

Local Member	
Councillor K. Perry and Councillor B. Williams	Cheslyn Hay, Essington and Great Wyrley

Planning Committee 6 April 2023

Waste County Matter

Application No (District): [SS.20/08/6012 W](#) (South Staffordshire)

Applicant: Wood Farm Golf and Leisure Ltd, c/o Jack Moody Group Ltd, Hollybush Farm, Warstones Road, Shareshill, Staffordshire, WV10 7LX.

Description Application to vary (not comply with) condition 4 of planning permission [SS.15/14/6012 W](#) for the importation of inert waste materials and topsoil to continue until 15th May 2024.

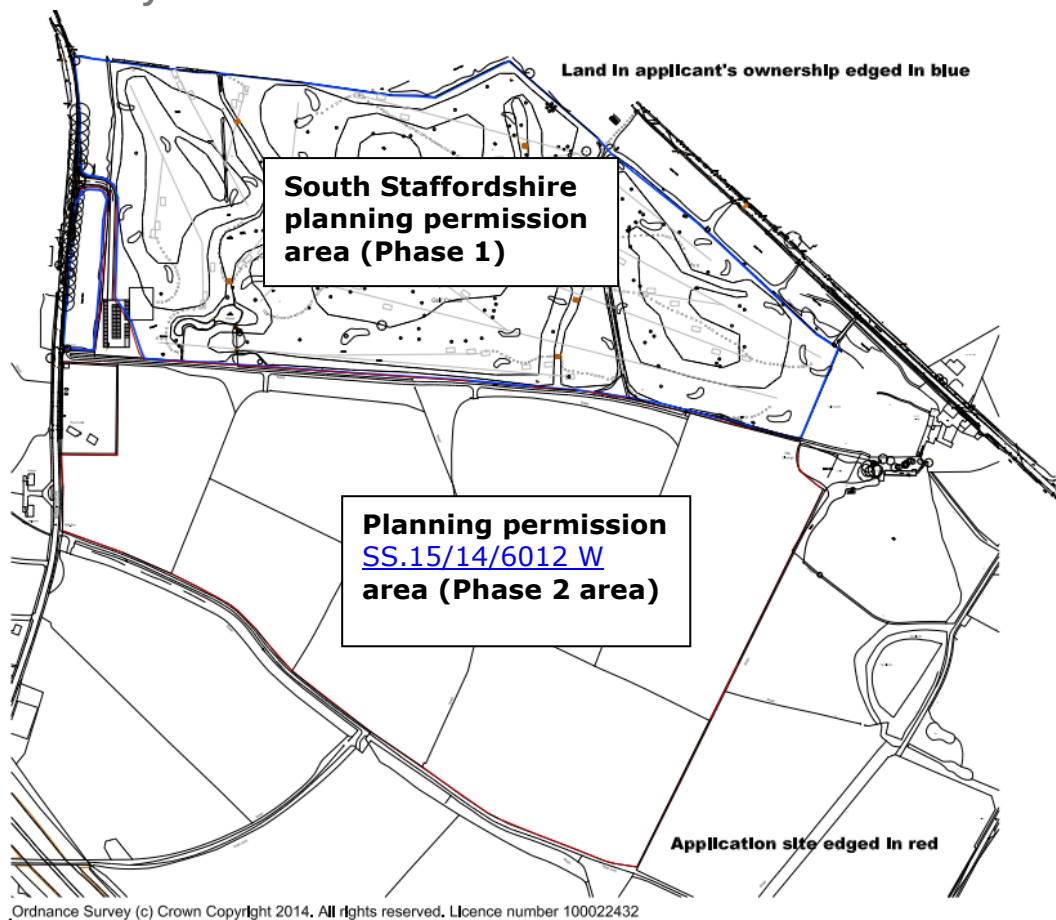
Location: Wood Farm and Golf and Leisure, on land off Bursnips Road, Essington.

Background/Introduction

1. The County Council granted planning permission in June 2016 for the importation of inert waste (non-hazardous) to enable the formation of a further 9 no. holes to extend the Wood Farm Golf Course on land adjacent to the Golf Club (Phase 1). At the same time, South Staffordshire Council granted permission for the change of use of the land to a golf course (ref. 15/00934/FUL). South Staffordshire Council granted Wood Farm Golf Course in 2008 (Phase 1) [See '[Relevant Planning History](#)' section below].
2. The importation of inert waste commenced within Phase 2 on 14 May 2018 and this application is seeking to extend the timescale for the importation of inert waste [see Summary of Proposals section below].

Site and Surroundings

3. The 34-hectare site, located between Broad Lane (B4210) and Bursnips Road (A462), is about 450 metres to the north-east of Essington in South Staffordshire District and approximately 320 metres to north of the boundary with Walsall Council. The site is adjacent to the Wood Farm Golf Course and Broadlands Golf Club. The land consists of agricultural fields and land where inert waste has been deposited. The planning permission boundary is shown edged red on the plan below.



