



Development Control Committee

21 November 06

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Planning Appeal in respect of application 04/2276/WA/M1 Highfields South  
Quarry, Lichfield Road, Shelfield, Walsall

**1.0 PURPOSE OF REPORT**

To advise the Planning Inspectorate of Committees views on this proposal, which is currently the subject of an appeal against failure to determine the application for amendment to conditions, the range of infill wastes and restoration of the quarry.

**2.0 RECOMMENDATIONS**

It is recommended that the Planning Inspectorate be advised that the Council would support the grant of permission, subject to appropriate conditions to ensure there is no significant period of concurrent waste disposal at the Vigo-Utopia and Highfields Quarry and that operations continue within a defined timescale in an environmentally acceptable way to secure early restoration of the quarry in accordance with the adopted planning policies of the Council.

**3.0 FINANCIAL IMPLICATIONS**

None arising from the report.

**4.0 POLICY IMPLICATIONS**

Restoration of the quarry by infilling with suitable wastes is a Development Plan policy aim. (See below for full policy assessment)

**5.0 LEGAL IMPLICATIONS**

None arising from the report although the Council would require legal representations at any pending public inquiry should it decide to present a case against the proposal.

**6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

**7.0 ENVIRONMENTAL IMPACT**

The report addresses potential environmental impacts from the landfilling and restoration proposals.

**8.0 WARD(S) AFFECTED**

Rushall-Shelfield

9.0 **CONSULTEES**

Reported in full below

10.0 **CONTACT OFFICER**

Norman Hickson, Group Leader, Development Control 01922 652502  
hicksonn@walsall.gov.uk

11.0 **BACKGROUND PAPERS**

All published

David Elsworthy

Head of Planning and Building Control

**Development Control Committee**  
**21 November 06**

## **12.0 BACKGROUND AND REPORT DETAIL**

### **Current status of the application**

The application is no longer before the Council to determine. It is the subject of an appeal against the Council's failure to determine it within the statutory timescale. Processing the application has been lengthy due to the need to fully assess important concerns relating to environmental impact and the need for the landfill facility. These matters have now been addressed and are explained in the report below. The application has been taken to appeal to expedite determination because the operators were no longer able to accommodate further delay due to their need to secure landfill capacity in the area to meet contractual obligations.

Committee's views are sought on the acceptability of the proposals so that this can inform the consideration of the application at appeal. If Committee are supportive of the proposals then the Planning Inspector would be advised and the Council would offer no case at the appeal. The Inspector is therefore likely to allow the appeal and issue a planning permission subject to conditions. The issues raised by the proposals are set out for Committees consideration below.

### **Proposed development and site details**

Highfields South Quarry is an active clay quarry covering 12 hectares of land located south of the A461 Lichfield Road, approximately 400 metres north of Shelfield. The site is outlined on the attached plan. The surrounding uses are mixed with residential property to the west and open land to the north. Immediately to the north east is the Barons Court Hotel. To the south is the former landfill site owned by Veolia Environmental Services (formerly Onyx UK Ltd). In the wider area there are residential properties close by on Queen Street, Walsall Wood. The existing operational Vigo Utopia Landfill site lies to the east beyond Boatmans Lane.

**Planning permission for the restoration of the quarry by infilling with wastes was granted in July 1997** under permission BC48719P. Condition 5 on the permission required the submission of the types of infill materials for approval.

**Approval of the types of waste to be deposited is now sought.** This application proposes that non - hazardous waste, including domestic and municipal solid wastes, and, waste derived from commercial and industrial sources is tipped in the quarry. The non - hazardous waste category also includes waste classified as 'inert', such as uncontaminated soils and excavation materials. Landfill was proposed to commence in winter 2005 and continue for a period of up to eight years to 2013 at a fill rate of up to 300,000m<sup>3</sup> per year.

**The application also seeks the approval of details required by other conditions on the 1997 planning permission (BC48719P).** These are conditions 27, 42, 43, 48 and 50 and cover the following

- ? **Amendments to the final void** are proposed and the revised proposals incorporate a provision for reduction in the total area worked for mineral

extraction controlled by condition 27 which specifies the slope gradients for the excavated quarry void. The final excavated void would allow for 2.1 million cubic metres of void space. The proposal is supported by a geotechnical assessment of the proposed void to confirm maintenance of slope stability. Clay extraction would continue for the first few years of the infill operation and about 60,000 tonnes of clay would be extracted per annum.

- ? **Amended drainage discharge points** are proposed. Condition 42 defines the approved means of site drainage according to a particular plan.
- ? **A brook course through the site is to be amended.** This is controlled by Condition 43.
- ? **Amended phasing of infilling in a smaller quarry than currently approved** is proposed. This is controlled by Condition 48, which also covers restoration. In total the applicants are offering to give up approximately 500,000 tonnes of permitted clay reserves approved in 1978. The area not to be worked is at the western end of the quarry adjacent houses at Woodbridge Close, Sheffield.
- ? **Amended restoration contours** with a domed final landform are proposed along with planting on the surface and around the perimeter. The western area of the site is unworked and overgrown. A new pond has been constructed to assist in site drainage and this will be retained and incorporated into the final landscaping. These matters are controlled by condition 50. The proposed after use is open amenity land with public access (but not publicly owned).

