safeguards the strategic hazardous landfill site. The locally important landfill, non-hazardous and inert landfill sites, will be protected if necessary by Policy 2.5, however opportunities to reduce the disposal of waste to landfill and reduce the need to backfill mineral sites i.e. reduce void capacity/landfill, should be taken if the

opportunities arise’.

64. 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.
65. Policy 4.1 (Sustainable design) of the WLP seeks to ensure that development is of a high-quality design, appropriate to the surroundings and respects and integrates with the character and appearance of the locality whilst protecting environmental quality. In particular the proposal should:
  - ‘i. Be compatible with adjoining land uses and the locality, taking into account national and local policies for building design, landscape character, ecology, historic environment and sport and recreation; ...
  - x. Enhance biodiversity where possible and contribute where appropriate to green infrastructure initiatives as supported by local policies; ...’
66. Policy 4.2 (Protection of Environmental Quality) of the WLP states that ‘waste management facilities will be supported provided that the proposals would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections’.
67. The policy also requires consideration of the effect of the proposals on:
  - ‘i. People and local communities, including the potential health effects;..
  - iv. Natural environment features and landscape networks important for wildlife and amenity; ...
  - vi. The Landscape; ...
  - viii. The Green Belt;
  - ix. The Countryside;
  - x. Trees, hedgerows and woodland;...
  - xiii. Protection of air, soil and water and reduction of flood risk; ...’
68. The [Cannock Chase Council Local Plan](#) was adopted 11 June 2014 and more recently the [Cannock Chase Local Plan - Preferred Options](#) consultation took place between March and April 2021. The consultation document shows two areas of land to the east of the site proposed to be allocated as ‘residential

strategic sites' and a 'safeguarded country park'. The document also shows the 'existing employment land' to the south of the site. The County Council's response to the consultation stated that:

'in June 2019, (the County Council) highlighted the need to recognise the importance of safeguarding underlying mineral resources, and existing waste and management facilities. These points appear to have been effectively addressed through Draft Policies SO8.7 and SO8.8. In the light of these draft policies, and Policy 2.5 of the Staffordshire and Stoke-on-Trent Waste Local Plan, concerns should be (are) raised over the proximity of Strategic Housing Site SH1 to the boundary of Poplars Landfill. Great care will be needed to ensure that proposals to introduce housing nearby do not lead to constraints on the continued operation of the site. Whilst landfill is at the bottom of the waste hierarchy, and other methods of disposal should be used wherever possible, the demand for this form of disposal will continue for the foreseeable future'

(source: page 23 of the [Feedback and Next Steps report to Cabinet on 21 December 2021](#))

69. Commentary: Planning permission allows the deposit of non-hazardous waste on the land adjacent to the Lichfield Road boundary. The proposal is to re-locate the permitted void space adjacent to the Lichfield Road on to previously tipped land in the south-east corner of the site. Inert waste material would be deposited on the land adjacent to the Lichfield Road to grade the land to tie into the surrounding levels.
70. The applicant has pointed out that the 'void swap' would move future landfill operations away from nearby residents thereby reducing the potential risk of adverse effects on the amenity for residents living along Lichfield Road.
71. WLP Policy 4.2 explains that proposals which do not give rise to materially harmful impacts should be supported, and where there is the potential for materially harmful impacts, then they should only be supported if the material planning benefits of the proposals outweigh the material planning objections. In this case the benefits of the proposal are that they would not increase void capacity, provide an opportunity to move the existing permitted capacity further away from existing residential properties, and provide an opportunity to apply new conditions, including a condition to set a cessation date. In terms of objections, the 'void swap' would move the future landfill operations on to an area of the site that has already been restored, closer to existing employment land and potentially closure to land which may be allocated for future housing development by Cannock Chase District Council. Significantly however, Cannock Chase District Council have not objected to the application and in any event limited weight should be attributed to potential future land allocations at the stage.

72. Conclusion: Having regard to the policies and other material considerations referred to above, it is reasonable to conclude the proposal is the right type, in the right place and 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 the cessation date for the landfill site and other uses within the site; the changes to the restoration scheme, the Green Belt and Flooding and drainage, and the matters raised by consultees and in representations.**

Cessation date for the landfill site and other uses within the site

73. Paragraph 6.4 of the WLP refers to the matters that should be controlled by conditions. These include the 'Commencement and duration of the permission (including cessation, site clearance, restoration and aftercare)'.
74. Commentary: No cessation date is specified in the 1989 permission other than a requirement that the operations should cease when the approved landform is achieved.
75. Condition 2 of the 1989 permission states that:
- 'The development hereby permitted shall accord with the submitted plans and development brief'.
76. Condition 3 states that:
- 'Any variation in the finished levels of the site (plan fLS/7/894) or in the sequence of phasing of the development (plan fLS/7/897 and plan fLS/7/896) shall be approved the County Planning Authority'.
77. The applicant has explained that:
- 'Given the uncertainty around future residual waste arisings, it is estimated that the remaining void at the site would provide approximately 9-years of void capacity. On completion of the non-hazardous waste tipping a period of approximately 10-years would be required to import soils, restore the landfill and implement the scheme of restoration landscaping and aftercare. Restoration will continue in tandem with waste filling to provide progressive restoration. There are no stockpiled restoration soils on the site for use in restoration so all soils have to be imported. The availability of suitable soils is dictated by the market place hence the time taken to restore the whole site'.  
(ref. paragraph 3.3.3 of the Environmental Statement)
78. The applicant has indicated it would take 9-years for the import of non-hazardous waste and 10-years for the import soils. Clarification has been sought concerning these timescales.