Plan showing the planning permission boundary in red below and the golf course permitted by South Staffordshire Council in blue (Extract of plan submitted by the applicant).

4. The access constructed for the existing golf course located on Bursnips Road would be used. Redhurst Quarry is located about approximately 80 metres to the northwest and the M6 motorway lies to the south of the site.
5. The nearest residential property is Rose Cottage which is located immediately to the east of the site. Ryecroft and North Barn are also located between the access and the proposal area.
6. There are several footpaths close to the site, including Essington 16 which crosses the access road and runs between the northern boundary of the site and Essington Golf Course (this footpath links Bursnips Road to Broad Lane) and Essington 15/Essington 14a and 14b to the south. Footpaths are located to the north of Phase 1 (Essington 17), metres to the east (Essington 30).



Photographs showing the infilling operations.



Existing golf course permitted by South Staffordshire Council. The applicant has confirmed that the golf course is not in use.

Summary of Proposals

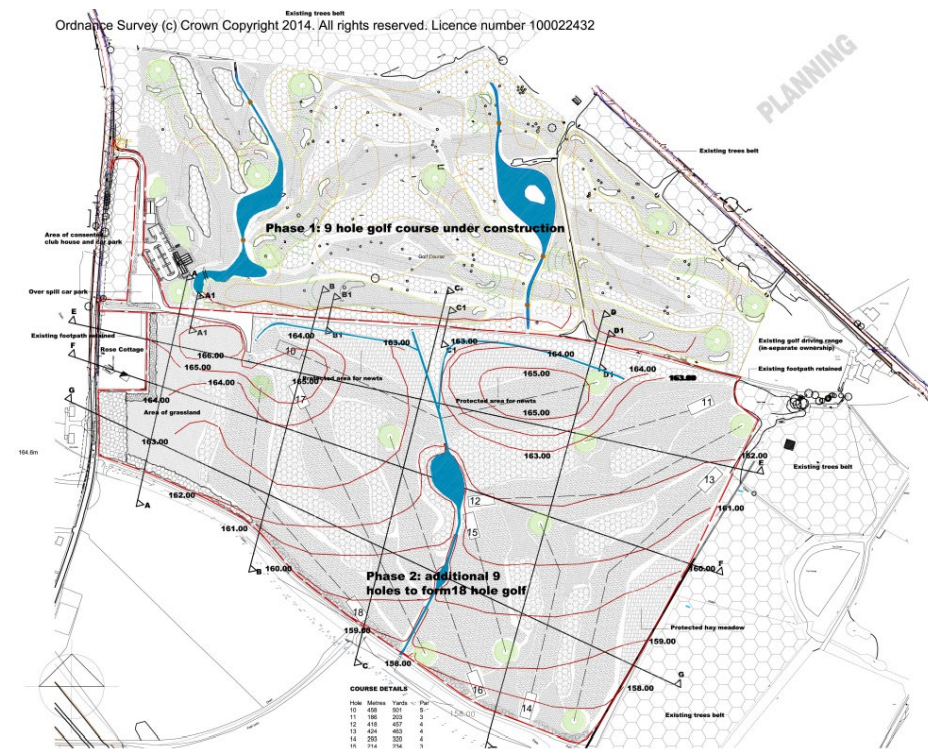
7. Condition 4 of planning permission [SS.15/14/6012 W](#) states:

'The importation of inert waste materials and topsoil on the Site shall cease no later than 3 years from the date of commencement of the importation of waste materials and topsoil (the 'cessation date').

8. The importation of inert waste commenced on 15 May 2018; therefore the import of inert waste materials and topsoil should have ceased on 14 May 2021.
9. The applicant has requested that the importation of inert waste materials and topsoil continues until 15th May 2024. The application was submitted in March 2021 and there is now just over 13 months remaining.
10. Condition 5 of planning permission [SS.15/14/6012 W](#) is also relevant and states:

No more than 402,818 tonnes of inert waste materials and topsoil (274,181 tonnes of inert waste and 180,091 tonnes of topsoil) shall be imported to the Site.

11. In February 2021 when the application was received as valid 196,802 tonnes of inert waste and 25,000 tonnes topsoil had already been imported and it was estimated that a further 77,379 tonnes of inert waste and 155,091 tonnes topsoil (232,470 tonnes in total) was required to create the approved landform. It is now estimated that further 129,030 tonnes of waste and topsoil is required to achieve the phase 2 levels shown on the plan below. It is relevant to note that the applicant is not applying to import any additional inert waste or topsoil to the site above the amount previously permitted.



Plan showing Phase 1 and Phase 2 of the golf course development (extract of plan submitted by the applicant).

12. Members of the Planning Committee should be aware that the deposit of

inert waste did not cease on 14 May 2021 and has continued.