The application also includes provision for landfill gas collection and flaring to be located on the south eastern boundary of the site. Site support facilities such as wheelwash and offices would be located on the access road along the eastern and northern boundaries leading to the main entrance and exit on the A461 Lichfield Road.

The former Brickiln Pool is to be replaced by a balancing pond at the western end of the site. It has been constructed as part of drainage remediation works that have also benefited land to the north (Highfields Farm and the Jockey Fields SSSI) along with remediation of flooding problems on the A461 Lichfield Road. (This has been approved under other conditions controlling drainage matters on the 1997 permission.)

The application is accompanied by an Environmental Impact Assessment (EIA).

After infilling the site would be restored to create approximately 6.5 hectares of woodland, 5 hectares of grassland and a water body with marginal vegetation. Footpaths would be created across the site to provide public access to enhance the amenity of local residents.

### **Relevant Planning History**

Planning Permission BC48719P: New conditions for mineral working permission EB593 (dating from 1954), issued in 1997 under the requirements of the Environment Act 1995. These new conditions include provision for the completed mineral excavation to be landfilled to achieve a beneficial after use. A scheme of working for the quarry was approved under consent BC5828 in 1978.

Planning permission BC54925P construction of new quarry access onto the A461 Lichfield Road granted on appeal 11 Aug 1999. (The Inspector made reference to the use of the access to serve land filling)

**Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)**

**Development Plan**

The site is designated as Green Belt in the UDP, and is also located within a UDP Minerals Safeguarding Area where the land is protected for possible future quarrying.

UDP Policy GP2 requires that all developments make a positive contribution to the quality of the environment and does not permit development which would have an adverse impact on the environment. It states that the factors that will be taken into account when assessing impact will include the creation of, or susceptibility to, pollution of any kind (II), potential problems of land stability, contamination or landfill gas (III), and the storage, use or manufacture of any hazardous, toxic or noxious substances, and any danger to health or the environment arising from this (IV).

UDP Policy ENV2(c) indicates that mineral extraction and controlled tipping of waste can be appropriate development in the Green Belt, subject to conformity with minerals and waste policy.

UDP Policy ENV10 seeks to control development that may release pollutants into water, soil or air giving rise to effects such as harm to health and safety or the natural environment, smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

UDP Policy JP8 requires that potential bad neighbour uses should not have an adverse impact on housing or other sensitive land uses and should provide effective screening, boundary treatments and stringent operational controls.

UDP Minerals Strategic Policy Statement (paragraphs 9.2 - 9.3) seeks to define Minerals Safeguarding Areas to protect known resources for future mineral extraction. Paragraph 9.8 requires mineral workings to be restored to a condition fit for an agreed after-use within as short a timescale as possible. However, restoration proposals are expected to include appropriate measures to protect the environment and ensure land stability. Particular encouragement is given to high quality restoration schemes that provide for recreation and amenity areas, new wildlife habitats, forestry or agriculture, and provision is expected to be made for any necessary after-care of the site.

UDP Policy M1 identifies four Minerals Safeguarding Areas within the Borough, including Highfields South. These areas are to be reserved for the future extraction of minerals, in line with the UDP Minerals Strategic Policy Statement (paragraphs 9.2 - 9.3).

UDP Policy M4 relates to the extraction of Etruria Marl. The reasoned justification in paragraph 9.38 acknowledges that the existing minerals permission at Highfields South includes the restoration of the site by landfill.

UDP Waste Management Strategic Policy Statement (paragraph 10.6) sets out the Council's strategic policy towards landfill. This stipulates that no further proposals for landfill will be permitted, except where capacity is needed to meet proven local needs, and/or where landfill is necessary to facilitate the regeneration of mineral workings. Proposals for landfill are also required to be accompanied by a rigorous assessment of the potential for energy recovery. Paragraph 10.7 states that attention will be given to safeguarding the environment and residential properties when considering landfill proposals.

UDP Policy WM1 sets out criteria for developing new waste management facilities, including landfill sites. All new proposals are expected to demonstrate that the facility is the best practical environmental option (BPEO) for the achievement of the Council's strategy for waste management, avoid adverse impact on the environment and health, and to include adequate screening, fencing and landscape schemes.

UDP Policy WM2 sets out detailed criteria for the control of landfill operations. Proposals are required to comply with policies WM1 and GP2, to be an adequate distance from existing development, to have a suitable method of infilling, with appropriate types of materials to achieve earliest restoration to an appropriate after use, and to include a clear commitment towards the monitoring, control, and venting of landfill gases and treatment of leachate. Use of landfill gas for energy is encouraged, subject to there being no unacceptable adverse impacts. Proposals for the re-working of deposited wastes are only permitted where they represent the BPEO, where the restoration will not be unacceptably delayed, and where there will be no unacceptable adverse impact.

