

**Application No: 19/00958/VAR Variation / Removal of Condition**

**Site:** Pound Bottom Landfill Site, Forest Road, Redlynch

**Proposal:** Application to vary conditions to revise restoration completion date in conditions 4, 5, 6, 7, 9, 11 & 12.

**Applicant:** Dr Carnell, Cleansing Service Group Limited

**Case Officer:** Katie McIntyre

**Parish:** REDLYNCH

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**1. REASON FOR COMMITTEE CONSIDERATION**

Contrary to Parish Council view

**2. DEVELOPMENT PLAN DESIGNATION**

No specific designation

**3. PRINCIPAL DEVELOPMENT PLAN POLICIES**

- DP2 General development principles
- SP6 The natural environment
  - 1 Sustainable minerals and waste development
  - 4 Protection of the designated landscape
  - 9 Restoration of Minerals and Waste Developments
  - 10 Protecting public health, safety and amenity
  - 12 Managing traffic
  - 13 High-Quality design of minerals and waste development

**4. SUPPLEMENTARY PLANNING GUIDANCE**

Not applicable

**5. NATIONAL PLANNING POLICY FRAMEWORK**

Sec 15 - Conserving and enhancing the natural environment

**6. MEMBER COMMENTS**

None received

**7. PARISH COUNCIL COMMENTS**

Godshill Parish Council: Godshill Parish Council recommend refusal but would accept the decision reached by the NFNPA's Officers under their

delegated powers:

- Lack of justification
- There should have been no shortage of available materials given the plethora of construction sites across the country
- Impact of traffic movements
- Further monitoring of the site is needed
- Further noise, dust, litter, verge damage and risk to animals from the vehicle movements

(The full comments of the Parish Council are available to view on the website)

Redlynch Parish Council: Redlynch Parish Council recommends refusal:

- No justification as to why the works have not been carried out.
- A 12 month extension is not acceptable or necessary. It should be no longer than 6 months

(The full comments of the Parish Council are available to view on the website)

Downton Parish Council: Downton Parish Council strongly support the comments of Redlynch Parish Council.

## **8. CONSULTTEES**

No consultations required

## **9. REPRESENTATIONS**

9.1 One representation of objection:

- No justification as to why the restoration works have not taken place already.
- A shorter time scale should be agreed.
- A stop notice should be issued until the application is decided.

## **10. RELEVANT HISTORY**

10.1 Completion of landfill; restoration of phase 4; re-engineering works to landfill cap of cells 1 - 4; temporary retention of gas utilisation plant, leachgate storage tanks; stockpiling area; retention and enhancement of site conservation area (17/00878) granted on 27 July 2018

10.2 Breach of Condition Notice (98363) served on 07 February 2014 and complied with on 12 June 2014

10.3 importation of soils to improve the restoration of phases 1 and 2 (98363) granted on 19 June 2013

10.4 Temporary use of land for stockpiling; skip storage; site office; parking (98193) refused on 11 April 2013 and appeal allowed in part (temporary use of land for stockpiling) on 23 April 2014

- 10.5 Temporary use of land for the storage and processing of inert material (97365) refused on 20 July 2012
- 10.6 Enforcement Notice - importation of materials and engineering operations served on 02 December 2011 and appeal dismissed on 14 May 2012 and complied with on 14 May 2013
- 10.7 Importation of soils to improve restoration of phases 1 and 2 (96535) refused on 11 October 2011 and dismissed at appeal on 14 May 2012
- 10.8 Installation and operation of a landfill gas utilisation plant (92070) approved on 23 November 2007
- 10.9 Composting facility for shredded recycled and green waste (90326) approved on 6 September 2006
- 10.10 Extraction of building sand and backfilling with waste materials (90/00485) granted on 18 April 1991