13. The application is accompanied by a number of documents and plans including:
 - Waste Development Statement
 - Site operation plans for proposed inert fill and landscaping commitments for 2022, for 2023, and 2024 (up to 15 May 2024).
 - Details of temporary timber hoarding to the site boundary with Rose Cottage (dwg no 11/0140/324)

The Applicant's Case

14. The applicant has explained that the progress drawings illustrate that so far, the fill has been focused on the areas where the levels can be raised the most.
15. The extension of time would allow the creation of an appropriate landforms to form an extension to the existing golf course.
16. The Waste Development Statement details factors which have influenced the construction industry (and therefore the amount of material available) included the UK exiting Europe (Brexit); the Covid Pandemic (lockdowns) and competition (the number of operating inert fill sites in the local area to the application site).
17. The applicant has also stated that they are not seeking to bring more fill onto the site than has already been approved.
18. Following concerns raised by Essington Parish Council in relation to the existing golf course (permitted by South Staffordshire Council), the applicant has explained that site operators have completed along with the landscaping of Phase 1 of the golf course, the construction of the club house has commenced, and 3 ground keepers are employed to maintain the course. The applicant has also explained that if the existing golf course were opened, the same roadway serving the landfill (Phase 2) would be used, vehicles associated with the golf club would be parked next to where waste delivery lorries are parked, and this would significantly affect the usability of the golf course.
19. Different options are being looked at to allow public access to the golf course without putting them in danger. The applicant has confirmed they will engage with the District and Parish Councils and other relevant groups and associations during 2023 to see how the facilities could be used and the club house facility is also due to be reviewed.

Relevant Planning History

20. The County Council granted planning permission for the import inert waste (non-hazardous) to the application site to enable the formation of a further 9 no. holes to the existing Wood Farm Golf Course (Phase 2) (ref. [SS.15/14/6012 W](#) dated 9 June 2016).
21. South Staffordshire Council has granted planning permission for the following on Phases 1 and 2:
 - Development of the golf course and landscaping involving the importation of inert landfill plus formation of new access and car parking facilities (Phase 1) (ref. [08/00113/FUL](#) dated 30 June 2008).
 - Variation of condition 7 to extend the time for the importation of waste to complete the works (planning permission 08/00113/FUL). This allowed the importation of waste and topsoil until 27 November 2014. (Phase 1). (ref. [12/00434/VAR](#) dated 27 November 2012).
 - New golf club house development with new ancillary storage to existing golf course (the applicant has confirmed that this development has commenced to protect its planning status) (ref. [14/00931/FUL](#) dated 5 February 2015).
 - Change of use of this site, from land used for inert fill, subject to approval, to use as a 9-hole extension to Wood Farm Golf Course, Essington (Phase 2) (ref. [15/00934/FUL](#) dated 25 May 2016).

Environmental Impact Assessment (EIA)

22. As the proposed development (falls within / could fall within) the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has issued a "Screening Opinion" which concluded that the proposed development is not EIA development and therefore the planning application need not be accompanied by an Environmental Statement (ref: [SCE.328](#) dated 11 March 2021).

Findings of Consultations

Internal

23. **Environmental Advice Team (EAT)** – no objections. The EAT reviewed the application and noted the following:
 - Landscape – concerns were raised in relation to the on-going infilling (the extent of the scarring on the landscape) and restoration of the site and revised phasing plans were submitted. No objections were raised to the

- Ecology -There are no ecology concerns.
- Tree protection - There are no tree protection issues.

24. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections based on the continuation of the number of vehicle movements set out in the existing planning permission (Condition 14 states the number of HGVs entering or leaving the site should not exceed 40 per hours (20 in and 20 out).
25. **Planning Regulation Team** - no objections. The Planning Regulation Team reviewed the application and have commented as follows:
- a) No progress reports have been submitted and approved as required by Condition 11 of planning permission SS.15/14/6012 W.
 - b) A complaint concerning mud on the road was received in December 2020, however no evidence has been found during routine and unannounced inspections.
 - c) The applicant should be reminded of the outstanding information:
 - i. Confirmation of the date of the commencement of the development and the date of the commencement of the importation of waste materials and topsoil.
 - ii. The requirement to set markers indicating the approved final levels shown in Drawing 11/01/40-306 Rev B.
 - iii. Progress plans.
 - iv. Details of a temporary timber hoarding adjacent to Rose Cottage have not been submitted.
 - v. The protective fencing for trees, shrubs and hedges was not visible during the visit.
 - vi. The turning circle for HGVs within the site compound should be provided in accordance with the site compound layout plan.
 - d) An unannounced monitoring visit took place 13 May 2022 to investigate a complaint of unauthorised and toxic waste being deposited, a breach of vehicle limits and excessive final levels:
 - i. The road was clean of detritus, the wheelwash was operational and there was a large board in the weighbridge asking drivers not to use Bognop Road (due to the weight restriction).
 - ii. The HGV numbers did not breach the 20 HGVs per hour restriction.
 - iii. There was no evidence (during the unaccompanied inspection of the site) of non-inert wastes on site (other than the skip which held metal removed from the waste),