### **Regional Spatial Strategy**

Policy QE1 emphasises the importance of environmental improvement to the overall Regional Spatial Strategy, and indicates that local authority policies should support regeneration, including the restoration of degraded areas.

RSS Policy QE6 highlights the need to restore degraded landscapes, including current and proposed mineral workings and waste disposal sites.

RSS Policy M1 indicates that local authority policies relating to the restoration of mineral workings should require them to contribute towards local/ regional biodiversity targets. RSS Policy WD2 indicates that between 1989/99 and 2020/21, landfill capacity will be required within the West Midlands region for approximately 40 million tonnes of municipal waste, but that there is sufficient landfill capacity within the region to satisfy the identified need to dispose of approximately 75 million tonnes of commercial and industrial waste and 29 million tonnes of construction and demolition waste. Table 4 breaks down the requirements to sub-regional level, and indicates that capacity should be identified to dispose of approximately 16.6 million tonnes of municipal waste within the West Midlands Metropolitan area. However, there is no specific requirement for disposal in Walsall.

### **National Policy**

**PPG2: Green Belts** indicates that mineral extraction need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral planning authorities are expected to ensure that planning conditions for mineral working in Green Belts achieve

suitable environmental standards and restoration (paragraph 3.11). All large-scale developments, including mineral extraction and the tipping of wastes, should as far as possible contribute to the objectives for the use of land in Green Belts (paragraph 3.13). These objectives are: providing access to the open countryside for the urban population, providing opportunities for outdoor sport and recreation near to urban areas, retaining attractive landscapes/ enhancing landscapes near to where people live, improving damaged or derelict land around towns, securing nature conservation interest, and retaining land in agriculture, forestry and related uses (paragraph 1.6).

**PPS10: Planning for Sustainable Waste Management** emphasises that positive planning has an important role in delivering sustainable waste management by providing sufficient opportunities for new facilities of the right type in the right place at the right time (paragraph 2). The guidance no longer includes a requirement for waste management proposals to demonstrate BPEO, but retains the concept of the "waste hierarchy," with re-use, recovery and recycling being the preferred options, and disposal to landfill being the last resort. However, PPS10 acknowledges that there will continue to be a need for landfill, and that it must be adequately catered for (paragraph 3). PPS 10 warns that when assessing planning applications, waste planning authorities should have regard to the policies in the PPS as material considerations that may supersede the policies in their development plan, and that waste management proposals should be considered favourably when consistent with the policies in the PPS (paragraphs 5 and 24). It goes on to say that any refusal of planning permission prior to the review of development plans on the grounds of prematurity will not be justified unless it accords with the policy in "The Planning System: General Principles" (paragraph 5). When considering applications for waste management facilities, waste planning authorities are advised to concern themselves with implementing the planning strategy in the development plan and not with the control of processes that are a matter for pollution control authorities, although impacts on the environment and amenity are matters for legitimate concern (paragraphs 26 and 29).

**Minerals Policy Statement 1** Mineral planning authorities should consider the social, environmental and economic benefits and constraints of working minerals. Authorities should also undertake regular assessments of permitted reserves and availability of alternatives such as secondary aggregates (paragraph 12).

Mineral planning authorities should carefully consider how best to maintain an adequate supply of minerals, in line with the principles of sustainable development, and should encourage efficient use of materials.

Mineral planning authorities should take account of the need for environmental protection, such as impact of operations on character of the area, amenity, environment and human health, and should ensure that high quality restoration and aftercare takes place, and that land is reclaimed for beneficial use at the earliest opportunity

Planning for brick clay should take account of the needs of industry, including the need to provide a stock of permitted reserves to support investment in plant, need to stockpile material for future use, and need for a variety of clays at each works. Permitted reserves should be sufficient to provide for 25 years of production.

**MPG2: Applications, Permissions and Conditions** advises that mineral restoration schemes should set out the time when restoration is to commence, and the timescales over which restoration and aftercare will take place. It also confirms that the importation

of waste for reclamation purposes will require a licence from the Environment Agency, to ensure that there will be no unacceptable risk to the environment or harm to human health (Annex C, paragraph C31). Conditions attached to planning permissions are expected to address issues such as amenity, access, general landscaping and overall reclamation.

**MPG7: Reclamation of Mineral Workings** advises that mineral workings can be suitable for landfilling controlled wastes, to create new landscapes. Restoration should take into account the joint impact of extraction and landfill. Key objectives should be to minimise adverse impacts and exploit opportunities for positive contributions that a reclaimed site can make to the landscape. The intended final landform, should be designed at the outset.

### **Consultations**

**Strategic Policy.** The proposal complies with national, regional and UDP policy and we have no objections.

The principle of the restoration of Highfields South by landfill has already been established through the existing minerals permission, and this is acknowledged in the UDP. With regard to planning policy, the key issues are therefore whether the proposals would restore the site within an appropriate timescale and contribute towards regional and local waste management requirements, in line with UDP Policies M4 and WM2, and whether the proposal is likely to give rise to environmental or amenity problems that cannot be satisfactorily controlled, as required by UDP Policies ENV10, JP8, WM1 and WM2.