## **11. ASSESSMENT**

- 11.1 Pound Bottom landfill site is a longstanding minerals and waste site in the Wiltshire area of the National Park. The site lies within the West Wellow Heaths and Commons landscape character area with a landscape component type of 'heath associated estates'. It is adjacent to several important designated nature conservation sites (SSSI, SPA, SAC, Ramsar, Wiltshire Wildlife Sites) and is accessed by B-roads across the grazed open forest. There is a small cluster of residential properties to the north-west of the site.
- 11.2 There is an extremely long and complex planning history commencing in the 1980's when sand was first extracted. This resulted in four phases of mineral working with the resultant voids being permitted for landfilling. Phases one to three have been restored and permission was granted in 2017 for a comprehensive scheme pursuant to the final restoration and closure of the landfill site. This included an updated restoration scheme in relation to phase 4. It was a requirement of this latest permission that restoration (including planting) would be completed on or before 31 December 2019. Officers have been actively monitoring the site.
- 11.3 This application seeks consent to vary the completion date of the restoration of Pound Bottom from the 31st December 2019 to the 31st December 2020. The supporting statement states the applicant has not been able to complete the site within the required time scale as working has been hampered due to the inability to perform any work with restoration materials during the wettest autumn on record. This is set out in more detail in paragraph 11.6 below.

- 11.4 Phase 4 of the restoration consists of cells 1 - 7 and cells 8-14. Set out below is a summary of outstanding works for the various cells.

Cells 8-14:

Cells 8-14 are near to completion with no further materials required to be imported to complete their restoration. Cells 8, 9, 10, 13 and 14 have been capped and clay soils have been partially placed over these areas. There is a small area of cells 11 and 12 which still need an engineered cap to be finished prior to the restoration soils being emplaced. In order to finish the capping to cells 11 and 12 it will be necessary to expose the current engineering surfaces which have been temporarily covered to protect them from the elements and lay the final sheets of plastic membrane. This will then need to be welded together to create a waterproof seal. Once this is complete the restoration soils can be placed directly on top of the plastic.

Cells 1-7:

Cells 1 - 7 require more works than cells 8-14 and it is still necessary to import 25,000cm<sup>3</sup> of material in order to suitably restore these cells. The supporting statement has stated that it has been difficult to source this inert material from the local area as the materials should have specific engineering characteristics required by the Environment Agency (clay rich soils). Since the submission of the application this material has, however, now been sourced from a single site and they are now in a position to start bringing the soil onto the site. It will be necessary for the material to be dried out in the first instance before it can be worked and put into place as per the agreed Environment Agency specifications. Once the material has been dried out, the infilling and capping works can commence.

The restoration soils will then be placed on all of the above cells, the cells will then need to be seeded in accordance with the approved Landscape and Restoration Management Plan. The agent has stated that all areas of the site where grass and heathland are to be located will be sown in the later summer / autumn and tree planting will commence from mid-October.

- 11.5 The key consideration in this case is whether the requested further 12 months is considered to be a reasonable time frame to ensure the final restoration and closure of the site and any associated impacts with an extended time period.
- 11.6 It is very unfortunate that the restoration of the site has not been able to be completed in accordance with the time scales as conditioned by consent 17/00878. The supporting statement, together with the additional information which was requested

during the course of the application, details that, due to the wet weather which was experienced from autumn onwards, it has not been possible to carry out the restoration works because of the conditions of the site and the fact that the material needs to be dry in order for it to be placed. It was evident from the Officer site visit undertaken earlier this year that the site is currently very wet, and this has not been helped by the clay soils and site topography. The applicant has attempted to complete the restoration to cells 8-14, however, they have had to abandon this on several occasions due to the weather. The process as outlined in paragraph 11.3, to allow the capping to be finished requires the existing material to be scrapped back to expose the engineering surface. The wet weather has resulted in the areas filling with water once the material has been removed and it is not possible to leave the engineering material exposed as this would put it at risk of being punctured. This would then also need to be replaced resulting in further delays. The soil is also very soft from the weather and as such the machinery required to move the soil has been sinking into the ground. Again, if the machinery were to puncture the engineering material or the final capping this would need to be removed and replaced which would result in longer delays. Delays have also occurred in relation to cells 1-7 because of the difficulty of sourcing the specific materials required by the Environment Agency in order to restore these cells. The applicant has confirmed that this material has now been sourced and as such, except for allowing time for the material to dry, this should no longer be an issue. Further, whilst it has not been possible to continue works in relation to the restoration of the site, the applicant has removed other on-site infrastructure such as the weighbridge and storage containers, and as such has continued with operations which have been possible during the wet weather. Although therefore very disappointing that the restoration works have not been completed, it is important to ensure works are completed to a high standard and in accordance with the approved restoration scheme.