79. The applicant has confirmed that the remaining void for waste is approximately 3.9 million cubic metres and the current inputs are 450,000 cubic metres per annum. Based on the current input rate the void would take 8.6 years rounded up to 9 years (3.9 million cubic metres divided by 450,000 cubic metres).
80. The applicant has explained that calculating the time for final restoration (the import of soils) is significantly more complicated due to volatility in the marketplace and that the 10 years proposed is a conservative estimate. The final restoration could be completed ahead of the 10 years; however, this would depend on the availability of appropriate materials.
81. The applicant has also explained that there is about one third of the site (30 hectares) still to be restored and this would require 390,000 cubic metres of material (based on an average depth of 1.3 metres of restoration material). The applicant has confirmed that this equates to 351,000 cubic metres of soil and 39,000 cubic metres of compost. The total tonnage required is 702,000 tonnes of soil and 39,000 tonnes of compost (based on a ratio of 2 tonnes of soil to each cubic metre of void and 1 tonne of compost to each cubic metre of void).
82. The supply of compost is secured (delivered from an 'in-house' composting facilities) and the supply of soils (and quantities) would be subject to market availability and would vary with changes in economic activity. The applicant has also explained that over the last five years approximately 222,572 tonnes of soils have been imported to the site (ranging from approximately 8,696 per annum to 76,815 per annum). The average over the last 5 years is approximately 44,500 tonnes. The applicant therefore contends that allowing 10 years for restoration (assuming an average soil input of 37,000 tonnes per annum) would ensure the site is progressively restored and landscaped within the period and possibly sooner and would allow differential settlement (where areas of the site settle more than others leading to ponding on top of the restoration surface) to be dealt with by placing more soils and compost in these areas rather than returning at later dates to address this issue.
83. In this case, the applicant has provided an up-to-date estimate of the amount and timescale for the importation of non-hazardous waste and for the importation of soils to deliver the revised restoration landform (see Changes to the restoration scheme section).
84. It is also considered that conditions should be included to set out the end date for the import of non-hazardous waste and for the importation of soils to restore the site. This would ensure greater certainty, in terms of the duration of operations at the landfill site.
85. Specifying an end date for the restoration of the site would also confirm the cessation dates for the following permitted uses which are currently tied to the cessation of the landfill site:

- the AD facility (see Conditions 4 and 5 of planning permission CH.13/09/721 MW) - the cessation date is upon the cessation of landfilling within the Landfill site or in the event of early cessation of the anaerobic digestion operations (whichever is the sooner). An application has been submitted to make the facility permanent (ref. [SCC/22/0104/FULL-ES](#) – not yet determined here).
  - the Household Waste and Recycling Centre (HWRC) (see Condition 26 of planning permission CH.15/08/708 W) - the cessation date is if waste importation ceases for 6 month or no later than 3 months after the cessation of cessation of infilling and restoration of the landfill site (whichever is the sooner).
  - the site offices and visitor centre (see condition 11 ref. CH.04/08/721 MW) - the site shall be cleared of all structure, hard surfaces, foundations, and buildings within 3 years of the cessation of landfill operations on the landfill site.
  - the municipal collection depot (see conditions 3 and 4 of planning permission SCC/22/0045/FULL-MAJ) - the cessation date is the cessation of landfilling or in event the use of the municipal collection depot should permanently cease earlier than the cessation of landfilling operations.
86. There following approvals have no specified cessation dates, however they are not shown to be retained on the submitted restoration plans:
- the prior approval for the site operatives amenity block (ref. [CH.88/0446 PWA \(2\)](#)) and for fuel tank, washdown pad and oil store (ref. [CH.88/0446 PWA \(3\)](#))
  - the measures for the commercial extraction of gas from the landfill site (refs. CH.0446/88 Details, [CH.88/0446 D4](#), [CH.88/0446 D7](#), [CH.88/0446/721 MW D8](#), [CH.446/88/721 MW D11](#) and [CH.446/88/721 MW D12](#)).
87. Conclusion: Having regard to the guidance referred to above, it is reasonable to conclude that conditions should be included to set a cessation date for the import of non-hazardous waste and the importation of soils to restore the site and for the completion of the restoration and aftercare.
- Changes to the restoration scheme.
88. Policy 4.1 xii (Sustainable design) of the WLP seeks to ensure that proposal should 'where restoration and aftercare is applicable, provide comprehensive, detailed, practical and achievable restoration and aftercare proposals for the site, that would achieve at the earliest opportunity, an acceptable after-use'.
89. Paragraph 7 of the National Planning Policy for Waste states that when

determining planning application Waste Planning Authorities should 'ensure that landraising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary' (bullet point 6).

90. Commentary: In this case, the applicant has submitted a revised restoration scheme due to the changes to the site. The revised scheme was also updated to reflect the comments from the County Council's Flood Risk Management Team and to address matters raised in one of the representations.