The evidence provided with the application suggests that sufficient materials would be available to restore the site within the timescale required by the extant permission. Although monitoring indicates that the West Midlands region has sufficient landfill capacity to meet its requirements up to 2021, at the present time, there are only a few permitted landfill sites available within the Black Country. The only large-scale facility in Walsall, at Vigo-Utopia, is now nearing the end of its life. In national policy guidance (Waste Strategy 2000, PPS10), the disposal of waste to landfill is considered to be the least preferred option for managing waste. However, it is acknowledged that not all wastes can be re-used, recovered, recycled or composted, and that there will always be a demand for landfill sites for the disposal of waste that cannot be managed in any other way. PPS10 therefore requires waste planning authorities to make adequate provision for waste disposal. The bringing forward of this new facility now is justified, in order to maintain a local landfill facility in the short- to medium-term, in line with RSS Policy WD2 and UDP Policy WM1.

PPS10 advises that when considering proposals for waste management, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes that are a matter for pollution control authorities. However, impacts on the Green Belt and on local amenity are matters for legitimate concern. In this case, we understand that a waste permit has already been issued by the Environment Agency.

With regard to impact on the Green Belt, we do not consider that the landfill operations would have a materially worse impact than the current quarrying activities. Indeed,



unless the void is filled, the site cannot be fully restored to a condition that would enable it to contribute towards Green Belt objectives, in line with the requirements of PPG2.

Colleagues in Pollution Control have indicated that the measures proposed to control dust, noise and smell are adequate, and that the proposal is unlikely to give rise to local amenity problems that cannot be adequately controlled. We also note that the application includes provision for landfill gas collection (presumably to be used to generate energy), in line with UDP policy WM2.

**Pollution Control Division:** Support approval of the application on the basis that the best practical controls can be achieved through Site Permit Conditions and management best practise providing it is understood that this does not imply there will be no detrimental impact upon local amenity.

Consideration of the details submitted with the application showed that proposals for dust management and control were reasonable and likely to be satisfactory. Additional noise assessment details submitted have demonstrated that predicted noise emissions attributable to typical site operations enable the applicant to comply with the 55dBA limitation set by Condition 20 of Planning permission BC48719P. The cumulative noise levels with landfill operations would not show a significant increase in objectively measured noise levels at assessment points outside the site boundary. Restricting the rate of fill to a smaller annual rate with a prolonged period of restoration is unlikely to make a significant difference.

Odour concerns arising from some of the gas management and dispersion modelling issues, which influence assessment of the potential for odour to impact upon local amenity, may be capable of resolution with the applicants. However matters relating to day to day working practice remain an area of some concern. "Management Procedure" utilised to direct on site activity associated with the handling of wastes normally fall to be regulated by the Environment Agency. The applicant has indicated that they are willing to accept conditions requiring them to agree odour and fly control procedures with the Planning Authority and to meet Walsall Council representatives on a regular basis to review the effectiveness of such procedures. This course of action would enable the authority to retain some measure of control over situations likely to create "nuisance" to local residents.

There have been some instances when odour from "fresh waste" has been detectable outside the site boundary at Vigo - Utopia although domestic waste (directly from collection rounds) is not included in the list of waste types allowed for direct delivery to the site. It is reasonable to take the view that a similar situation may arise at Highfields South although sensitive land uses are not in such close proximity to the site boundary.

The applicant has provided a detailed description of the engineering design of the land form which adds weight to the claims by the applicant that improved levels of control of odour from landfill gas can be achieved when compared to the situation at Vigo - Utopia.

Odours will remain to be controlled by speedy laying of adequate cover onto the waste throughout the working day. In view of this there will inevitably be occasions when odour will be detectable outside the site boundary.

In general, subject to Enviro's advising that the additional information provided by MJCA has addressed their concerns, the proposals and controls put forward by the applicant coupled with the offer to accept conditions allowing the effectiveness of these to be reviewed and modified as appropriate provide reasonable assurance that activities can be managed so as to minimise impact upon the local amenity and environment.

**Transportation.** There are no Transportation objections to the proposal.

Planning permission was granted, after appeal in August 1999, to create an access to the quarry direct from the Walsall Road - A461. This has now been constructed, at the applicant's expense, and is much safer than the previous legal access to the quarry from Boatmans Lane.

The Council, in its role as Highway Authority, supported the proposed new access, primarily to accommodate the future traffic generated during the restoration process, rather than that associated with the extraction of the remaining clay reserves. Council officers worked with the applicants on the design of the proposed access to minimise any disruption to the A461, by the creation of a ghosted right turn, and to ensure that the capacity of the access junction could accommodate the predicted traffic generated by the restoration proposals.

