

Local Member	
Councillor S. Thompson	Cannock - Cannock Villages

Planning Committee 6 April 2023

Waste County Matter

Application No (District): [SCC/22/0104/FULL-ES](#) (Cannock Chase)

Applicant: Biffa Waste Services Ltd ('Biffa')

Description 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](#).

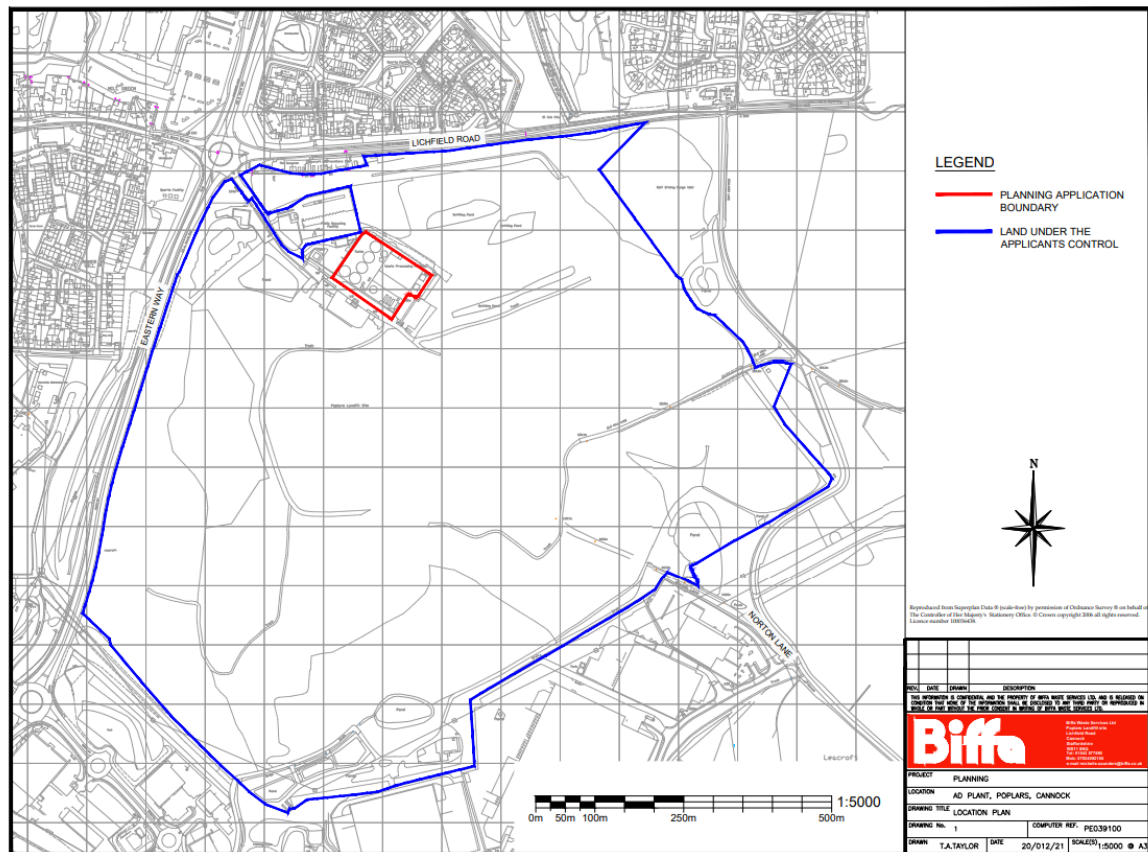
Location: Poplars landfill site Anaerobic Digestion Facility, Lichfield Road, Cannock, WS11 8NQ.

Background/Introduction

1. Planning permission was first granted in January 2010 for an Anaerobic Digestion facility ('AD Facility') at the Poplars landfill site (ref. [CH.09/03/721 MW](#)) and the latest permission granted for changes to the main permission in January 2014 (ref. [CH.13/09/721 MW](#)).
2. The AD involves the breakdown of food waste in the absence of oxygen, to produce biogas and digestate (fertiliser). The biogas is used to generate electricity.
3. This application seeks to amend the approved plans, the cessation date, site clearance, expiry of the permission, the arrangement for the storage and management of digestate material) and surface water drainage of planning permission [CH.13/09/721 MW](#).
4. A separate application was submitted in 2022 to vary the permission for the landfill site and this was considered by the [1 December 2022 Planning Committee](#) (ref. [SCC/22/0021/VOC-ES](#)). The decision has not been issued yet due to the need to sign a Section 106 Legal Agreement.
5. See [Relevant Planning History](#) and [Appendix 1](#) for more information concerning the AD facility and the landfill site.
6. Revisions to the information and plans have been submitted to address

Site and Surroundings

7. The AD Facility located at Poplars Landfill Site is to the south-east of Cannock (approximately 1.8 kilometres), and to the north-west of Norton Canes (approximately 1.8 kilometres). The AD Facility shown edged red on the below map is located to the north of the landfill site (the land edged blue).



Location Map

8. The Cannock Household Waste Recycling Centre and a municipal collection depot are located nearby within the landfill site boundary.
9. The AD Facility / landfill site is surrounded by a mix of residential developments and business / commercial uses including on:
- Lichfield Road (A5190) (to the north of the site).
 - Sparrowhawk Way; Peregrine Way and Nuthatch Close (to the north of the Lichfield Road).
 - 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) (to the south of the site).
 - Kingswood Lakeside (to the south of the site including Cley Road and Hickling Road).

- the M6 Toll (to the south of the site).
10. The site is accessed via an existing arm off the A5190 (Lichfield Road) / A460 (Eastern Way) roundabout and an existing internal site road.
 11. The site lies within South Staffordshire Green Belt.