- iv. The final tipping levels were shown on markers and no levels were in excess, and the levels shown on the markers were checked and were correct using GPS.
 - v. There was tipping near to completion within areas 5 and 6 with tipping progressing within areas 3 and 4.
- e) The waste importation commencement date was confirmed as 4 June 2018, and as such the operations should have ceased by 4 June 2021. The Planning Regulation Team have taken and continue to take legal advice on the breach of Condition 4.
26. **County Council's Noise Engineer** - no objections subject to subject to the current permitted noise limit of 55 dB for Rose Cottage being maintained, the timber noise barrier being installed, and noise monitoring undertaken as per the approved noise monitoring scheme.

External

27. **South Staffordshire Council** - no objections. The Council has noted that the Environmental Health Officer has commented that there have been several complaints from one individual regarding dust and noise from the vehicles coming and going from the site. The Council has no evidence of the problem other than photographs from the complainant and notes there are already restrictions in place in terms of vehicular movements to and from the site and there is provision for wheel washing etc to take place.
28. **Essington Parish Council** has made the following comments:
- a) Work started in 2008 with the proviso that the facility would be up and running in 2/3 years with a clubhouse to follow.
 - b) 14 years later and the facility is still not open to the local residents.
 - c) Permission for Phase 2 was granted in 2016 and the conditions do not appear to have been complied with.
 - d) Essington has been blighted by the constant volume of heavy HGVs.
 - e) No consideration has been given to the residents of Essington in relation to safety, environmental, health and quality of life during these 14 years.
 - f) Are we to assume (based on current timings) that Phase 2 will take another 14 years.
 - g) Essington Residents back in 2007 were misguided when they were looking forward to a 9-hole golf course on their doorstep with the promise of a clubhouse facility to follow.

29. **Environment Agency (EA)** - no objections. The EA reviewed the application and noted that there is an Environmental Permit for the site (this does not include a timescale for operations), the operator would be bound by the same conditions, annual limits and condition which limits fill to the contours shown on the approved plan of the development.
30. The EA reviewed information data for the first three quarters of 2020 (Jan-Sep as Q4 was not available at that time) and there is no suggestion from operator returns that they were exceeding permitted limits.

Publicity and Representations

31. Site notice: YES Press notice: YES
32. 38 neighbour notification letters were sent out and 3 representations have been received. The concerns raised in representations are summarised below:
- a) Duration of the development.
 - b) Monitoring of the development e.g., vehicle numbers / movements type of waste material and contamination into local water courses.
 - c) Impact of Heavy Goods Vehicles - condition of the highway and footpaths (mud on the road), speeding, route of vehicles (passing St John's Primary School) and the use of Bognop Road (weight limit of 7.5T).
 - d) Golf course including club house is not open.
 - e) No measures to keep construction traffic separate from the public using the approved 9-hole golf course (see Condition 14 of planning permission SS.15/14/6012 W (ref. [SS.15/14/6012 W D1](#))).

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

33. 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.'

34. [Appendix 1](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

35. Having given careful consideration to the application and supporting information, including the information subsequently received, the consultee comments and the representations received the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- Any material changes to the site, its surroundings or in terms of development plan policy considerations
 - The site-specific development plan policy considerations including, Green Belt, the environment and local amenity.
 - Other matters raised in representations.

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

36. The principle of the importation of inert waste on this land was established in June 2016 (and on the adjacent land in 2008).
37. It was concluded in paragraph 94 of the [Planning Committee report](#) (item 3c) on 12th May 2016 that:

'Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to application, the supporting information and additional information later received, the consultation responses, the representations and the other material considerations referred to above, it is reasonable to conclude that the proposed development is only acceptable, subject to planning conditions recommended below, on the understanding that planning permission for the change of use to a golf course is granted'.

38. Planning permission granted by South Staffordshire Council for the change of use, to allow the land to be used as a golf course (ref. [15/00934/FUL](#) dated 25 May 2016).
39. 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.