91. The revised restoration plan includes woodland, species rich grass land, amenity grassland, heathland and surface water lagoons (ref. [SCC/22/0021/VOC-ES - Restoration Plan \(dwg no BF5044 12 08 Rev 3\)](#)). These uses are similar to the uses shown on the approved plan ([Revised Restoration Proposal Phasing D/BRW/375/11 Rev A](#) ref. [CH.446/88/721 MW D10](#)). However, the revised restoration plan does not include details of the restoration of the wider landfill site including:

- **the AD facility area** (see Condition 5 of planning permission [CH.13/09/721 MW](#)), requires the removal of the buildings following the cessation of landfilling or early cessation of the operation of the AD facility and the site restored in accordance with the approved restoration and aftercare scheme for the Landfill site.  
  
[Note: A separate application (the 'AD facility application') has been submitted to make the facility permanent (ref. [SCC/22/0104/FULL-ES](#)). The applicant has proposed a condition with the AD facility application, to require, in the event of the permanent cessation of operations, the submission of a scheme for the restoration and aftercare of the area to a suitable restoration surface. As the 'AD facility application has not yet been determined; at this stage it is considered necessary to recommend a condition to require details for the restoration of the AD facility area to be submitted.]
- **the Household Waste and Recycling Centre** (see Condition 26 of planning permission [CH.15/08/708 W](#)) requires in the event that waste materials cease to be imported on to the Site or a period of 6 months or no later than 3 months after the cessation date, the submission of a Restoration and 5-year Aftercare Scheme to restore the Site to a beneficial afteruse compatible with the latest approved restoration and aftercare scheme for the Poplars Landfill Site. In this case, a scheme would need to be submitted by the County Council.
- **the site offices and visitor centre** (see condition 12 ref. [CH.04/08/721 MW](#)) requires the submission of an amendment to the approved restoration and aftercare plan for the landfill shall incorporate the office, visitor centre and car parking area. An amended plan was not submitted in accordance with this permission. However, the site

offices and visitor centre are shown as being retained on the restoration plan. A separate approval from Cannock Chase Council would be required to retain the offices and visitors centre following the completion of the restoration of the site.

92. The County Council Environmental Advice Team have recommended a condition requiring a detailed restoration and aftercare scheme for the whole site to be submitted.
93. The County Council has sought financial guarantees in exceptional circumstances (in the form of bonds or other financial guarantees) to ensure that sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards, albeit it should be acknowledged that this guidance specifically relates to mineral sites (paragraph 211 (e) of the NPPF).
94. Clarification has been sought concerning the restoration of the site. The applicant has indicated that it is established and responsible operator and take its obligations to restore and manage our landfill portfolio very seriously. The Companies Sustainability Strategy currently includes a target to manage 30% of the landfill estate for biodiversity and that target will increase over time and the landfill site has a key role to play in contributing to achieving the biodiversity target.
95. The applicant has also indicated that it is legally obliged to both cap and restore the landfill site and to ensure there are sufficient funds to secure this. Provision is made by putting aside money from each tonne of waste that is deposited at the site and the money is ringfenced specifically for site restoration and aftercare. The applicant has also explained that there is financial bond with the Environment Agency under the Permit (Environmental Permit (ref. EPR/BW0584IL) and the bond would be released and used for site restoration and aftercare (and for long-term leachate and gas management) at the site in the extremely unlikely event that it was no longer in control of the site.
96. Based on the above, it is considered appropriate to recommend conditions to ensure the restoration of the site is kept under review and for details of the financial provisions to be regularly confirmed. This matter is discussed in more detail in 'The Need for a Legal Agreement' section below.
97. Conclusion: Having regard to the guidance referred to above, it is reasonable to conclude that conditions should be included: to require the submission of an overall scheme for the restoration and aftercare of the site; to require regular reviews of the progress of the landfilling, restoration and aftercare; and, to require details of the financial provisions to be regularly confirmed (see 'The need to review and update the planning conditions' and the 'Need for a Legal Agreement' sections below).

## Green Belt

98. The landfill site is located within the South Staffordshire Green Belt. The NPPF ([Section 13](#)), Policy 4.2 ((viii)) (Protection of environmental quality) of the [Staffordshire and Stoke on Trent Waste Local Plan](#) (WLP) and Policy CP1 of the Cannock Chase Council Local Plan seek to ensure that consideration is given the impact of development in the Green Belt and that substantial weight is given to any harm to the Green Belt.
99. The NPPF paragraph 137 states that:
- ‘The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.’
100. The National Planning Policy Framework (the NPPF) (paragraph 138) explains that the five purposes of the Green Belt are:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and,
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
101. The NPPF paragraph 147 states that:
- ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’
102. Paragraph 148 states that local planning authorities should
- ...‘ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’
103. The NPPF paragraph 150 states that:
- ‘Certain other forms of development (including engineering operations and changes in the use of land) are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- ...(b) engineering operations’
104. The National Planning Policy for Waste (Section 6), states that

'Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should also recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan.'