- 11.7 In assessing the proposal, Officers have considered whether it would be appropriate to require those cells (8-14) which only require minimal works to be completed in a shorter period of time than the 12 months proposed. The main issue in relation to this is that the completed restoration includes the seeding and planting which can only be undertaken at certain times of the year during the planting season. In this case, the planting season would be late summer/autumn for the grass and heathland, and mid-October for the tree planting. A shorter time period would not therefore be practical to allow sufficient time for the planting to occur. Furthermore, the heavy rainfall experienced during January and February of this year has only resulted in worse ground conditions at the site delaying further works.
- 11.8 With regards to traffic movements, this application does not seek to change what has already been consented at the site. It has

always been necessary to import 25,000cm<sup>3</sup> of material in order to restore cells 1-7. The material will be brought onto the site over approximately the next two months. The routes of the vehicles would be as per the already approved traffic route requiring HGVs to access the site from the north via the A338 and the B3080, and from the south via the A31 / M27 and the B3080. It is recognised there would be some disruption from increased traffic movements whilst this is taking place, however, this would be no greater than that which would have occurred last year had the material been available to source. Once the soil has been imported, the majority of activity will be restricted to the site only. Vehicles movements in the adjacent villages would thus decrease as this would be associated with staff trips only. It is not therefore considered there would be an adverse impact regarding vehicle movements over this short temporary period.

- 11.9 To conclude, although it is disappointing that the applicant has not been able to finish the restoration in accordance with the time scales as permitted by application 17/00878, by varying the completion date of the restoration to the 31 December 2020 this will ensure that restoration is achieved to a high standard and in accordance with the approved details. Officers will continue to closely monitor the site to ensure the progress of the restoration and the next visit is due to take place in April. It is therefore recommended that permission is granted for the proposed extension of time until 31 December 2020. As an application to vary a condition under Section 73 results in a fresh planning permission, it would be necessary to reimpose the relevant planning conditions.

## 12. RECOMMENDATION

Subject to the prior completion of a deed of variation to the original section 106 agreement, the Executive Director of Strategy & Planning be authorised to grant planning permission subject to the following conditions:

- 1 The development hereby permitted shall only be carried out in complete accordance with the details shown on the submitted plans and the recommendations contained within the reports, referred to below:
  - L.01 Rev A - Restoration Concept (dated February 2018)
  - L.02 - Landscape Details (dated July 2016)
  - SUR/53-4 Issue W1 - Proposed Presettlement Levels (dated 01/2/15)
  - PHS-01 Issue F - Cells 1 to 7 Restoration Phasing Plan (dated 11/07/16)
  - PLA-01 Issue F - Application Boundary (dated 15/01/16)
  - (Contours)

- LA.01 - Site Overview (February 2016)
- PLA-02 Issue W1 - Phase 4 Cells 1-7 (dated 18/01/16)
- Cells 8-14 Restoration Phasing Plan (dated 18/06/16)
- Figure 2 - Pound Bottom Compound Layout (dated 12/10/10)
- Planning Statement (dated September 2017) which includes the following; Phase 1 Habitat Survey (dated March 2016), Restoration Design Statement (dated April 2016), Litter Management Plan and Landscape and Restoration Management Plan (dated 26 February 2018)

Reason: For the avoidance of doubt and to ensure the satisfactory restoration of the site.

- 2 Except in the event of emergencies, or unless otherwise agreed in writing by the Waste Planning Authority, the waste management operations and restoration hereby approved shall only be undertaken between the following hours: 07:00 – 17:00 Mondays to Fridays and 07:00 – 13:00 on Saturdays. There shall be no working on Sundays or recognised public holidays. In the event of emergency access occurring outside of the permitted hours the Waste Planning Authority shall be notified in writing of the time and reason for the access within 7 days.

Reason: In the interests of local amenity.

- 3 There shall be no acceptance or deposit of non-hazardous waste or asbestos waste (i.e. the landfill operation) at the site.

Reason: To secure satisfactory restoration of the site.

- 4 The restoration of cells 1 – 7 in Phase 4 shall be completed in accordance with the phasing details shown on drawing no. PHS/01 - Issue F and shall be completed on or before 31st December 2020.

Reason: To secure satisfactory restoration of the site.