40. The application was considered by Planning Committee on the 12th May 2016 and the decision was issued on 9 June 2016 (ref. [SS.15/14/6012 W](#)). The import of inert waste to the site has been on-going since 14 May 2018 (ref. [SS.15/14/6012 W D1](#)).
41. The applicant has explained there have been factors that have affected the construction industry included the UK exiting Europe (Brexit); Pandemic and competition (the number of operating inert fill sites in the local area to the application site).
42. In respect of the material changes to the site's surroundings, there have been no significant changes in the immediate vicinity of the site.
43. In terms of the policy considerations the only change is that the [National Planning Policy Framework](#) (NPPF) was updated (24 July 2018, 19 February 2019 and 20 July 2021). The NPPF is currently under review, but the [proposed changes](#) are not considered relevant to this application. [Planning Practice Guidance](#) (PPG) has also been updated. There have been no material changes to the policy framework or to the guidance.
44. As the NPPF does not contain specific policies on waste, the original proposal was considered against the [National Planning Policy for Waste](#) published in October 2014 (NPPW); the [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) adopted in 2013 (WLP); the [Planning Practice Guidance](#) and [South Staffordshire Council Local Plan](#) (adopted in 2012)), which have not changed since the original proposals were approved in 2016.
45. South Staffordshire Council is currently undertaking a review of its Local Plan and is seeking clarity on the new national proposals (see [Appendix 1](#) for more details).
46. Conclusion: Having regard to the policies and other material considerations referred to above, it is reasonable to conclude that other than the infilling that has taken place, there have been no material changes to the site, its surroundings or in terms of development plan policy considerations since the planning permission was issued. The site-specific considerations are discussed below.

The site-specific development plan policy considerations including, Green Belt, the environment and local amenity.

Green Belt considerations

47. The site lies within the Southern Staffordshire Green Belt. It is therefore necessary to assess the proposals against the National Planning Policy

Framework ([Section 13](#)) and the relevant Local Plan policies (the Staffordshire and Stoke on Trent Waste Local Plan Policy 4.2 (viii) and the South Staffordshire Council Core Strategy policy GB1 'Development in the Green Belt' which all seek to protect the Green Belt from inappropriate development and to preserve its openness.

48. NPPF paragraph 138 sets out the five purposes of the Green Belt:

- 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.

49. 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.'

50. Paragraph 148 states

'When considering any planning application, 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'.

51. The [proposed changes](#) to the NPPF (Section 13 - Green Belt - paragraphs 139 to 148) are not relevant to this application

52. 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'.

53. Commentary: In the 2016 Planning Committee report it was considered that the proposed importation of inert waste would constitute inappropriate development in the Green Belt and should therefore not be approved except in very special circumstances. It was however considered that the following very special circumstances existed:

- subject to the change of use planning permission being granted by South Staffordshire Council, then the improvements would be carried out using the minimum amount of imported waste material considered necessary to construct a landform; and,
- on that basis the resulting landform would complement the adjoining land use and would provide an additional 9-hole extension to the existing golf course.

(ref. Planning Committee report paragraphs 59 to 68),

54. As the importation of inert waste would be inappropriate development on Green Belt land, it was necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#) [The 2009 Direction has been replaced by the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#) for applications submitted after 21 April 2021].
55. The Direction requires the Waste Planning Authority to consult the Secretary of State for Communities and Local Government (now 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.
56. In this case, the continued importation inert waste and topsoil on to an area of 34 hectare, would by reason of its scale, nature and location, have a significant impact on the openness of the Green Belt. The 2016 application was referred to the Secretary of State ([letter from the Planning Casework Unit dated 24 May 2016](#)) who carefully considered the case against call-in policy and was content that the application should be determined by the local planning authority.
57. Given the nature of this application and having regard to the previous correspondence, it is not considered necessary to refer this decision to the Secretary of State before planning permission can be issued.
58. Conclusion: It is reasonable to conclude, having regard to the policies and guidance referred to above, that the proposals would be inappropriate development in Green Belt policy terms, but very special circumstances exist which outweigh the harm that would be caused to the Green Belt.

The matters raised by consultees and in representations.

The duration of the development

59. Policy 1.4 of the WLP in relation to the use of waste for landscaping, screening, engineering purposes or for the improvement of agricultural or

forestry land advises that where inert waste is to be used, the applicant should demonstrate that the proposal addresses the following:

- i. It can demonstrate that the nature and extent of landscaping and screening is reasonable and necessary;
- ii. The amount of waste proposed to be deposited is the minimum necessary for the intended / agreed purpose;
- iii. It will not undermine the restoration of quarries that require the inert materials for restoration purposes;
- iv. It can demonstrate that flood risk will not be increased, and surface run-off will be managed safely;
- v. It would not raise the level of the land to an unacceptable degree such that it would create an adverse visual impact on the landscape and/or reduce openness of the Green Belt;
- vi. The proposals are comprehensive, detailed, practicable and achievable within the proposed timescales.

60. Commentary: As indicated above the principle of the importation of inert waste on this land has been permitted however, Essington Parish Council and 3 residents have raised concerns in relation to the time taken to import waste and topsoil to the site (stating 14 years) and to deliver an operational golf course.