105. Commentary: The applicant contents that 'The proposal is a series of modifications to the existing restoration operations at Poplars Landfill Site including a void 'swap' and revised restoration scheme. The works are considered as engineering operations which is accepted in the Green Belt' (Paragraph 5.3.8 of the Planning Statement).
106. The applicant has also assessed the proposal in relation the Green Belt policy in the Waste Local Plan and the Cannock Chase Local Plan:
  - The application site is a designated waste management site. The works are considered as engineering operations which is accepted in the Green Belt (para 150 of the NPPF). The restoration scheme will not affect the openness of the green belt as the site will be used for public open space (Table 5.1 of the Planning Statement).
  - The restoration planting proposals have not been revised given they were recently approved in July 2017 however the revised restoration profile means that some of the proposed planting has been relocated. The restoration scheme will not affect the openness of the green belt as the site will be used for public open space (Table 5.2: of the Planning Statement).
107. In this case, given the size of the proposed changes at the landfill site, it is considered that they would harm the openness of the Green Belt and therefore represent inappropriate development. However, it is considered that very special circumstances exist to justify a departure from Green Belt policies, namely:
  - the principle of the landfill site has been accepted in this location.
  - the application relates to changes in the operation of the existing landfill site and does not involve any changes to the site boundary.
  - the changes to the operation of the landfill site would reduce the potential for adverse effects on local residents.
  - the majority of the site would be screened by the existing landscaping and other waste developments (e.g. AD facility).
  - an end date for the operations has been proposed rather than relying

on the timescale for the completion of the approved landform which would provide greater certainty.

- the proposed restoration for the site is similar to the existing restoration requirements (albeit with a changed profile).
108. When considering inappropriate development in Green Belt land, it is necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#). The Direction requires the Waste Planning Authority to consult the Secretary of State at the Department for Levelling Up, Housing & Communities on inappropriate developments in the Green Belt, where it intends to approve a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
109. In this case, by reason of the scale (there is no change to the overall void capacity), the nature (a void 'swap') and the location (an existing landfill site), it is reasonable to conclude that the changes would not have a significant impact on the openness of the Green Belt and that there is no need to refer the decision to the Secretary of State c/o the National Planning Casework Unit before planning permission is issued.
110. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the proposals do constitute inappropriate development in the Green Belt, however 'very special circumstances' exist that outweigh the harm to the openness of the Green Belt. Also, given the location, nature and scale of the proposals, there is no need to refer this matter to the Secretary of State.

#### Flooding and drainage

111. Paragraph 167 of the NPPF states that:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.

112. Planning Practice Guidance advises that the National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow and where these tests are not met, new development should not be allowed. The Planning Practice Guidance also details the steps that should be taken; the steps are designed to ensure that if there are lower risk sites available, or a proposed development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted. The measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere [Planning Practice Guidance, [Flood risk and coastal change](#), What are the main steps in assessing flood risk? (Paragraph: 003 Reference ID: 7-003-20220825)].
113. Policy 4.2 (Protection of Environmental Quality) of the WLP states that 'waste management facilities will be supported provided that the proposals would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections'. The policy requires consideration of the effect of the proposals on:
- 'xiii. Protection of air, soil and water and reduction of flood risk; ...'
114. Policy CP16 (Climate Change and Sustainable Resource Use) of the Cannock Chase Local Plan states that all non-residential development proposals should protect the water environment and that 'developments should ensure there is adequate on and off-site drainage infrastructure in place to serve their needs without posing a risk to the environment...'
115. Commentary: The County Council's Flood Risk Management Team requested revisions to the information submitted (detailed above) and a business (Bidfood) adjacent to the south of the site raised concerns relating to drainage.
116. The applicant provided information to address the concerns raised. Letters were also provided to the Flood Risk Management Team and the local business detailing how the concerns have been addressed. The Flood Risk Management Team have confirmed that they have no objection and recommended a condition to ensure the implementation of the measures detailed in the submitted documents. The local business was reconsulted and did not provide any further comments.

117. Conclusion: Having regard to the policies and guidance referred to above, and notwithstanding the concerns of the neighbouring business, no unacceptable adverse impact due to flood risk is anticipated subject to the implementation of the measures detailed in the submitted Drainage Strategy documents.

Other matters raised in representations

118. Residents raised a number of other matters in relation to this application and these are discussed in more detail below.

Impact on property – prices/mortgages/insurance.

119. Local residents have raised concerns about house prices. Members will be aware that the courts have ruled that in general:

‘planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.’ (ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - ‘What is a material planning consideration?’).

Site Management

120. The representations include concerns about the site management. The day-to-day operations are controlled by an Environmental Permit regulated by the Environment Agency (‘the EA’). The EA have no objection to the application and have stated that an amendment to the Environmental Permit would be required.
121. 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. The Planning Regulation Team have confirmed that the last complaint was received in 2020 and relating to odour and was directed to Cannock Chase Council Environmental Health and the Environment Agency to investigate.
122. It is also important to note the government guidance on waste which 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](#)).

123. This application also provides an opportunity to update the existing planning conditions (see 'The need to review and update the planning conditions').
124. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and 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.

### **The need to review and update the planning conditions**

125. The NPPF ([Section 4](#), paragraph 55) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 56 of the NPPF explains that:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

126. Policies 4.1 and 4.2 in the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) seeks to ensure that waste management facilities are designed and operated to high environmental standards and should not give rise to materially harmful impacts except where the material planning benefits of the proposal outweigh the material planning objections.
127. The Planning Practice Guidance states:

'In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect'. ([Planning Practice Guidance, Use of planning conditions](#), How are conditions treated under section 73?, paragraph 040).