Summary of Proposals

12. The application is to amend conditions of latest planning permission [CH.13/09/721 MW](#)) for the AD Facility:

Condition 1 and 2 (approved plans)

13. Condition 1 of the planning permission sets out that the planning permission should relate to the site edged red on Drawing No. 2 - PE038501 titled: 'Site Layout Plan' Condition 2 states that the development (the AD Facility) should be carried out in accordance with the approved documents and details (the condition lists all the approved documents set out in [CH.09/03/721 MW](#), [CH.09/03/721 MW D1](#), [CH.10/07/721 MW](#) and [CH.13/09/721 MW](#).
14. The applicant has proposed changes to the approved plans as follows (and as shown below in the existing and proposed layout and elevation plans):

- a) Provision of a 6th Digester Tank

An additional Digester Tank would be located next to the existing digester tanks. The tank would measure 19 metres in height and 18.8 metres in diameter and would be the same colour (the approved colours are set out in Condition 29 of [CH.13/09/721 MW](#) - Green Colours: BS 12 B 21, BS 12 B 23, BS 14 C 37 and Brown Colours: BS 10 B 23, BS 08 C 35). The capacity of the digester tank would be approximately 4,350 cubic metres. The additional Digester Tank is required to ensure that operating capacity can be maintained during periods of maintenance.

- b) New coolers

Coolers located adjacent to the main office building would be re-located to the east of Digester Tank 1. The relocated coolers would allow easier maintenance.

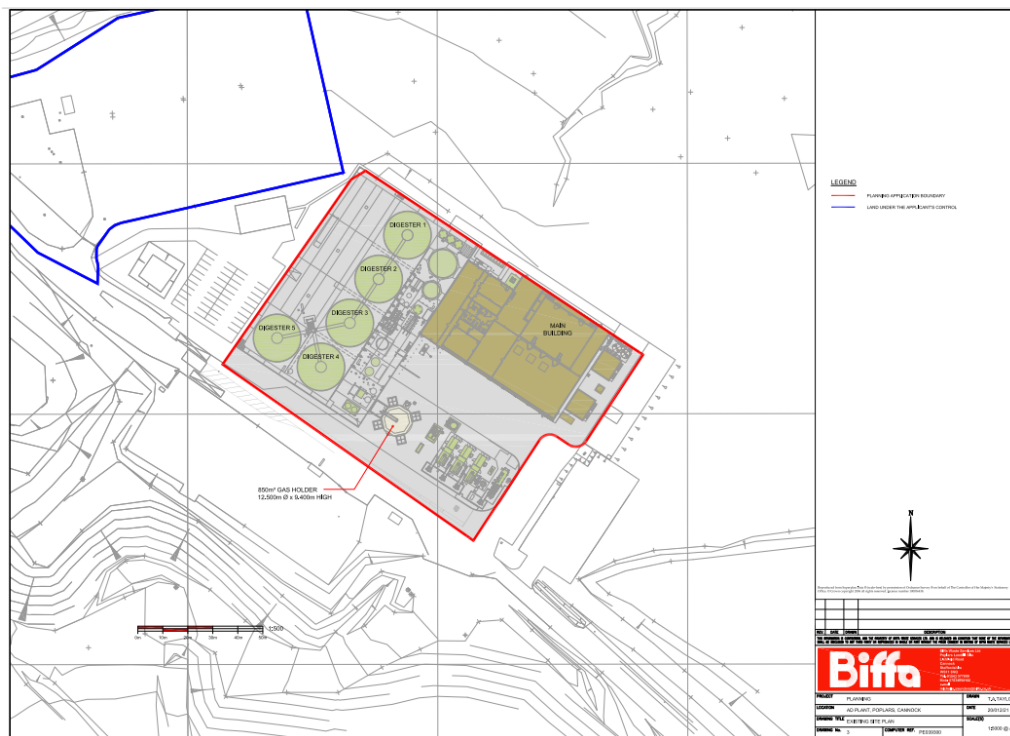
- c) Installation of a larger gas container

The proposed larger gas container would be in the same location as the existing container. The existing gas container measures 12.5 metres in diameter by 9.4 metres height. The proposed gas container would measure 13.6 metres in diameter x 11.1 metres in height.

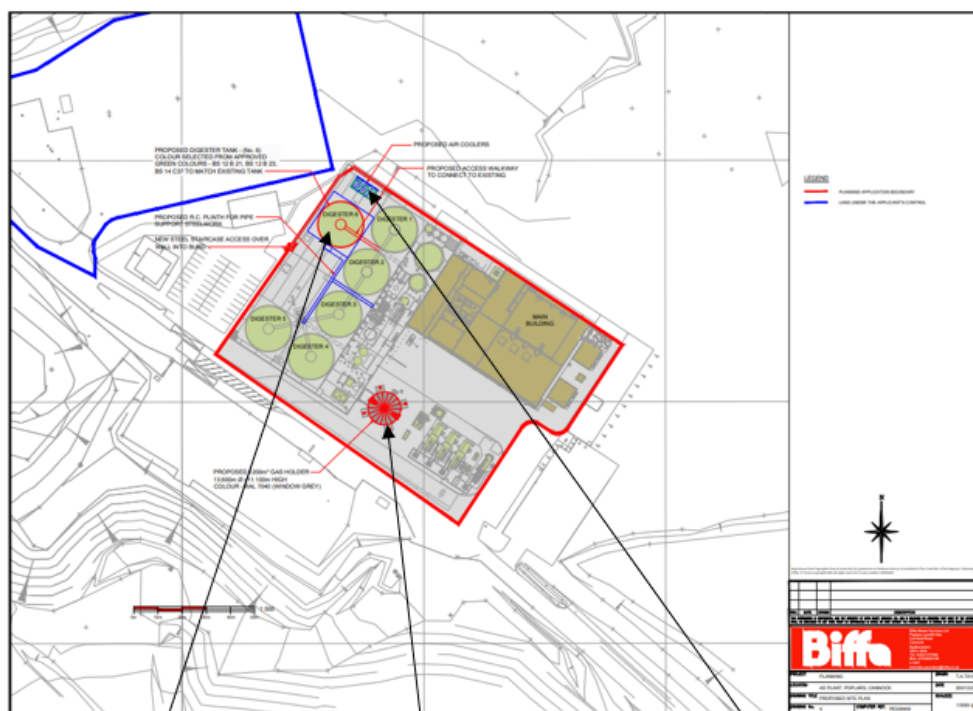
The existing container is too small, and the proposal container would reduce

the need to flare excess gas which cannot be stored and maximise electricity generation.

Existing site layout plan.