61. The importation of inert waste and topsoil in Phase 1 was granted by South Staffordshire Council in 2008 (see Relevant Planning History section of the report). Planning permission was then granted to extend the duration of the operations until 27 November 2014 (see condition 1 of planning permission [12/00434/VAR](#)). The South Staffordshire Council delegated report for this planning permission states that works commenced in September 2009. The County Council then granted planning permission in 2016 for Phase 2 and the import of waste and topsoil commenced in May 2018, waste and topsoil has continued to be imported to the site.

62. It was concluded in 2016 (paragraph 54 of the Committee report) that:

‘It is reasonable to conclude that the waste facility is in the right place only on the understanding that planning permission for the change of use of the land to a golf course is granted as the development would create an approved landform which would complement the adjacent land use. No objections have been received from statutory consultees and for the site-specific reasons explained below, there are also no reasons to consider that the site does not accord with the national and local waste locational policy criteria.’

63. The applicant has indicated there are number of constraints that have inhibited the site from operating at maximum speed and capacity, these include other inert fill operations that exist in close proximity to the site and the key sites being Saredon Quarry and Campions Wood which between them are reducing the inert waste/topsoil coming into site by 50%. The applicant has also mentioned four large scale earth works/quarries/landfill sites within 3.0m/4.5km of the application site. The cessation date for the import of waste (15 May 2024) depends on the amount of inert waste coming through the gates.
64. Your Officers sought clarification from the applicant, as to whether the importation of inert waste materials and topsoil could be achieved in a shorter timescale and what implications this would have. In response, the applicant has stated that:
- ‘In our opinion we would have no chance of speeding up the fill coming through the gates as this is out of our control, we have no idea what building work will be starting in the next 12 months in the surrounding area and how much of that fill would be brought into our site’.
65. In order to be satisfied that the programme to complete the importation were comprehensive, detailed, practicable and achievable within the proposed timescales your officers requested and eventually received plans showing the fill and landscaping commitments for 2022, 2023 and 2024. Based on these plans and the timescales for the import of inert waste and topsoil, it is considered that the additional time until May 2024 would allow the approved landform (shown on Proposed golf course master plan Phase 2 (Dwg No 11/01/40 - 308 Rev C)) to be achieved.
66. In terms of the use of the land as a golf course, this is a matter for the applicant/landowner and South Staffordshire District Council. However, the applicant has stated that options are being considered to enable public access to the course (and the clubhouse) and the Parish Council will be engaged to see how the facilities could be used.
67. Conclusion: Having regard to the policies guidance and other material considerations referred to above it is concluded that it is reasonable to recommend that application to extend the time should be permitted to allow the phased importation of inert waste and topsoil to continue for a further 13 months to 15th May 2024 in accordance with the approved plans and subject to aftercare.

Traffic / Highways Safety

68. Policy 4.2 (Protection of Environmental Quality) of the WLP is relevant. This policy requires consideration to be given to the effect of the proposals on ‘(ii) The highway network and other public rights of way;’
69. The NPPF ([Section 9](#): Promoting sustainable transport) – paragraphs 110 and

111 explain that:

'110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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

- 70. The [proposed changes](#) to the NPPF (Section 9 - Promoting sustainable transport - paragraphs 112 and 113) are not relevant to this application.
- 71. Commentary: The residents have raised concerns about the impact of Heavy Goods Vehicles (HGVs) travelling through Essington.
- 72. No other changes are proposed to the number of HGVs (note: condition 14 of the decision notice restricts the number of HGVs to 40 per hour (20 in and 20 out). Conditions were also included to require the provision of a wheel wash, to ensure the use of the wheel wash and to ensure that no vehicle associated with the permitted development should leave the site in a condition whereby mud, dirt or deleterious material is deposited on to the public highway.
- 73. Highways Development Control has no objection subject to conditions.
- 74. As indicated above the applicant has explained that there are now other inert landfill operations that exist in close proximity to the site, and the HGVs may be travelling to and from the competing sites in the immediate local area.
- 75. The [enforcement of the weight restriction](#) along Bognop Road is a matter for Staffordshire Police. An informative is recommended to request the applicant to advise drivers of HGVs that Bognop Road should not be used (unless the HGV is under the weight limit of 7.5 tonnes).
- 76. Conclusion: Having regard to the site-specific development plan policies, it is reasonable to conclude that the proposed development would not give rise to

any materially harmful impacts in terms of highways safety, subject to the recommended conditions and an informative.

Site Monitoring / Breach of Conditions

77. Essington Parish Council and 3 residents have raised concerns about the operations and compliance with planning conditions.
78. Members of the Planning Committee will be aware that the County Council's Planning Regulation Team 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.
79. The Planning Regulation Team have confirmed that site visits (including unannounced visits) have taken place and no enforcement action has been taken.
80. It is also important to note that the government guidance on waste explains that:

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

([Planning Practice Guidance](#), [Waste](#), [Regulatory regimes](#), What is the relationship between planning and other regulatory regimes?, paragraph 050).