128. The Planning Practice Guidance also advises that:

‘When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects’. ([Planning Practice Guidance, Use of planning conditions, Why and how are conditions imposed?](#), paragraph: 001).

129. Commentary: In this case, the conditions of the 1989 planning permission addressed the:

- a) access to the site
- b) use of best practicable means to minimise injury to the amenities of the area or adjoining properties by reason of noise, vibration, smoke, fumes, dust, grit, smell or gas.
- c) measures to monitor and prevent the migration of landfill gas
- d) landfill gas boreholes and monitoring
- e) use of low permeability barrier around the perimeter of the site and the business park to the south
- f) details for the prevention of leachate migration
- g) monitoring of leachate levels
- h) capping of the site
- i) method for sealing any mineshafts
- j) maintenance and management of the pond off Norton Lane
- k) wheel wash/cleaning facilities.
- l) progressive restoration, landscaping and aftercare of each phase
- m) fencing of the site
- n) approval of any replacement facility provided under the Refuse Disposal (Amenity) Act, 1978
- o) approval of all temporary and permanent buildings.
- p) use of the site for recreation purposes
- q) controlled access to any recreation facilities within the site
- r) approval of measures for the commercial extraction of gas from the site

130. It is considered reasonable and necessary to update the conditions in addition to conditions 2, 3 and 23 of the 1989 permission (as amended by CH.446/88/721 MW D10 (revised restoration scheme) and CH.446/88 PWA (4) D3 (phasing)).

131. It is also considered reasonable and necessary to include additional conditions / informatives, for example:

- a) To update the waste types and include reference to the Environmental Permit.

- b) To ensure that noise attributable to operations at the site should not exceed an equivalent continuous noise level LAeq (1 hour) of 55 dB during the daytime operating hours at any noise sensitive properties.
- c) To ensure that best practicable means are employed to minimise the noise generated by the operations/activities.
- d) To ensure that best practicable means are employed to minimise the dust generated by the operations/activities.
- e) To restrict the operating hours to the following: Monday to Friday - 0600 hours to 1800 hours and Saturdays, Sundays, Public and Bank Holidays - 0700 hours to 1300 hours.
- f) To define the maximum number of HGV movements in and out of the site to deposit waste per day to be 500.
- g) To require facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.
- h) To require the submission of updates in the form of progress reports and plans.
- i) To formalise the existing liaison committee arrangements.

132. Conclusion: Having regard to the policies and guidance referred to above, it is concluded that it is reasonable and necessary to recommend updates to existing conditions and to include additional conditions to minimise the impact of waste development and to ensure the landfill site continues to operate to high environmental standards.

### **The Need for a Legal Agreement**

133. Paragraph 55 in the NPPF also explains that planning obligations may be used to make otherwise unacceptable development acceptable. Paragraph 57 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related in scale and kind to the development.

134. These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 ([Part 11](#)) (Note the Community Infrastructure Levy Regulations have been amended, the latest came into force on [1 September 2019](#)). The 2010 Regulations also prevent the use of a planning obligation to fund infrastructure if a Community Infrastructure Levy (CIL) has been adopted in the area (Regulation 123). In this case, Cannock Chase Council

do not currently have a relevant CIL.

135. Chapter 6 of the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (Implementation and Monitoring of the Plan) provides guidance to ensure that development delivers the vision and objectives of the Local Plan including seeking legal agreements with developers where appropriate.
136. Commentary: It is considered that the following obligation / undertaking should be secured by a Section 106 Legal Agreement (S106) and the reasons are explained below taking into account the above tests:
  - To require the operator responsible for the restoration of the site to provide an up-to-date independent statement to confirm that adequate financial provisions are in place to secure the restoration and aftercare of the site at the same time as submitting the review of the restoration and aftercare and progress reports required by condition
137. It is understood that the operator sets-a-side ring fenced funds to pay for the restoration of landfill sites and that the Environmental Permit regulated by the Environment Agency (EA) requires a financial bond to be secured which may be released to pay for measures to control pollution in the event that the company responsible for the permit goes into liquidation and therefore there is no one responsible for the site. Notwithstanding, this statement would provide evidence that there are adequate financial provisions in place to satisfactorily fulfil the restoration and aftercare requirements of the planning permission from a planning point of view. More specifically to ensure that the site is restored and subject to aftercare to a high environmental standard in this green belt location, it is important that there are funds to ensure that the land would be restored, planted and subject to aftercare to protect the landscape and visual/local amenity. This undertaking accords with the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (ref. Strategic Objective 3 and Policy 4.1 of the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#)) and [National Planning Policy for Waste](#) (section 7, bullet point 6) and reflects the same approach that the County Council takes with respect to mineral sites were larger operators generally rely on membership of the Mineral Products Association and their Restoration Guarantee Fund.
138. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the terms of the undertaking described above are necessary, relevant, and fairly and reasonably related in scale and kind to the development and should be secured as part of a S106.

## **Overall Conclusion**

139. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting and environmental 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.