A Transportation Assessment has been submitted in support of these proposals, which are to restore the quarry by the importation of 2.1 million cubic metres of non-hazardous waste. The restoration process is estimated to last for approximately 8 years and it is anticipated around 300,000 tonnes of waste will be imported each year, comprising 100,000 tonnes of municipal solid waste and 200,000 tonnes of commercial waste. The Transportation Assessment predicts that this will generate 24 - two way trips per hour during the working day of 11 hours per day.

Extraction of some of the remaining clay will cause an additional 4 two way trips per hour. In total, the waste import and clay export operations are predicted to generate 28 two way trips per hour (14 lorries in and 14 out). Staff working at the site will add to the generated traffic but this will be minimal.

The Transportation Assessment assumes that vehicles will arrive at the site at a uniform rate per hour each hour during the 11 hour working day and has assessed the impact of this on the highway network during the peak hours. As the origin of the waste import trips has not been established, four possible options have been assessed. These range from all vehicles travelling from / to Walsall (turning right into and left out of the site - worst case) and all vehicles travelling from / to Brownhills (turning left into / right out of the site - least case). These assessments conclude that the impact on the highway network during the peak hours will not be significant, even in the worst case scenario. The assessments have also considered the situation in 2013, using traffic growth estimates and again concluded that the proposals will not significantly impact on the highway network.

However, the assumption in the Transportation Assessment that traffic will arrive at the quarry at a uniform rate each hour every hour is un-representative and unrealistic. However, given the nature of the operations, there will be less trips in the peak hours and more in the off-peak. Consequently, there will be a greater demand to use the site access outside the peak hours but there will be a

compensatory reduction in opposing traffic on the A461 and, in my opinion, the junction will operate satisfactorily.

The rate of restoration is faster than anticipated in 1998 when the access junction was designed. Although this will lead to an increase in daily traffic generated, the site access junction should be able to accommodate the additional traffic. There is the added benefit that increasing the rate of restoration will mean that the process is completed sooner, removing this traffic from the network earlier as general traffic on the network grows.

**English Nature:** The EIA considers the possible impact on nearby SSSIs and confirms that this is likely to be minimal. However the close proximity of such sites means that strict site management controls over potential windblown litter and vermin species such as herring gulls, rats and carrion crows will be needed to prevent damage to sensitive and protected species. The EIA considers the implications of the development for water quality on the various watercourses in the vicinity. Appropriate water management systems should be installed to prevent any incident of pollution of SSSIs. The EIA identifies a number of protected species associated with the site notably water vole great crested newts, and traces of the common otter. The site is associated also with breeding birds such as skylarks and has revealed the existence of kingfishers. Some of these species receive special protection. Mitigation measures are put in to the application and these should be monitored. *English Nature welcomes the overall restoration concept.*

**British Waterways:** No objection.

**Environment Agency:** No objection in principle. It should be noted that at this site it is unlikely that groundwater provides an important contribution to surface water flows. The proposed landfill will require an IPPC Permit. Technical issues relating to the stability risk assessment, hydrogeological risk assessment, and landfill gas risk assessment are incorporated and can be addressed by the Environment Agency. Certain matters of detail relating to Leachate Management, Surface Water Management, and Landfill Gas in the submission need to be addressed. The application did not contain adequate information on leachate disposal, and the location of the leachate treatment plant in the south east corner which is a sensitive area. For discharge of surface water one of the surface water collection sumps is shown as being in a tipping area and should be removed from the plan. Detailed consideration of landfill gas issues by the Council's owned independent expert consultants should be taken account of.

**Regeneration - Natural Environment:** Generally the nature conservation approach is satisfactory. Greater nature conservation value could be achieved by alterations to the water balancing lagoon at the western end of the site and for the introduction of other aquatic plant species. The landfilled area on restoration could also provide greater structural and ecological diversity.

## **Representations**

Six letters of representation have been received in response to consultation. All of these express conditional support for the restoration of the quarry. Five of these letters contain expressions of concern as to potential impact from the landfill including potential hazards from the type of wastes proposed, odours, gas generation and control. One letter objects outright to the proposed amendments for the quarry.

A petition with 231 signatures has been deposited. The petition objects to the proposed changes to the site via this application raising concerns about smell, vermin, health, volume of traffic noise and pollution.

All letters of representation are available for inspection upon publication of this committee report.

### **Key issues raised by the appeal**

- ? Would the tipping secure appropriate restoration, within a reasonable timescale and optimise the use of this valuable landfill facility
- ? Are the types of waste and the method of tipping proposed environmentally acceptable.

### **Observations**

#### **Would the tipping secure appropriate restoration within a reasonable timescale and optimise the use of this valuable landfill facility.**

Council policy seeks restoration at the earliest opportunity to remove the impact that this major site has on the amenity of the green belt. Whilst such voids are environmentally disruptive they are valuable as tipping space which should be used effectively. The applicant has indicated in this case, sufficient waste would be available annually to enable the site to be restored within the period required in the extant permission. However, it should be noted that there is potentially a tension between the need to restore sites at the earliest opportunity, and current/ emerging national waste policy, which is to reduce dependence on landfill as a means of managing waste. Waste disposal facilities are increasingly being seen as a last resort for the disposal of residual waste that cannot be managed in any other way. The site is also likely to take longer to restore if there are restrictions on the types of waste that can be deposited.