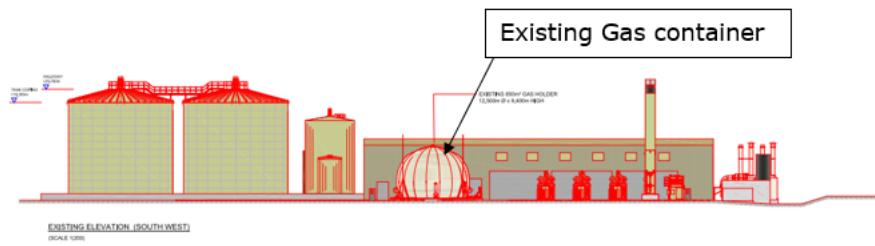
Proposed site layout plan.



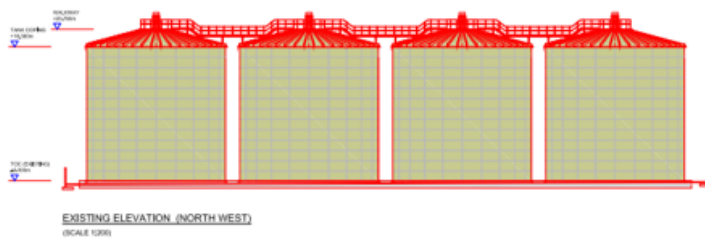
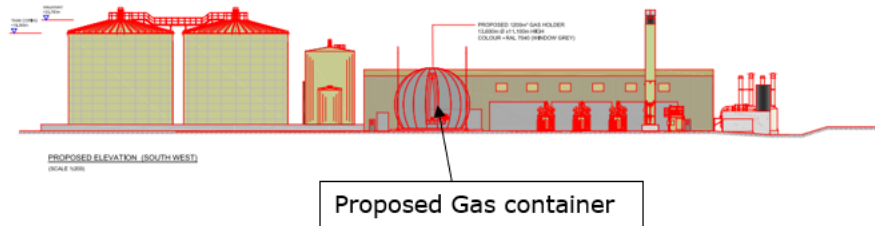
Digester Tank

Gas container

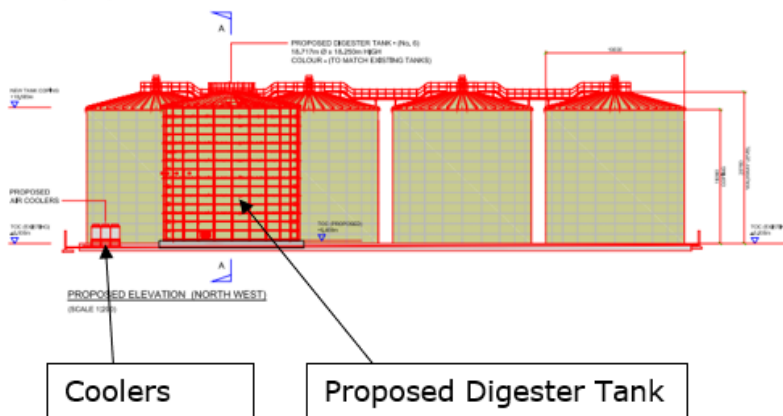
Coolers



Existing and
Proposed south-
western elevation



Existing and
Proposed north-
western
elevation



Photograph of the AD Facility from the adjacent landfill site.



Photograph of the AD Facility from the access road.

Conditions 4 (cessation date), 5 (site clearance) and 6 (expiry of permission)

15. These conditions relate to the removal of the AD facility when the operation of the landfill ceases:

a) Condition 4 states that:

'Other than for the provisions set out in Condition 5 below, in the event that anaerobic digestion operations should permanently cease within the Site earlier than the cessation of landfilling operations within the adjoining Poplars Landfill site, written notice shall be given to the Waste Planning Authority within 7 days of the cessation of the anaerobic digestion operations. In any event all buildings, fixed and mobile plant and machinery, and hardstandings shall then be removed from the Site within a period of 12 months of the cessation of the anaerobic digestion operations'.

b) Condition 5 states that:

'Upon the cessation of landfilling within the Poplars Landfill site currently permitted by planning permission CH.446/88, or in the event of early cessation (described in Condition 4 above), whichever is the sooner, the anaerobic digestion facility shall cease to operate and the Site shall be cleared of all buildings, fixed and mobile plant and machinery, and hardstandings. The Site shall then be restored in accordance with the approved restoration and aftercare scheme for the Poplars Landfill site'.

c) Condition 6 states that:

'This planning permission shall expire when the restoration and aftercare of the Site has been completed in accordance with the requirements of Condition 5 above'.

16. The application to vary the landfill planning permission is relevant to this application (ref. [SCC/22/0021/VOC-ES](#)). That application indicated that the operational period for the landfill site would be 19 years overall - 9 years waste disposal and 10 years for the deposit of soils and compost.
17. The applicant is now proposing to 'de-couple' the AD facility from the life of the landfill site, so that the AD facility can be retained after landfilling operations have ceased. The applicant has proposed conditions to require:
 - a) Written notification to be provided in the event that the AD operations should permanently cease.
 - b) The submission of a restoration and 5-year aftercare scheme including the removal of all buildings, fixed and mobile plant and machinery, and any hardstanding and the restoration of the area (e.g. import of soils to create a suitable restoration surface).
 - c) The completion of the restoration of the site within 18 months.
 - d) The expiry of the planning permission when the restoration and aftercare of the site has been completed.

Condition 30 (storage and management of digestate material)

18. Condition 30 of current planning permission required details to be submitted of the location, management and storage arrangements for digestate material.
19. The applicant has now confirmed that a thicker liquid like farm slurry (PAS 110 material) is produced (along with methane) and this is exported from the site for use as a soil enhancer on agricultural land using either a tractor and bowser or tanker.

Condition 32 (surface water drainage)

20. This condition requires the drainage of the Site to be carried out in accordance with the approved drainage scheme (ref: [CH.09/03/721 MW D1](#) dated 18 March 2010).
21. An updated Surface Water Management Strategy has now been submitted due to the changes to the site and updated surface water management guidance. A Flood Risk Assessment has also been submitted.