## **Recommendation**

**Permit** the application to vary conditions 2 (approved plans), 3 (finished levels) and 23 (restoration and aftercare) of permission [CH.446/88](#) (as amended by [CH.446/88/721 MW D10](#) (revised restoration scheme) and [CH.446/88 PWA \(4\) D3](#) (phasing)) to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations at Poplars Landfill Site, Lichfield Road, Cannock, WS11 8NQ subject:

- the applicant and all other persons with a relevant interest in the land (for the purposes of Section 106 of the Town and Country Planning Act 1990) signing a Section 106 Legal Agreement - the heads of terms to include those listed below; and,
- conditions including those listed below.

The **Section 106 Legal Agreement** to include a requirement that the operator responsible for the restoration of the site provides an up-to-date independent statement to confirm that adequate financial provisions are in place to secure the restoration and aftercare of the site at the same time as submitting the review of the restoration and aftercare and progress reports required by condition.

**The conditions** to include the following:

### **Definition of the consent**

1. To define the consent with reference to documents, plans and approvals.

### **Commencement and Cessation of the development**

2. To define the operational periods (19 years overall - 9 years waste disposal + 10 years for the deposit of soils and compost).
3. To confirm the date of commencement as being the date of the planning permission and to notify the Waste Planning Authority prior to the commencement and cessation of each phase of the development.
4. To define the expiry of the permission to be when the restoration and aftercare has been completed to the satisfaction of the Waste Planning Authority in accordance with the latest approved Restoration and Aftercare Scheme.

5. To define the requirements in the event that the operations cease prematurely including a revised date for the restoration of the site.

### **Site Layout**

6. To require the site to be worked in accordance the submitted phasing plan.
7. To require a report to review the progress of the site and updated phasing plan at the same time as the review of the Restoration Masterplan takes place (see 39 below).

### **Waste types**

8. To specify the broad waste categories as inert and non-hazardous wastes [see Informative 3 below].
9. To require the removal of any of non-conforming waste.

### **Management of the operations**

#### **Hours of Operation**

10. To limit operating hours for all activities on site:
  - 0600 hours to 1800 hours - Monday to Friday
  - 0700 hours to 1300 hours - Saturdays, Sundays, Public and Bank Holidays

#### **Development Restrictions**

11. To limit the use of the site to the uses hereby permitted and to restrict permitted development rights.

#### **Maintenance of site infrastructure**

12. To require all buildings, structures, perimeter security fencing, gates and hard surfaces to be maintained in place and in good condition and fit for purpose.

#### **Site Access-and Highway Safety**

13. To define the access to site from the roundabout on Lichfield Road (except as set out below).
14. To define the access to the site from the south for waste disposal purposes in the case of an emergency (off Blakeney Lane).

15. To require the wheel wash facility to be used and the wheel wash facility to be maintained in accordance with the manufacturer's specification / instructions.
16. To require the site access road and internal hard surfaced roads to be maintained in a good state of repair and kept clean and free of mud, dirt and other deleterious materials.
17. To define the maximum number of HGV movements in and out of the site to deposit waste per day to be 500.

### **Site Security**

18. To require measures to be taken to prevent any unauthorised access to the site.

### **General Environmental Protection**

#### **Noise**

19. To limit site attributable noise to 55 dB LAeq (1 hour) during the operating hours when measured at any noise sensitive properties.
20. To require a noise monitoring scheme to be submitted for approval.
21. To require best practicable means to be employed to minimise the noise generated by the operations/activities.
22. To require all vehicles and plant employed within the site to be fitted with effective silencers.
23. To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems.
24. To specify that there should be no sounding of horns on vehicles or mobile plant other than in the case of an emergency.
25. To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.

#### **Air**

26. To require best practicable means to be employed at all times to minimise generation and dispersal of odours caused by all operations/activities.
27. To require best practicable means to be employed at all times to minimise generation and dispersal of dust caused by all operations/activities.

28. To prevent the burning of waste on site.

### **Soils**

29. To require soils to be removed, stored and replaced in accordance with Defra's Good Practice Guide for Handling Soils.

### **Water**

30. To require the development to be carried out in accordance with the approved Drainage Strategy documents and the mitigation measures.
31. To require facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.

### **Nature Conservation**

32. To require the submission of a scheme for the maintenance and management of the pond off Norton Lane.
33. To require the submission of a management plan for all the existing landscaping measures.
34. To require approval of any new lighting to protect wildlife.
35. To ensure that that pre-commencement checks for badgers and ground nesting birds are carried out before commencing each phase by a suitably qualified and experienced ecologist.
36. To require the submission of reasonable avoidance measures for newts, birds and other protected species.

### **Restoration and Aftercare**

37. To require the site to be generally restored in accordance with the submitted Restoration Masterplan (to agriculture; open water and tree planting on the steeper slopes).
38. To require a detailed Restoration and Aftercare Scheme for the whole site to be submitted within 12 months of the date of the permission.
39. To require a review of the approved Restoration Masterplan 12 months after the commencement of the development then every 5 years in conjunction with the Progress Reports, and if as a result to require revisions to the detailed Restoration and Aftercare Scheme. [see Informative 8 below].
40. To require the site to be restored and subject to aftercare in accordance with

## **Record Keeping**

41. To keep and make the following records available to the WPA on request:
- a) The operating hours
  - b) The quantities of waste deposited on the site
  - c) The numbers and times when HCVs enter and leave the site
  - d) Noise monitoring results
  - e) Any complaints and remedial actions taken.