The proposal has taken into account the joint impact of extraction and landfilling, in line with the advice in MPG7. The proposed reduction in the total area of clay extraction at the western end of the quarry to give a greater buffer distance from the houses on Woodbridge Close (resulting in the loss of approximately 500,000 tonnes of permitted clay reserves) is considered to be justified in order to better protect residential amenity compared to the approved scheme and in line with the aims of UDP Policies GP2, ENV10 and policy JP8. The reduced void to infill would also accelerate restoration of the site. In addition this naturally overgrown area at the western end of the quarry would be safeguarded to provide a valuable link between Sites of Special Scientific Interest in the locality.

RPG 11 identifies a need to find additional landfill capacity up to 2021 and this site is identified to meet part of that forecast demand, but only for municipal waste. At the time that RPG11 was written, it was estimated that sufficient capacity existed within the Region to meet requirements for the landfilling of commercial and industrial and construction and demolition waste. The main issue facing waste planning authorities was therefore the need to identify new landfill capacity for the disposal of municipal waste in their development plans. In this case, the Walsall UDP identifies a number of active minerals sites, which will require restoration once operations cease. Paragraph

9.38 specifically refers to an extant permission at Highfields South, which includes the restoration of the site by landfill, with the types of waste to be subject to approval by the Council. In other words, the principle of restoring the site by landfill has already been established both through the existing planning permission and by the UDP.

There remains a continuing demand for new landfill facilities within the West Midlands Region. Although monitoring shows that reliance on landfill is reducing, it also suggests that at the same time, permitted landfill capacity is reducing. In March 2001, it was estimated that there was around 87.7 million cubic metres of remaining capacity in the West Midlands Region. About 17.8 million cubic metres of this was in the Black Country, including about 2.2 million cubic metres in Walsall, mostly at Vigo - Utopia. In the response to the recent consultation on the RSS Phase Two Revisions, it was estimated that at April 2006, void capacity in the Black Country had reduced to around 15.7 million cubic metres. In that response, it was also acknowledged that the Vigo - Utopia site has very little capacity remaining, and that the Highfields South proposal could contribute towards meeting future demand.

Landfilling at the adjacent Vigo - Utopia site is nearing completion with only 17 months' void space remaining. The UDP Waste Management Strategic Policy Statement (paragraph 10.6) stipulates that no further proposals for landfill will be permitted except where there is a proven local need. In this case, however, the principle of restoring the site by landfill at some stage has already been established through the existing permission, which is also referred to in the UDP.

It is considered that the applicant has demonstrated a proven local need exists for this site to be made available now, in order that it can be made ready to take over as the principal local facility for collected wastes when landfilling at Vigo - Utopia ceases. Whilst the present situation for the West Midlands Region as a whole is that there is currently adequate landfill capacity for most types of waste, it is important to recognise that new landfill sites can take a considerable amount of time to bring forward, given the necessary lead in time for site preparation.

It is considered that the applicant has shown that sufficient waste would be available annually to meet the projected rate of infill of 300,000m<sup>3</sup> per year, after the completion of landfill at the nearby Vigo - Utopia Landfill site. This is currently scheduled for completion by 31<sup>st</sup> March 2008. Therefore, in line with the UDP Strategic Policy Statement and Policy WM1, a 2008 start date for commencement of landfill at the site is considered justified.

Considered overall, the application also meets the requirements of UDP Policy WM2, provided that pollution, dust, smell, noise, and other adverse effects on the environment and adjoining uses can be satisfactorily controlled through conditions imposed upon the planning permission. It should also be noted that in practice, the operator will not be able to deposit any imported controlled wastes within the site without first obtaining a permit from the Environment Agency, which would impose other requirements aimed at controlling pollution and preventing unacceptable harm to the environment or human health.

In conclusion, it is considered that the tipping would secure restoration within a reasonable timescale, and that restoration of the site by landfill is consistent with the existing planning permission as well as being in accordance with national, regional and UDP policy.

**Are the types of waste and the method of tipping proposed environmentally acceptable.**

The Environment Agency has indicated that it has no objection in principle and is satisfied that matters of potential ground and ground/surface water pollution have been addressed. The proposal to operate the site as a 'non - hazardous' facility is to be welcomed. The inclusion of domestic waste and other municipal waste for disposal at this site raises the potential for an adverse impact from landfill gas and odour generation on houses in Woodbridge Close and the Barons Court Hotel. This requires careful and rigorous assessment

All the letters from local residents express support for the restoration of the quarry.

The recent appeal decision at the nearby Vigo - Utopia landfill site refused permission for domestic waste due to the potential adverse impact on nearby housing. Residents at Woodbridge Close already experience odour impacts from the Vigo - Utopia site. This has occasionally arisen due to weather conditions and the topography of the area with Vigo - Utopia set at a higher level than the houses.