The submitted documents and plans

22. The application is accompanied by a large number of documents and plans including:
 - Environmental Statement Addendum

- Environmental Statement Addendum (Non-Technical Summary)
- Planning Statement
- Flood Risk Assessment
- Site Location Plan
- Planning Application Boundary
- Existing and Proposed Elevations
- Existing Site Plan
- Proposed Air Coolers
- Surface Water Management Strategy (revised information submitted)

The Applicant's Case

23. The applicant has explained that the AD facility is a strategically important waste management facility and provides a facility treating organic (predominately food) waste that would otherwise be either landfilled or transported over significant distances for treatment at alternative facilities.
24. The facility also provides electricity to the local distribution network and to the adjacent Sainsburys store. The AD facility currently generates approximately 6 megawatts of electricity, with approximately 0.5 MW used by the facility itself making it self-sufficient and 5.5 MW exported to the National Grid and the adjacent Sainsburys store. The generation of electricity reduces reliance on fossil fuels to generate electricity.
25. The applicant has provided additional 'context' in relation to the significance of the AD facility:
 - a) Anaerobic Digestion is the most efficient way of recovering energy from food waste.
 - b) The AD facility has capacity to process up to 120,000 tonnes per annum and runs near capacity.
 - c) The AD facility is one of a few large strategic facilities across the country and is the largest operational facility in the West Midlands.
 - d) The AD facility provides a valuable local service but also treats waste from Biffa's regional and national customers.
 - e) The [Environment Act 2021](#) sets out that Local Authorities (Waste Collection Authorities) will be required to carry out separate, weekly food waste collections and 'Biffa is planning to offer a county-wide treatment solution for this waste stream at Poplars, enabling the County's material to be treated and turned into a sustainable source for energy'.
 - f) Private organisations will also be required to separate their food waste and to divert it from the residual waste stream, sending it for recycling

through composting or AD.

- g) As the AD facility is located centrally within the country and has excellent transport links, it is expected that the facility will be in high demand in the medium to long term.
- 26. The applicant has also explained that the amendments to the approved plans would allow operating capacity to be maintained during periods of statutory maintenance (the current layout requires tanks to be closed to allow inspection, cleaning and maintenance) and improve operational efficiency. The extra digester tank would enable the inspection and maintenance programme to be carried out, without impacting on the ability of the plant to operate at full capacity. The applicant has also explained the operation of six digester tanks would enable the material within each tank to be retained for longer maximising the biogas recovered and maximising electricity generation.
- 27. The applicant concludes that the retention of the AD facility and the proposed amendments would have negligible impacts beyond that already experienced and previously assessed and no additional mitigation is necessary.

Relevant Planning History

- 28. 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 most recent permission was granted in 2017 for an additional utility tank and ancillary equipment (retrospective (ref. [CH.17/02/721 MW](#) dated 26 June 2017).
- 29. The landfill site has been operating in accordance with a permission issued in 1989 (ref. [CH.446/88](#) dated 17 Jul 1989). As indicated earlier, an application was submitted to vary this permission (ref. [SCC/22/0021/VOC-ES](#)). This was considered by the [1 December 2022 Planning Committee](#). The decision has not yet been issued due to the need to complete a Section 106 Legal Agreement.
- 30. [Appendix 1](#) lists the other planning permissions granted at the site.

Environmental Impact Assessment (EIA)

- 31. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#). The ES provides an addendum to update the original ES submitted with the earlier planning applications.

Findings of Consultations

Internal

- 32. **Environmental Advice Team (EAT)** – no objections. The EAT reviewed the

application and commented as follows:

Landscape: The proposed changes would not be seen from any sensitive receptors and would be within the existing development and be seen in association with the current 'built form'. Therefore, no comments.

Ecology, Tree protection, Archaeology / Historic Environment and Public Rights of Way: no concerns /comments

33. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections.
34. **Planning Regulation Team (Regulation Team)** – no response.
35. **Flood Risk Management Team (FRMT)** – no objections, subject to a condition to require the development to be carried out in accordance with the approved Drainage Strategy documents and the mitigation measures.

External

36. **Cannock Chase Council** - no objection.
37. **Cannock Chase Council Environmental Protection Team**-- no comments
38. **Norton Canes Parish Council** - no objections.
39. **Heath Hayes and Wimblebury Parish Council** - no objections.
40. **Environment Agency (EA)** - no objections. The EA reviewed the application and do not foresee any significant cause for concern based on the information submitted. The EA commented that:
 - the changes which would enable waste accepted to continue to be managed sustainably.
 - the current surface water management system would be retained and continue to be utilised.
 - the proposed activity amendments fall within the existing installation permit boundary (Environmental Permit reference: EPR/BW0584IL) and an application would need to be submitted for a permit variation to consider and assess the impact of the operational changes on the existing permit. Pre-permit application discussions have taken place and it is likely that changes will be needed to the 'environment management system' (permit control) to reflect the activities and to manage any additional environmental risks.
 - the AD facility already incorporates effective management and mitigation measures as set out in Chapter 6 of the Environmental

Statement Addendum and the applicant proposes to continue to implement these mitigation measures.

- the site is generally well managed; however, some odour complaints have been received and not many for this type of activity is located near to sensitive receptors. The EA have indicated that typically they get approximately 4-5 per month in total for both the landfill and AD site and some of these are substantiated on likelihood only i.e. reporters are downwind at time of complaint. There have been no recent breaches recorded against the odour condition in the permit.

41. **Staffordshire Fire & Rescue Service** - reviewed the application and commented that:

- Appropriate supplies of water for firefighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.
- The roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).
- Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package.

These matters have been included as part of the recommended Informative.

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

43. **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 duties. 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 the proposal is consistent with national and local environmental policies (guidance has been obtained from the County Council's environmental specialists - see above).

44. **Planning Casework Unit** – no comments.

45. **Cadent Gas Limited** – confirmed the existing medium and low-pressure

asset in the vicinity of the Site (see Informative 5).

46. **Western Power Distribution** (now known as National Grid Electricity Distribution) advised in terms of existing apparatus in the vicinity of the site. Advice was also provided on safe work practices in the vicinity of their apparatus (see Informative 5).

Publicity and Representations

47. Site notice: YES Press notice: YES
48. 278 neighbour notification letters were sent out and no representations have been received.
49. Cllr Samantha Thompson (Local Member) has stated that it would be good that the AD facility has same end date as the rest of the site. Cllr Thompson's main concern relates to the safety of the AD facility following the cessation of landfilling and the restoration of the site including access and the odours when the operator 'cleans' the AD facility.

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

50. 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.'