## **Liaison Committee**

42. To require the existing liaison committee meetings to continue and to require a scheme setting out the general meeting arrangements and terms of reference to be submitted for approval [see Informative 7].

## **INFORMATIVES to include the following:**

1. To ensure that the terms of the planning permission are made known to the site operators.
2. To advise the applicant of the County Council's Environmental Advice Team comments that planning permission does not construe the right to divert, extinguish or obstruct any part of the public path.
3. To confirm that the detailed waste types within the broad categories named in the condition would be specified in the Environmental Permit issued by the Environment Agency.
4. The Environment Agency advises that the changes to the Environmental Permit may be required.
5. The Environment Agency advice regarding procedures, training and equipment that should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages.
6. To advise the applicant of the infrastructure in the vicinity of the Site (Cadent Gas Limited, Fulcrum Pipelines Limited and Western Power Distribution).
7. To advise on the general arrangements and terms of reference for liaison committees.
8. A reminder about the undertaking in the Section 106 Legal Agreement to

provide an up-to-date independent statement to confirm that adequate financial provisions are in place to secure the restoration and aftercare of the site and that this statement should accompany the review (condition 39 above).

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The list of background papers for this report is available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk).

## Appendix 1 Relevant Planning History

Planning permission of the landfill was granted on 17 July 1989 (ref. [CH.446/88](#)). This permission was for the 'Reclamation of the partly restored opencast site by controlled landfill using domestic, commercial and industrial wastes, earth, hardcore and similar materials, including 50 tonnes per annum of special waste at The Poplars, Cannock'.

Measures for the commercial extraction of gas from the landfill site (in accordance with condition 31 of CH.446/88 were approved in 1991 (ref. CH.0446/88 Details); in 2000 (ref. [CH.88/0446 D4](#)); in 2006 (ref. [CH.88/0446 D7](#)); in 2010 (ref. [CH.88/0446/721 MW D8](#)); in 2016 (ref. [CH.446/88/721 MW D11](#)) and in 2021 (ref. [CH.446/88/721 MW D12](#)). The infrastructure is located in the southern part of the landfill site.

Planning permission was first granted in January 2010 for an Anaerobic Digestion (AD) facility at the landfill site (ref. [CH.09/03/721 MW](#)) and the following permissions have subsequently been granted:

- [CH.10/07/721 MW](#) dated 15 November 2010 - Increase in capacity to the consented Anaerobic Digestion (AD) facility, from 80,000 to 120,000 tonnes per year, to treat organic (primarily food) wastes to recover biogas that will be used to generate electricity and a compost material (digestate) for use in restoration
- [CH.10/08/721 MW](#) dated 21 October 2010 - Installation of three GRP high voltage electricity kiosks at Poplars Landfill site associated with the Poplars Anaerobic Digestion Facility
- [CH.13/06/721 MW](#) dated 6 December 2013 - Planning application to regularise the use of a small area of hardstanding for access to the Poplars Anaerobic Digestion Facility

- [CH.13/09/721 MW](#) dated 29 January 2014 - Variation of Condition 1 of planning permission CH.10/07/721 MW to substitute the approved layout plan with a revised layout plan and elevations for the Anaerobic Digestion Facility.
- [CH.17/02/721 MW](#) dated 26 June 2017 - Retrospective application for planning permission for an additional utility tank and ancillary equipment.
- [SCC/22/0104/FULL-ES](#) - Application to vary conditions 1 (approved plans), 4 (cessation date), 5 (site clearance), 6 (expiry of permission), 30 (storage and management of digestate material) and 32 (surface water drainage) of planning permission CH.13/09/721 MW – not yet determined here.

Planning permission was first granted in March 1994 for a Household Waste and Recycling Centre (HWRC) now operated by Staffordshire County Council (ref. [CH.93/493](#)) and the following permissions have subsequently been granted:

- [CH.13/11/708 W](#) dated 1 July 2014 - Application not to comply with (to vary) planning permission CH.93/493 to extend the hours of operation (Condition 7) and to allow the acceptance of trade waste at the site and alterations to the site layout.
- [CH.15/08/708 W](#) dated 18 September 2015 - Application not to comply with (to Vary) conditions 9 and 10 of planning permission CH.13/11/708 W relating to hours of operation.

Planning permission was first granted in October 2006 to relocate the Biffa Waste Services South Staffordshire Municipal Waste Collection Depot (ref. [CH.06/11/721 W](#)). Planning permission was granted in July 2022 to regularise the layout of the municipal collection depot and to replace the existing single storey office accommodation with two storey accommodation on the same footprint (ref. [SCC/22/0045/FULL-MAJ](#) dated 18 July 2022).

There is also separate permission for site offices and visitor centre adjacent to the entrance of the landfill site (ref. [CH.04/08/721 MW](#) dated 29 Oct 2004)

Prior approvals have been granted for a site operatives amenity block (ref. [CH.88/0446 PWA \(2\)](#) dated 10 July 2006) and for a fuel tank, washdown pad and oil store (ref. [CH.88/0446 PWA \(3\)](#) dated 24 May 2007).