In this case, the applicants assert that with fewer houses at a greater distance from the void there will be a reduced risk of malodour. At Vigo-Utopia there are houses within 35 metres of the landfill but at Highfields, due to the reduced quarry site there would be no houses within 100m of the landfill void. The applicants also point out that the prevailing wind is away from the nearest properties at Woodbridge Close, whilst at Vigo-Utopia the prevailing wind is towards the adjacent properties.

The two sites are engineered differently with the opportunity at Highfields to incorporate intermediate benches in the quarry face to allow improved access to phased tipping levels, allowing exposed wastes to be covered with material to reduce nuisance risk. Improved early installation of landfill gas collection will further remove malodour nuisance experienced at Vigo. Site management techniques are proposed to form part of an agreed odour control plan.

The Environmental Impact Assessment with the application considers the implications for gas and odour generation and independent expert consultants (Enviros) carried out detailed technical reviews of the information and modelling of gas generation on behalf of the Council.

The site design and operational measures proposed to handle the domestic waste and other municipal waste for disposal at Highfields South Quarry would mitigate the potential adverse impact from odour generation on the occupants of houses on Woodbridge Close and the Barons Court Hotel. The Council's consultants have critically assessed the applicants proposed malodour controls. It must be recognised that the nature of waste disposal will result in some malodour impact at times, but effective and responsive site management should be able to address such occurrences under the proposed odour monitoring action plan.

If the site was to be only infilled with inert waste, the infill period would probably not be completed within the 15 year time period set by the 1997 planning permission. Most inert waste is in fact the waste residues that are left following recovery and treatment. Construction and demolition waste, which used to account for the majority of inert

waste, is increasingly being recycled rather than being sent to landfill. There is a regional shortage of inert waste and sites elsewhere in the region which are dependant on inert waste are experiencing delays in achieving restoration timescales.

Pollution Control advise that noise levels arising from site operations should not exceed levels already experienced at residential property because existing 'ambient' or 'environmental' noise levels in the vicinity of houses on Woodbridge Close already exceed 55dBA - the levels that landfilling would create. This is mostly attributable to traffic on the A461 Lichfield Road. The probability is that residents could experience an adverse reaction to the slightly increased noise levels caused by landfill operations cumulatively with the existing ambient noise levels.

The overall quality of the restoration is acceptable and the potential for nature conservation could be enhanced through further discussions with the appellants. English Nature (now Natural England) have confirmed their overall satisfaction with the restoration concept.

The proposed amended details relating to slope stability, drainage, site preparation, phasing of infill and final restoration contours (i.e. Conditions 27, 42, 43, 48 and 50 of permission BC48719P) are considered to be satisfactory. They would help in meeting the overall aim of securing appropriate restoration, within a reasonable timescale and the optimum use of this valuable landfill facility, in an environmentally acceptable manner.

### **Other matters**

The petition of objection requests that there is no change to the site as proposed in this application. The proposals do bring significant benefits; indeed, the area of quarrying would be reduced. The conditions approved for the site in 1997 allow for quarry working closer to houses on Woodbridge Close. This stems from the extent of mineral working permitted in 1978. Any attempt by the Council to enforce a reduction in the extent of the permitted working would leave a liability for a compensation claim. The applicant's offer of a reduction in the extent of working and the abrogation of some 500,000 tonnes of workable mineral should be considered as a valuable offer that actually brings a better quality of environment than would be achieved by existing approvals.

The likelihood of both the Vigo-Utopia and Highfields site receiving wastes at the same time is now greatly reduced. As Vigo -Utopia is now substantially filled, and due to the relatively tight timescales in operational terms, preparation works are expected to commence as soon as possible at Highfields so the site will be ready to operate as a replacement facility.

Whilst detailed concerns have been expressed about the overall quality of the restoration, the expression from English Nature (now Natural England) of overall satisfaction with the restoration concept means that no major changes are necessary.

The proposed amended details relating to slope stability, drainage, site preparation, phasing of infill and final restoration contours (i.e. Conditions 27, 42, 43, 48 and 50 of permission BC48719P) are considered to be satisfactory. They would help in meeting the overall aim of securing appropriate restoration, within a reasonable timescale and the optimum use of this valuable landfill facility, in an environmentally acceptable manner.

## **Conclusion**

This proposal represents an important regenerative opportunity. The only way that this quarry can be brought into a viable and beneficial after use is by infilling the void remaining after mineral extraction.

The 1997 permission requires that the site should be filled in to remove the dereliction caused by mineral working. The proposed waste stream should ensure completion of restoration at the earliest possible time.

The Environment Agency have issued a permit to landfill which confirms that they are able to control potential nuisance from tipping operations. Potential impacts can be reduced to levels which would not be unreasonable for the local community to accommodate in order to secure the removal of this major area of dereliction which lies on their doorstep.

The proposal would provide a valuable landfill facility for locally arising wastes and secure early restoration of the site to a beneficial afteruse, without undue environmental impact.