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

Observations

52. 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 Green Belt, retention of the AD facility, the changes to the AD facility and the matters raised by consultees (flooding and drainage).
- The need to review and update the planning conditions.

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

53. As indicated earlier, the 'AD Facility' site has been operating since 2010 and the current operations are being carried out in accordance with the planning permission granted in 2014 (ref. [CH.13/09/721 MW](#)).

54. In 2009, the [Planning Committee report](#) stated that:

'Overall, as an exercise of judgement, taking the development plan policies as a whole, the European waste directives, the National Waste Strategy 2007, PPS10, PPG 2, PPS1, PPS22 and PPS23, the other material considerations referred to above, and the environmental and other supporting information contained in the Environmental Statement, and accompanying application documents or information subsequently received, it is concluded that the material planning benefits that would arise in terms of the integration and compatibility with an existing waste management site, the energy recovery and diversion of biodegradable waste away from landfill, and having regard to the fact that the proposals would not give rise to any unacceptable adverse environmental and amenity impacts that would result in the material planning objections to outweigh the benefits. The proposed development should therefore be permitted, subject to conditions and subject to the applicant and other interested parties signing a legal agreement to surrender rights to construct the in-vessel composting building'.

55. In 2014, when considering changes to the AD facility (ref. [CH.13/09/721 MW](#)) it was stated that:

'Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given careful consideration to the application and supporting information, the consultation responses, the representations, and the other material considerations referred to above, it is reasonable to conclude that the development should be

permitted, subject to conditions referred to below’.

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 landfill site and the Household Waste and Recycling Centre have continued to operate. However, new developments in the vicinity of the site include the construction of the Designer Outlet West Midlands to the northwest.
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) (currently under review) 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. The NPPF is under review (the consultation period ended on 2 March 2023). There are no [proposed changes](#) to paragraph 130 (paragraph 132 in the consultation draft version).
63. 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.
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: The 2009 planning permission allowed the construction of an AD Facility. This facility accepts organic (primarily food) wastes to generate biogas (methane) producing electricity and a compost material (digestate).
70. 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.
71. In this case the benefits of the proposal are that they would allow the continued treatment of organic wastes and the generation of electricity and digestate. The capacity of the facility (120,000 tonnes per annum (Condition 24 of planning permission [CH.13/09/721 MW](#)) would not change. The changes to the facility would not 'move' the facility closer to residential properties or closer to existing employment land and potentially closer to land which may be allocated for future housing development by Cannock Chase District Council. 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 (see below concerning the retention of the AD Facility and the changes to the AD Facility).
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 Green Belt, retention of the AD facility, changes to the AD facility and the matters raised by consultees (flooding and drainage)

Green Belt

73. The landfill site and AD facility 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.
74. 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.'
75. 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.

76. 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’.

77. 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’.

78. 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’.

79. The NPPF is under review (the consultation period ended on 2 March 2023). None of the [proposed changes](#) to Section 13 (Green Belt) (paragraphs 139 to 148 in the consultation draft version) are relevant to this application.

80. 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.’

81. Commentary: In November 2009, the [Planning Committee report](#) acknowledged that there would be a significant impact on the openness of the Green (paragraph 8.16), however it was concluded that:

'the following 'very special circumstances' exist to override the Green Belt objection:

- the principle of waste development is well established – the existing landfill has operated since the mid 1970's and the AD plant site itself is currently occupied by open-windrow composting, wood and hard core recycling. There is also a permission to erect an in-vessel composting building on the landfill site;
- the proposals would integrate with existing waste management operations – the waste is already being delivered to the site for disposal; the digestate would be used to help restore the landfill; and, the power would be exported along with the electricity produced from the landfill gas utilisation plant;
- the proposals would be temporary, tied to the life of the landfill site such that the facilities would be removed when the landfill ceases to operate and the land restored as part of the overall restoration of the landfill site (in accordance with Waste Local Plan Policy 13);
- the re-location / cessation of the permitted open-windrow composting, hard core and wood recycling operations would reduce the environmental impact associated with the current operations and the surrender of the permission to construct the in-vessel composting building would help to off-set the overall impact on the Green Belt;
- the proposals would make a significant contribution toward meeting regional and local targets to divert waste from landfill and recover value from waste;
- the visual impact is not considered to be significant, having regard to the setting within a low lying area, surrounded by excavated ground, the landfill mound, a household waste recycling centre, a two storey amenity building, single storey brick build site offices, weighbridge, access road, car park and wooded embankments.'

82. The applicant notes that 'the proposed development is inappropriate development in the Green Belt' and considers that the following very special circumstances support the retention of the AD facility (ref. paragraph 5.3.7 of the Planning Statement):

- Retention of the AD facility will not materially impact on the openness of the Green Belt beyond that previously assessed and consented by Staffordshire County Council;
- Under the adopted Staffordshire and Stoke-on-Trent Waste Local Plan, the site is allocated for numerous waste management operations

including a Landfill Site, a Household Waste Recycling Centre, a Waste Transfer Facility and an Organic Treatment Facility.

- Meets national strategic policies and ambitions to remove all food waste from landfill. The site is a strategically important waste management facility and provides for the treatment of organic (predominantly food) waste that would otherwise be either landfilled or transported over significant distances for treatment at alternative facilities;
- Addresses the UK Government's energy policy of moving to more renewable resources and reducing reliance on fossil fuels. The facility generates electricity from non-fossil fuel sources which is fed into the local distribution network and to the adjacent Sainsburys store via a 'private wire'; and,
- Retention of the AD facility means there is no need to provide capacity elsewhere.

83. In this case, it is considered that the proposal to retain the facility would harm the openness of the Green Belt and therefore represents inappropriate development. However, it is considered that very special circumstances exist to justify a departure from Green Belt policies, namely:

- the impacts of the AD facility have been previously assessed (see above) (albeit tied to the duration of the landfill site).
- the principle of waste development has been established in this location.
- the AD Facility provides strategic waste management infrastructure for the continued treatment of food waste and the generation of renewable energy.
- food waste is already being delivered to the site for disposal at the landfill site (albeit this would cease in 19 years), and food waste would thereafter be diverted from other landfill sites to the facility.
- the changes to the AD facility are within the existing planning permission boundary.
- the AD facility would be screened by landscaping.

84. It is relevant to note that Cannock Chase Council has not objected to the retention of the AD facility in the Green Belt.