81. Overall 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

82. 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’.

83. There are no changes proposed to Section 4 (Decision-making) in the NPPF review.
84. 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.
85. 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).
86. The Planning Practice Guidance 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).
87. The Planning Practice Guidance (ref. [Use of planning conditions, What approach should be taken to imposing conditions?](#), paragraph: 005) also states:
- ‘Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning.’
88. Commentary: In this case, the planning permission was granted in June 2016. Based on the above guidance, it is considered that most of the conditions remain relevant, and it is reasonable and necessary to update (or remove) the following conditions (taking in to account the change applied for to condition 4 and the comments made by the Planning Regulation in relation

to outstanding information):

- Condition 1 – to refer to the latest phasing plans and any approved details.
- Condition 4 – to refer to 15 May 2024 being the revised cessation date for the importation of inert waste materials and topsoil.
- Condition 5 – remove this condition setting out amount of inert waste and topsoil as this figure is reducing as the operations continue (the amount of waste/levels would be restricted by the approved landform)
- Condition 9 - to require markers to be re-installed clearly show the maximum permitted level.
- Condition 11 – to revise the timescale for the submission of progress plans to every 6 months.
- Condition 15 – to update the condition to refer to the approved measures to keep the HGV traffic separate from the general public.
- Condition 16 to update the condition to ensure the use of the approved wheel washing facility.
- Conditions 21 and 22 – to update the condition to refer to the information concerning site investigation works / mine entries.
- Condition 24 – to update this condition to require facilities for the storage of oils, fuels, or chemicals to be sited on impervious bases and surrounded by impervious bund walls and to include an informative concerning guidance and training.
- Condition 29 - to update the condition to ensure the implementation of the Noise Monitoring Scheme
- Condition 32 – to refer to the temporary timber hoarding adjacent to Rose Cottage shown on 'Details of temporary timber hoarding to the site boundary with Rose Cottage' is erected and maintained.
- Condition 34 - to update the condition to ensure the implementation of the Dust Management Scheme.
- Condition 37 – to ensure the implementation of the approved soil management and visual mitigation.
- Condition 38 – to require trees, shrubs and hedges protection fencing to be installed.
- Condition 39 – to ensure that the development is carried out in accordance with the approved Ecological Management Scheme.
- Condition 42 – to ensure the implemented of the recommendations of the approved badger survey report.
- Condition 43 – to ensure the implementation of the restoration and aftercare scheme.
- Condition 44 – to ensure the programme of archaeological work is carried out in accordance with the approved scheme.
- Condition 45 – to ensure the Right of Way warning signs are erected and maintained in accordance with the approved details until the cessation date.
- Condition 47 - remove this condition relating to the knowledge of the permission and replace with an informative.

89. Conclusion: Having regard to the policies and guidance referred to above, it is concluded that it is reasonable and necessary to recommend a number of updates to the existing conditions.

Overall Conclusion

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

Recommendation

To **Permit** the proposed variation (not comply with) of condition 4 of planning permission [SS.15/14/6012 W](#) for the importation of inert waste materials and topsoil to continue until 15th May 2024 at Wood Farm and Golf and Leisure, off Bursnips Road, Essington subject to the conditions including those listed 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.
2. **To require the cessation of the importation of waste and topsoil by 15 May 2024.**

Definition of the Working Strategy and Waste Types

3. Definition of waste.
4. To require the removal of non-conforming waste.
5. To define the **site layout/phasing plans** and permitted fill levels (and to require markers to clearly show the maximum permitted level).
6. To limit the use of the site to the uses hereby permitted and to restrict permitted development rights; and, to specify no crushing or screening of waste on site.
7. To require the submission of Progress Plans in **6 months and 9 months** to include contingency measures in the event that final levels are unlikely to be achieved.

Management of the operations

Hours of Operation

8. To limit the operational hours to:
- 0700 – 1730 (Monday to Friday).
 - 0800 – 1230 (Saturdays).

No operations on Sundays, Bank and Public Holidays.

9. To limit the delivery of waste to:
- 0800 – 1615 (Monday to Friday).

Site Access, Vehicle Numbers and Highway Safety

10. To define the vehicle access.
11. **To require the implementation of the measures to keep construction traffic separate from the general public associated with the approved golf course (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
12. The number of HGV movements to and from the site (no more than 20 two-way lorry movements per hour (20 in and 20 out) associated with the import of waste/inert material).
13. **To require the approved wheel wash facilities (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018) to be used to prevent the deposit of deleterious materials on the public highway.**
14. To require loads on vehicles leaving the site to be securely sheeted or otherwise contained.