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

## **Appendix 2 - Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received)**

### 1 – Introduction

This section introduces the application, provides a summary of the site and the

proposal; details the Screening and Scoping Opinions undertaken; details the Environment Impact Assessment methodologies sets out the structure for the statement. This section also explains the relevant qualifications of the competent experts involved in preparing the ES (ref. Planning Practice Guidance; Environmental Impact Assessment; Preparing an Environmental Statement and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 5, Regulation 18 (5) (b)), the consultation undertaken prior to the submission of the application and details of the publication and availability of the ES.

## 2 - The Site and Surroundings

This section describes the location, the site and surroundings, the site access, details the identified receptors and designations and the site history.

## 3 - Proposed Development

This section describes the proposed development including the 'void swop', revised phasing, revised restoration profile, the revised scheme of surface water management, and the updated scheme of restoration planting. This section also details 'other' operational consideration (e.g., hours of operation; traffic; vehicle routing, employment; lighting and security and office and welfare facilities) and provides details of the environmental Permit for the site.

## 4 - Policy Context

This section sets out the relevant planning policies set out in the Waste Strategy and Planning Policy for England, National Planning Policy Framework (NPPF); Planning Practice Guidance; National Planning Policy for Waste; the Staffordshire County Council's Waste Local Plan for Staffordshire and the Cannock Chase Council Local Plan.

## 5 - Need and Alternatives

This section outlines the main alternatives considered by the applicant to the proposed modifications including 'Do Nothing'; continuing the operations as currently permitted and an Alternative Scheme of Restoration.

## 6 - Environmental considerations not significantly affected by the proposals

This section describes the environmental considerations that have been taken in to account including Traffic and transport; Noise; Ecology (a Great Crested Newt report was submitted (Appendix 1.4); Air Quality; Major accidents and/or disasters; Soils, Geology and Contaminated Land; Public Health and Wellbeing; Climate change; Socio economic; Cultural Heritage and Land Uses.

## 7 - Landscape and Visual Impact Assessment

This section describes the assessment of the site from a landscape and visual impact point of view and includes details the scope of the assessment and the methodology; the scoping opinion, the desk-based study and field study undertaken (including details of the Landscape and Visual Impact Assessment Methodology – Appendix 7.1). The section also detailed the proposed development and the restoration and mitigation, the review planning policy undertaken; the landscape designations and constraints identified; a landscape assessment; visual assessment; how the proposal complies with the relevant policies and an assessment of cumulative landscape and visual effects. The section concludes that some minor adverse landscape and visual effects during the operational phases; however, none of the landscape or visual effects would be considered significant in terms of the EIA Regulations.

## 8 - Hydrology and Drainage

This section provides details of the methodology and assessment criteria including sources of data, the baseline conditions (e.g. Site Description and Topography); identifies the sensitive receptors; details the proposed development. A Flood Risk Assessment (Appendix 7.1) and a Surface Water Management Plan (Appendix 8.2) was submitted with the ES. This section also provides details of the proposed mitigation measures included in the proposal.

## 9 - Summary of effect and cumulative impacts

This section summarises the predicted residual environmental effects of the proposed development and considers these in conjunction with other existing or proposed developments.

## 10 – Conclusion

This section provides a conclusion to the Environmental Statement. The applicant considers that the potential impacts have been fully assessed for the development and where appropriate mitigated. The applicant considers there are no residual impacts which are significant in terms of intensity or characteristics, there is limited potential for the creation of cumulative impacts resulting from the continued restoration operations. The EIA confirms that the proposed modifications at Poplars Landfill would not lead any significantly adverse impacts so long as the proposed mitigation measures are implemented.

Appendices - The Appendices to the ES are provided in separate documents and referred to where appropriate above.

Non-technical summary: In accordance with the requirements for environmental assessment, the main findings are set out in a non-technical summary.

**[Return to the Environmental Impact Assessment \(EIA\) section of the report.](#)**

## **Appendix 3 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). A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there was no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

- Policy 1: Waste as a resource
  - Policy 1.1 General principles
  - Policy 1.6 Landfill or landraise
- 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

[Cannock Chase Council Local Plan \(2006 - 2028\)](#) (adopted 11 June 2014)

- Policy CP1 - Strategy
- Policy CP3 - Chase Shaping - Design
- Policy CP9 – A balanced Economy
- Policy CP10 – Sustainable Travel
  - “Proposed recreational footpath/cycle route” shown on the Policies Map (adjacent to the landfill site)
- Policy CP12 - Biodiversity and Geodiversity
- Policy CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)
- Policy CP16 - Climate Change and Sustainable Resource Use

[Preferred Options Consultation](#) - Land adjacent to the landfill site has been put forward for residential development as part of the Local Plan review

[Norton Canes Neighbourhood Area](#) designated in 2018

## **The other material planning considerations**

[National Planning Policy Framework](#) (updated July 2021):

- [Section 1](#): Introduction
- [Section 2](#): Achieving sustainable development
- [Section 4](#): Decision-making
- [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](#)
- [Flood risk and coastal change](#)
- [Green Belt](#)
- [Health and wellbeing](#)
- [Light pollution](#)
- [Natural environment](#)
- [Noise](#)
- [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Planning obligations](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)
- [Waste](#)
- [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

[Planning for Landscape Change](#). Staffordshire County Council Supplementary planning guidance.

**[Return to Observation section of the report.](#)**