85. 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 and 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.

86. The 2009 and 2010 applications were both referred to the Secretary of State for Communities and Local Government c/o the Government Office for the West Midlands who carefully considered the case against call-in policy. The 2013 application was not referred to the Secretary of State.
87. In this case, by reason of the scale, the nature (i.e., to make the facility permanent) and the location, it is reasonable to conclude that the changes would have a significant impact on the openness of the Green Belt and that there is a need to refer the decision to the Secretary of State c/o the Planning Casework Unit before planning permission is issued.
88. 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 a need to refer this matter to the Secretary of State.

Retention of the AD facility

89. As indicated earlier, policies 1.1 and 4.2 of the WLP are relevant. The [National Planning Policy for Waste](#) (NPPW) (paragraph 1) explains that:

'Positive planning plays a pivotal role in delivering this country's waste ambitions through:

delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy...'
90. The [Waste Management Plan for England](#) (January 2021) includes five strategic ambitions, one of which is to work towards eliminating food waste to landfill by 2030. The Plan also states (page 17) that:

"The government continues to support AD as the most effective way to treat separately collected food waste to produce energy and valuable bio-fertiliser. This ensures that food waste is diverted from landfill and reduces greenhouse gas emissions. The government is committed to increasing the energy from waste produced through AD and in February 2019 published a consultation on measures to increase

recycling, including measures to increase the amount of separately collected food waste from households and businesses. These measures would support further growth in AD”.

91. Commentary: The date for the removal of the AD facility is currently linked to when the operation of the landfill has ceased (the current planning permission granted in the 1970’s for the Poplars Landfill site has no prescribed end date). A condition was included in 2009, to tie the operation life of the AD facility to the life of the landfill site. When the planning permission is issued to vary the permission for the landfill site, the cessation date would be set for the landfilling operations (19 years) (ref. [SCC/22/0021/VOC-ES](#)).
92. In 2009, as highlighted above in relation to the impacts on the Green Belt, it was considered that:

‘the proposals would be temporary, tied to the life of the landfill site such that the facilities would be removed when the landfill ceases to operate and the land restored as part of the overall restoration of the landfill site (in accordance with Waste Local Plan Policy 13)’.
93. At that time the adopted Waste Local Plan (Policy 13) stated that:

‘Planning permission for waste treatment facilities on landfill or mineral site will be limited to the operational life of the landfill or mineral site’.
94. Paragraph 8.25 of the [November Planning Committee report](#) explained:

‘Limit the permission to 15 years and tie the scheme to the restoration of the landfill site: Cannock Chase Council has suggested an overall 15 year time limit be imposed and the site then be restored in line with the restoration of the landfill site. *Waste Local Plan policy seeks to tie the life of waste treatment facilities to the life of the landfill (Policy 13)*. The applicant has advised that the Poplars permission has no end date. Instead the site would cease when it has reached the approved restoration levels. It has recently been estimated that there is about 7 million cubic metres of void space remaining and at current rates of infill this would take about 15 years to fill. However, current rates of infill may slow as more economic drivers to divert waste from landfill take effect. The applicant currently anticipates that the life would more likely be at least 20 years. In this case *it is considered appropriate to link the life of the plant to the life of the landfill due to the relationship to the landfill e.g. the waste would otherwise be sent to landfill, the plant would produce digestate used to help restore the site and in terms of general principles of sustainable development. The link would be made by the imposition of suitably worded conditions, as has been the case with the approval of other waste treatment facilities at the Poplars site*’. (Emphasis added).

95. The applicant now contends that the AD facility should be retained after the cessation of landfilling operation as it:
- meets national strategic policies and ambitions to remove all food waste from landfill.
 - is a strategically important waste management facility and provides to the treatment of organic (predominantly food) waste that would otherwise be either landfilled or transported over significant distances for treatment at alternative facilities.
 - addresses the UK Government's energy policy of moving to more renewable resources and reducing reliance on fossil fuels. The facility generates electricity from non-fossil fuel sources which is fed into the local distribution network and to the adjacent Sainsburys store via a 'private wire'; and,
 - there would be no need to provide capacity elsewhere.
96. The applicant concludes that 'the retention of the AD facility and the proposed amendments to the existing site infrastructure will have negligible impacts beyond that already experienced and previously assessed'.
97. The AD facility therefore provides a large-scale facility for the treatment of up to 120,000 tonnes of food waste. It is strategic facility in Staffordshire and the wider West Midlands area.
98. The Environment Agency have indicated that the AD facility has effective management and mitigation measures, that the site is generally well managed, albeit with some odour complaints and there have been no recent breaches recorded against the odour condition in the permit. The County Council is aware that complaints concerning odour have been received.
99. Cannock Chase Council has no objection to the retention of the AD facility.
100. In this case the benefits of the proposal are that food waste would continue to be treated at the site (and therefore not landfilled), would remove the need to require a new facility to manage food waste and would continue the generation of renewable electricity. The facility is ideally placed, given its capacity, location and transportation links, for the treatment of food waste from the surrounding Waste Collection Authorities (subject to contract arrangements).
101. It is appropriate to recommend a condition such that if the AD facility permanently ceases to operate, then all buildings, fixed and mobile plant and machinery, and any hardstanding should be removed in accordance with an approved restoration and aftercare scheme. The restoration and aftercare scheme should take into account the restoration plans for the landfill site.

102. Conclusion: Having regard to the policies and guidance referred to above, it is considered that the material planning benefits of the retention of the AD facility beyond the lifetime of the landfill site would outweigh the material planning objections, subject to conditions to ensure the removal of the AD facility and restoration of the site should the operations cease.

The changes to the AD facility

103. Policy 4.1 (Sustainable design) and Policy 4.2 (Protection of Environmental Quality) of the WLP are relevant, these policies seek to ensure that developments are 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 and 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’.
104. Policy CP3 (Chase Shaping – Design) of the [Cannock Chase Local Plan](#) sets out the key requirements of high quality design that will need to be addressed in development proposals:
- The design in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness (see also Policies CP14 and CP15);
 - The relationship of the development and to existing buildings and the surroundings in terms of layout, density, access, scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise;
 - The integration with existing trees, hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to enhance local distinctiveness (see also Policy CP12);
 - Protection of the amenity enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptably detrimental effect on proposed development (see also Policy CP16);
 - The opportunities to minimise resource use, mitigate climate change impact and maximise energy efficiency to ensure delivery of sustainable design and construction (see also Policies CP1, CP10 and CP16);
 - How development in the Green Belt is designed to be in keeping with its surroundings (see also Policy CP14);

105. The NPPF ([Section 12](#) Achieving well-designed places - paragraph 126) explains that:

'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this....'