Consequently it is considered that subject to conditions to control the environmental impacts arising from the operation the Council should offer no objection to the proposal and advise the Planning Inspectorate accordingly.

## **Conditions which the Planning Inspector is requested to impose on the permission**

1. The deposit of waste material at the site shall not continue concurrently with the deposit of waste at the neighbouring Vigo Utopia site for a period exceeding six months, unless otherwise previously approved in writing by the Mineral Planning Authority.

Reason: To prevent any risk of an unacceptable level of adverse environmental impact, on sensitive residential property in the area arising from the cumulative impact of simultaneous landfill operations at both the Vigo - Utopia and the Highfields South sites.

2. This permission approves the variations to the approved plans under the requirements of Condition 1 of Planning Permission BC48719P.

Reason: To define the details for carrying out the operations permitted under 04/2276/WA/M1 within the terms permitted by BC48719P.

3. This permission approves a variation to the approved period for mineral extraction under Condition 2 of Planning Permission BC28719P for a period of three years from the date of this decision and all mineral extraction shall be carried out only in accordance with the terms of this permission, unless a further extension to the period is approved in writing by the Mineral Planning Authority.

Reason: To define the period for mineral extraction to assist in securing completion of restoration within the timescales of this permission.

4. Subject to the requirements of Condition 1 above, implementation of this permission shall only be in accordance with the time period limitation specified by Condition 4 of



Planning Permission BC48719P such that the deposit of the types of controlled waste permitted pursuant to Condition 5 of Planning Permission BC48719P, shall not continue after the expiry of a period of 8 years from the date of commencement of deposit of waste material.

Reason: To define the period for deposit of waste material and to secure completion of restoration within the timescales required by Planning Permission BC48719P and the restoration of the site in an environmentally acceptable manner.

5. For the purposes of Condition 5 of Planning Permission BC48719P the following types of waste are approved for importing, depositing and disposal within the site:

Any waste classified as non - hazardous, domestic and municipal solid wastes and inert wastes within the European Waste Catalogue as presently constituted in the Document referenced CONSLEG: 2000D0532 - 01/01/2002 or any successor classification and for the avoidance of any possible doubt specifically excluding;

a) Any such non - hazardous or inert waste comprised in the form of liquids, sludges or slurries.

b) Any waste that is currently or that subsequently becomes, classified as hazardous, within the European Waste Catalogue.

Reason: To define the types of waste approved for the purposes of Condition 5 of Planning permission BC48719P.

6. No use, operation or activity hereby permitted shall be carried out except in accordance with the terms of and hours of operation specified by Condition 8 of Planning Permission BC48719P.

Reason: To ensure that there is no detriment to the amenity of any nearby sensitive uses arising from the duration of operations.

7. No use, operation or activity hereby permitted shall be carried out except within the terms of Conditions 21 and 22 of Planning Permission BC48719P as amended by the terms of this permission.

Reason: To ensure that there is no adverse impact from noise on sensitive uses.

8. Mineral extraction shall not take place except in accordance with the phasing of extraction and the establishment of slope profiles that produce the maximum lateral extent and depth of the excavated and prepared void shown on Plans COR/HS/09 - 04/11779 Figure 10a and COR/HS/09 - 04/11635 Figure 10b. Such phasing shall constitute an approval to the phasing of extraction for the purposes of Conditions 26 and 27 of Planning permission BC48719P.

Reason: To ensure that mineral extraction is carried out in an orderly phased manner to achieve the final void for restoration of the site.

9. Implementation of this permission shall only be in accordance with the requirements of Condition 34 of Planning Permission BC48719P. Extracted minerals and overburden shall not be stored to levels that are higher than the rim of the quarry except for the

purposes of providing surcharge material for securing the settlement of tipped waste material to the approved final restoration contours. Such storage shall only take place such that the height of any surcharge mounds does not exceed 158 metres AOD at any time.

Reason: To minimise the potential for any adverse visual impact.

10. For the purposes of condition 39 of Planning Permission BC48719P, reference to Plan HS9a in Condition 39 is hereby substituted by reference to Plans HDA6 and COR/HS/09 - 04/11782, which shall hereafter constitute the approved restoration scheme for the site.

Reason: To define the approved restoration scheme.

11. For the purposes of condition 42 of Planning Permission BC48719P, reference to Plan HS Fig 3 in Condition 42 is hereby substituted by reference to Plan COR/HS/09 - 04/11778.

Reason: To define the consented discharge points.

12. For the purposes of condition 43 of Planning permission BC48719P, reference to Plan HS4 and 3 High Level in Condition 43 is hereby substituted by reference to Plan COR/HS/09 - 04/11778, unless any variation to this is subsequently given prior approval in writing by the Mineral planning Authority..

Reason: To define the permitted course for the diversion of the un - named Brook.

13. Before any deposit of wastes imported to the site takes place full details of the leachate management proposals and the revised siting of the treatment plant shall be submitted to and approved in writing by the local planning authority, and the approved scheme shall be implemented.

Reason: In the interests of the proper operation of the site and the amenity of residents.