General Environmental Protection

Site investigation works

15. **To require the implementation of the approved Site investigation works / Mine Entries scheme (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**

Pollution Control

16. To prevent burning of waste on site.

Flood Risk

17. To ensure that the development is-carried out in accordance with the submitted Flood Risk Assessment.
18. **To require facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.**

Site Security

19. To ensure that measures are taken to prevent any unauthorised access to the site.

Noise

20. To set noise limits during operations to 55 dB LAeq.
21. **To require the implementation of the approved noise monitoring scheme (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
22. **To require the construction of the temporary timber hoarding to screen Rose Cottage in accordance with the submitted plan within 2 months of the permission (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
23. To require all vehicles and plant employed within the site to be fitted with effective silencers.
24. To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems.
25. To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.

Dust

26. **To ensure dust management is carried out in accordance with the approved Dust Management details (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
27. To ensure that best practicable means are used during the life of the development to minimise dust emissions from the site.

Maintenance

28. To ensure that all structures (including the temporary hoarding - see condition 20), perimeter security fencing, gates and hard-surfaces and internal roads on Site are maintained in good order and fit for purpose.

Landscape and Trees

29. **To ensure the implementation of the approved Revised details of soil management visual mitigation measures detailed planting plan and golf course management plan [Nov 2016] (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
30. To ensure the implementation of the protection of measures for the existing trees, shrubs and hedges on the Site in accordance with plan 11/01/40-315.

Ecology

31. **To ensure that the development shall be carried out in accordance with the approved Ecological Management Scheme (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
32. To ensure the development is carried out in accordance with the Landscape Management Proposals Rev B March 2016.
33. To ensure the protection of breeding birds, to include restrictions on ground stripping during the nesting period due to the presence of ground-nesting birds.
34. **To ensure the implementation of the recommendations of the approved badger survey reports (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**
35. To require the measures set out in Section 4.1 of the breeding bird survey and mitigation strategy report are included in the site phasing proposals.
36. **To ensure the implementation of the approved detailed Restoration and 5 year Aftercare Scheme (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**

Archaeology

37. **To ensure the implementation of the programme of archaeological work in accordance with the approved (ref. [SS.15/14/6012 W D1](#) dated 15 August 2018).**

Rights of Way

38. To ensure the provision and maintenance of signs warning of the location of the right of way.

Record Keeping

39. To require records to be kept of the following:

- a) The total number of loads of waste entering the site per day.
- b) The dates and times of vehicle movements.
- c) The total quantity and type of waste.
- d) The operating hours.
- e) Noise and dust monitoring in accordance with the approved schemes.
- f) Any complaints and remedial actions taken.

Informatives:

Public Rights of Way

The County Councils Public Rights of Way Team advice that the existence of three public rights (Public Footpath No 15 Essington; Footpath No 16 Essington and Footpath No 17 Essington) and that planning permission does not construe the right to divert, extinguish or obstruct any part of the public path network.

Environment Agency

The Environment Agency has previously recommended in relation to [SS.15/14/6012 W](#) that developers should:

- follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- refer to the [contaminated land](#) pages on GOV.UK for more information.

The Environment Agency also provided guidance concerning waste on site and in the event of waste taken off-site.

The Environment Agency latest 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.

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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 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.

[South Staffordshire Council Core Strategy](#) ('A Local Plan for South Staffordshire')

(adopted 11 December 2012):

- Core Policy 1: The Spatial Strategy;
- Core Strategy Policy GB1: Development in the Green Belt;
- Core Policy 2: Protecting and Enhancing the Natural and Historic Environment;
 - Policy EQ1: Protecting, Expanding and Enhancing Natural Assets.
 - Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape.
 - Policy EQ7: Water Quality.
 - Policy EQ8: Waste.
 - Policy EQ9: Protecting Residential Amenity.
- Core Policy 4: Promoting High Quality Design.
 - Policy EQ11: Wider Design Considerations.
 - Policy EQ12: Landscaping.

- Core Policy 11: Sustainable Transport
 - Policy EV12: Parking Provision

The other material planning considerations

- [National Planning Policy Framework \(NPPF\)](#) (updated 20 July 2021):
 - [Section 2](#): Achieving sustainable development.
 - [Section 4](#): Decision-making.
 - [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](#):
 - [Conserving and enhancing the historic environment](#)
 - [Design: process and tools](#)
 - [Flood risk and coastal change](#)
 - [Health and wellbeing](#)
 - [Land affected by contamination](#)
 - [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](#)
 - [Determining planning applications](#)
 - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014).
- [South Staffordshire Local Plan review](#) (Publication Plan November 2022 - Regulation 19 consultation). The review is currently paused pending the outcome of the government's proposed changes to national planning policy.

- Policy DS1 – Green Belt.
- Policy HC10 – Design requirements.
- Policy HC11 – Protecting Amenity.
- Policy NB1 – Protecting, enhancing and expanding natural assets.
- Policy NB2- Biodiversity.
- Policy NB4 – Landscape Character.
- Policy NB7 – Managing flood risk, sustainable drainage systems and water quality.

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