106. The NPPF is under review (the consultation period ended on 2 March 2023). None of the [proposed changes](#) to Section 12 (Achieving well-designed places) (paragraph 126) (paragraph 128 in the consultation draft version) are relevant to this application.

107. As explained earlier, the NPPF ([Section 12](#) Achieving well-designed places - paragraph 130) is relevant.

108. Commentary: The proposed changes to the AD facility are within the existing operational area, would be similar to and compatible with existing infrastructure. The AD facility is screened by existing landscaping.

109. The applicant contends that:

- The retention of the AD facility will not materially affect landscape character and visual amenity beyond that already experienced and previously assessed, therefore impacts will be negligible.
- The proposed additional 6th digester tank will be the same height, volume and colour as the existing 5 tanks and positioned in the footprint of the tank farm thereby minimising any visual impact.
- The proposed slightly larger gas container will be screened by the tank farm and therefore landscape and visual impacts will be negligible.
- The coolers will be relocated to the east of Digester tank 1 and are minimal in scale compared to the other existing infrastructure on site and therefore any impacts will be negligible.

110. The County Council's Environmental Advice Team and Cannock Chase District Council have no objection to the additional structures. It is considered appropriate to recommend that similar conditions to the existing planning permission are imposed to ensure that no additional buildings, structures, plant or equipment are installed other than as part of this application, that no redundant vehicles, plant or machinery are stored or parked on the site, that all buildings, structures, perimeter security fencing, gates and hard-surfaces on Site are maintained and to set out the external colour scheme of the AD facility including cladding, digesters and tanks.

111. Conclusion: Having regard to the site-specific development plan policies referred to above, it is reasonable to conclude that subject to the conditions recommended below, the proposed development would not give rise to any materially harmful impacts in terms of landscape, or visual amenity.

Flooding and drainage

112. Paragraph 169 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’.

113. The NPPF is under review (the consultation period ended on 2 March 2023). None of the [proposed changes](#) to Section 14 (...flooding..) (paragraph 170 in the consultation draft version) are relevant to this application.

114. 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)].

115. 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; ...'

116. 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...'

117. Commentary: The County Council's Flood Risk Management Team requested revisions to the information submitted. An updated surface water drainage strategy was submitted, and 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 revised documents.

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

119. 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

120. 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'.

121. There are no [proposed changes](#) to paragraph 55 or 56 in the NPPF review.

122. 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.

123. 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).

124. 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).

125. Commentary: It is considered reasonable and necessary to update the conditions in addition to conditions 1, 4, 5, 6, 30 and 32 of planning permission CH.13/09/721 MW.

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

- a) To ensure that the development is carried out in accordance with the latest approved documents and plans.
- b) To ensure that the development is carried out in accordance with the approved Drainage Strategy documents and the mitigation measures.
- c) To require revised litter picking arrangements following the cessation of landfill at adjacent Poplars Landfill Site.
- d) To ensure that digestate material is exported from the site for use as a soil enhancer on agricultural land using either tractor and bowser or by tanker.
- e) To require facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.

f) To formalise the existing liaison committee arrangements.

127. 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 AD facility continues to operate to high environmental standards.

Overall Conclusion

128. 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 to vary the planning permission should not be permitted.
129. As the proposal represents inappropriate development in Green Belt policy terms, it would be necessary to refer this case to the Secretary of State at the Department for Levelling Up, Housing and Communities c/o the Planning Casework Unit before planning permission can be issued.

Recommendation

As the proposed variation of 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 at Poplars landfill site Anaerobic Digestion Facility, Lichfield Road, Cannock is inappropriate development on land allocated as Green Belt in the adopted South Staffordshire Core Strategy....

.....to consult the Secretary of State at the Department for Levelling Up, Housing and Communities c/o the Planning Casework Unit to advise that having regard to the matters referred to in the report, the County Council is **MINDED TO PERMIT** the proposed development, subject to the planning conditions referred to below.

The conditions to include: (the changes are highlighted in **bold**)

Definition of the consent

1. **To define the permission with reference to the latest documents and plans.**

Commencement and Cessation of the development

2. **To define the date of commencement as being the date of the planning permission.**
3. **To notify the Waste Planning Authority of the commencement of the construction of the Digester Tank, coolers and gas container.**
4. **To define the requirements in the event that the operations cease.**
5. **To define the expiry of the permission in the event that operations cease to be when the restoration and aftercare has been completed to the satisfaction of the Waste Planning Authority.**

Site Layout

6. **To ensure the development is carried out in accordance the submitted plans.**
7. To ensure that no waste delivered to the Site is handled, processed or stored externally.
8. To ensure that all waste is be offloaded, handled and processed within the anaerobic digestion building and within the digester tanks.
9. To ensure that no additional buildings, structures, plant or equipment other than that provided for in the permission are installed.
10. To ensure no redundant vehicles, plant or machinery are stored or parked on the Site.
11. **To ensure that a litter pick of the Site takes place daily to collect any loose waste which shall be disposed of to an authorised waste management facility.**

Waste types and quantity

12. To specify the waste as liquid, digestible, and source segregated and packaged food wastes.
13. The total quantity of waste material delivered to the site shall not exceed 120,000 tonnes of waste per annum.
14. **To require the removal of any of non-conforming waste.**
15. **To ensure that digestate material is exported from the site for use as a soil enhancer on agricultural land using either tractor and bowser or by tanker.**

Management of the operations

Hours of Operation

16. To define the operating hours on site - 24 hour per day basis (24/7) inclusive of Sundays, Public and Bank Holidays.

Development Restrictions

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

Maintenance of site infrastructure

18. 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.
19. To ensure that the external colour scheme of the AD facility including cladding, digesters and tanks consist only of the following range of colours:
 - Green Colours: BS 12 B 21, BS 12 B 23, BS 14 C 37.
 - Brown Colours: BS 10 B 23, BS 08 C 35.

Site Access-and Highway Safety

20. To define the access to site from the roundabout at the junction of Lichfield Road (A5190) and the Cannock Eastern Bypass (A460).
21. 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.
22. To ensure that waste carrying vehicles associated with the operations carried out at the site deliver waste to the site between:
 - 0700hrs to 2100hrs Monday to Sunday including Bank and Public Holidays.
23. To ensure that all waste is carried to the site is covered or otherwise containerised.
24. To ensure signs are erected along the site access road providing information to all drivers delivering waste, and drivers leaving the site of speed limits and of the duty of care when entering and leaving the site. The signs shall be maintained in place and clearly visible to drivers for the life of the development.

25. To ensure that the lorry waiting and vehicle movement areas are provided in accordance with Drawing No.JSF4458 - 'Site Layout Plan' (attached to planning permission [CH.10/07/721 MW](#)) and shall be maintained free from obstruction and retained for the life of the development.

Site Security

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

General Environmental Protection

Noise

27. To limit site attributable noise at the nearest noise sensitive site boundary to 45.0 dB LAeq, (5 mins) during night-time hours (2300hrs to 0700hrs).
28. To require best practicable means to be employed to minimise the noise generated by the operations/activities.
29. **To require all vehicles and plant employed within the site to be fitted with effective silencers.**
30. **To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems.**
31. **To specify that there should be no sounding of horns on vehicles or mobile plant other than in the case of an emergency.**
32. **To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.**

Air

33. To ensure that odour and emissions continue to be managed in accordance with the arrangements set out within Chapter 6 of the Environmental Statement attached to planning permission [CH.10/07/721 MW](#) and the Update to Environmental Statement (Chapter 6 – Air Quality & Odour) (ref. [CH.13/09/721 MW](#)).
34. To require best practicable means to be employed at all times to minimise generation and dispersal of odours caused by all operations/activities.
35. To require best practicable means to be employed at all times to minimise generation and dispersal of dust caused by all operations/activities.
36. To prevent the burning of waste on site.

Lighting

37. To require external lighting to be positioned in such a way that it minimises light pollution.

Water

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

Restoration and Aftercare

40. To require the submission of a restoration and aftercare scheme in the event that operations cease.

Record Keeping

41. To keep and make the following daily records available to the WPA on request with 7 days:
 - a) The operating hours
 - b) The quantities of waste delivered to the site
 - c) The numbers and times when HCVs enter and leave the site
 - d) 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 6].

INFORMATIVES to include the following:

1. To ensure that the terms of the planning permission are made known to the site operators.
2. The Environment Agency advises that the changes to the Environmental Permit would be required.
3. 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.

4. The Staffordshire Fire and Rescue advice regarding vehicle access and the installation of Automatic Water Suppression Systems should be considered.
5. To advise the applicant of the infrastructure in the vicinity of the Site (Cadent Gas Limited and Western Power Distribution (now National Grid Electricity Distribution)).
6. To advise on the general arrangements and terms of reference for liaison committees.

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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

Planning permission was first granted in January 2010 for an AD facility (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.

The landfill site has been operating in accordance with a permission issued in 1989

(ref. [CH.446/88](#) dated 17 Jul 1989).

An planning application was considered by the 1 December 2022 Planning Committee 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. The recommendation to permit subject to conditions and a Section 106 Legal Agreement was accepted. The Section 106 Legal Agreement has not yet been completed.

Measures for the commercial extraction of gas from the site (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 ([CH.88/0446/721 MW D8](#)); in 2016 ([CH.446/88/721 MW D11](#)) and in 2021 (ref. [CH.446/88/721 MW D12](#)).

There is a 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).

A Household Waste and Recycling Centre (operated by Staffordshire County Council) is also located within the landfill site (ref. [CH.13/11/708 W](#) dated 18 Sep 2015).

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](#)).

Appendix 2 - Summary of the findings of the Environmental Statement (ES) Addendum (and the environmental information subsequently received)

An ES was submitted in 2009 (ref. [CH.09/03/721 MW](#)), and in 2010 (ref. [CH.10/07/721 MW](#)). In advance of submitting the application an ES Scoping Opinion was provided to determine what information needed to be included in the ES. (ref. [SCC/22/0050/EIA-SCO](#)). An Addendum to update the ES was then submitted with this application.

Section 1 – Introduction:

This section of the Environmental Statement Addendum introduces the application, provides a summary of the site and the proposal; the Environmental Impact Assessment; details the Scoping Opinions undertaken, sets out the scope and format of the es addendum report. 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.

Section 2 - The Site and Surroundings:

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

Section 3 - Proposed Development:

This section details the proposed modifications to the planning permission for the AD facility including the retention of AD facility after landfilling operations have ceased; the operational design amendments to existing infrastructure (an additional Digester tank, new coolers and a larger gas container), amendments to the management of the digestate product and an update to the scheme of surface water management. 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 AD facility.

Section 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.

Section 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 consented and an Alternative Design.

Section 6 -Consideration of potential Environmental Effects:

This section details the environmental information and considers the potential impacts of the proposed modifications including Landscape and Visual; Ecology; Hydrology, Flood Risk and Drainage (including an updated surface water management plan and a Flood Risk Assessment Appendix 1.4)); Traffic and transport; Noise; Air Quality; Major accidents and/or disasters; Soils, Geology and Contaminated Land; Public Health and Wellbeing; Public Health and Wellbeing; Climate change; Socio economic; Cultural Heritage and Land Uses.

Section 7 – Cumulative Impacts:

This section considers the influences from beyond the application site boundary (significant planning permissions yet to become fully operational within a 2km vicinity of the application site). This section of the ES concludes there is limited potential for the creation of cumulative impacts resulting from the proposed development.

Section 8 – Conclusion:

This section provides a summary and conclusion to the Environmental Statement. The applicant considers the retention of the AD facility and the proposed amendments to the existing site infrastructure would have negligible impacts beyond that already experienced and previously assessed and that no additional mitigation is necessary.

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 [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):

- 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.

[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 20 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.

The Department for Levelling Up, Housing, and Communities has recently undertaken a consultation on a review of the NPPF. [The consultation ended on 2 March 2023](#). None of the [proposed tracked changes](#) are considered to be relevant to this case.

- [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:

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