- 5 The restoration of cells 8 – 14 in Phase 4 shall be completed in accordance with the phasing details shown on Cells 8-14 Restoration Phasing Plan (dated 18-06-16) on or before 31st December 2020.

Reason: To secure satisfactory restoration of the site.

- 6 The landfilling and restoration shall be completed in accordance with the pre-settlement levels shown in drawing no. SUR/53-4 - Issue W1 on or before 31st December 2020.

Reason: To secure satisfactory restoration of the site.

- 7 The restoration of the site shall be completed in accordance with drawing L.01 Rev A Restoration Concept and the details of the

Landscape and Restoration Management Plan on or before 31st December 2020.

Reason: To secure satisfactory restoration of the site.

- 8 Only inert material for use in restoration works shall be stockpiled within the area shown on drawing no. CSG/A077797/PLA/02 Rev A. Stockpiles shall not exceed the levels shown on drawing CSG/A077797/PLA/03 as referenced from the approved datum point located as show on drawing CON-01.

Reason: In the interest of public amenity and to protect the landscape of the National Park.

- 9 The use of the land shown on drawing no. CSG/A077797/PLA/02 Rev A for stockpiling shall cease and the land restored in accordance with the pre-settlement levels shown in drawing no. SUR/53-4 Issue W1 on or before 31st December 2020.

Reason: To ensure the full and satisfactory restoration of the site.

- 10 The ditch forming the boundary of the stockpiling area to the north and east adjacent to the Site of Special Scientific Interest and Special Area of Conservation shall be retained and kept clear of all tipped material.

Reason: To protect the features and designation of the SSSI and SAC.

- 11 All structures forming the site office and welfare facilities, and the site weighbridge, shall be removed from the site and the land restored in accordance with the details shown on drawing L.01 Rev A and the details of the Landscape and Restoration Management Plan on or before 31st December 2020.

Reason: To ensure the full and satisfactory restoration of the site.

- 12 The former wheel wash area shall be restored in accordance with the details shown on drawing L.01 Rev A and the details of the Landscape and Restoration Management Plan on or before 31st December 2020. See point 7 of the covering email.

Reason: To ensure the full and satisfactory restoration of the site.

- 13 Unless otherwise first agreed in writing by the Waste Planning Authority, the leachgate management shall only be carried out in accordance with the approved Leachgate Management Plan dated September 2018. A biennial review to evidence the ongoing requirement for this infrastructure shall be submitted to the Waste Planning Authority. In the absence of this, or it is concluded by the Waste Planning Authority the leachgate storage tanks can be removed from the site, this shall be the case and the land



restored within 12 weeks of that date in accordance with the details shown on drawing L.01.

Reason: To ensure the full and satisfactory restoration of the site and enable the Authority to review the ongoing requirements for leachate and landfill gas management following completion of landfilling.

- 14 Unless otherwise first agreed in writing by the Waste Planning Authority, the gas utilisation plant shall only be operated in accordance with the approved Landfill Gas Infrastructure Plan dated September 2018 in conjunction with the email from Michael Jones dated 17th September 2019. A biennial review to evidence the ongoing requirement for this infrastructure shall be submitted to the Waste Planning Authority. In the absence of this, or it is concluded by the Waste Planning Authority the gas utilisation plant can be removed from the site, this shall be the case and the land restored within 12 weeks of that date in accordance with the details shown on drawing L.01.

Reason: To ensure the full and satisfactory restoration of the site and enable the Authority to review the ongoing requirements for leachate and landfill gas management following completion of landfilling.

- 15 Unless otherwise agreed in writing by the Waste Planning Authority all restoration planting and aftercare shall be undertaken in accordance with details contained in the Landscape and Restoration Management Plan (26 February 2018) as shown on drawing L.01 Rev A. For the avoidance of doubt the aftercare period shall run for 10 years after completion of the restoration.

Reason: To secure satisfactory restoration of the site.

- 16 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To secure satisfactory restoration of the site.

- 17 Unless otherwise agreed in writing by the Waste Planning Authority the management of litter shall be undertaken in accordance with the Litter Management Plan (as detailed in Appendix H to the Planning Statement (dated September 2017)). For the avoidance of doubt within 3 months of the cessation of landfill operations all litter deposited around the site shall be removed.

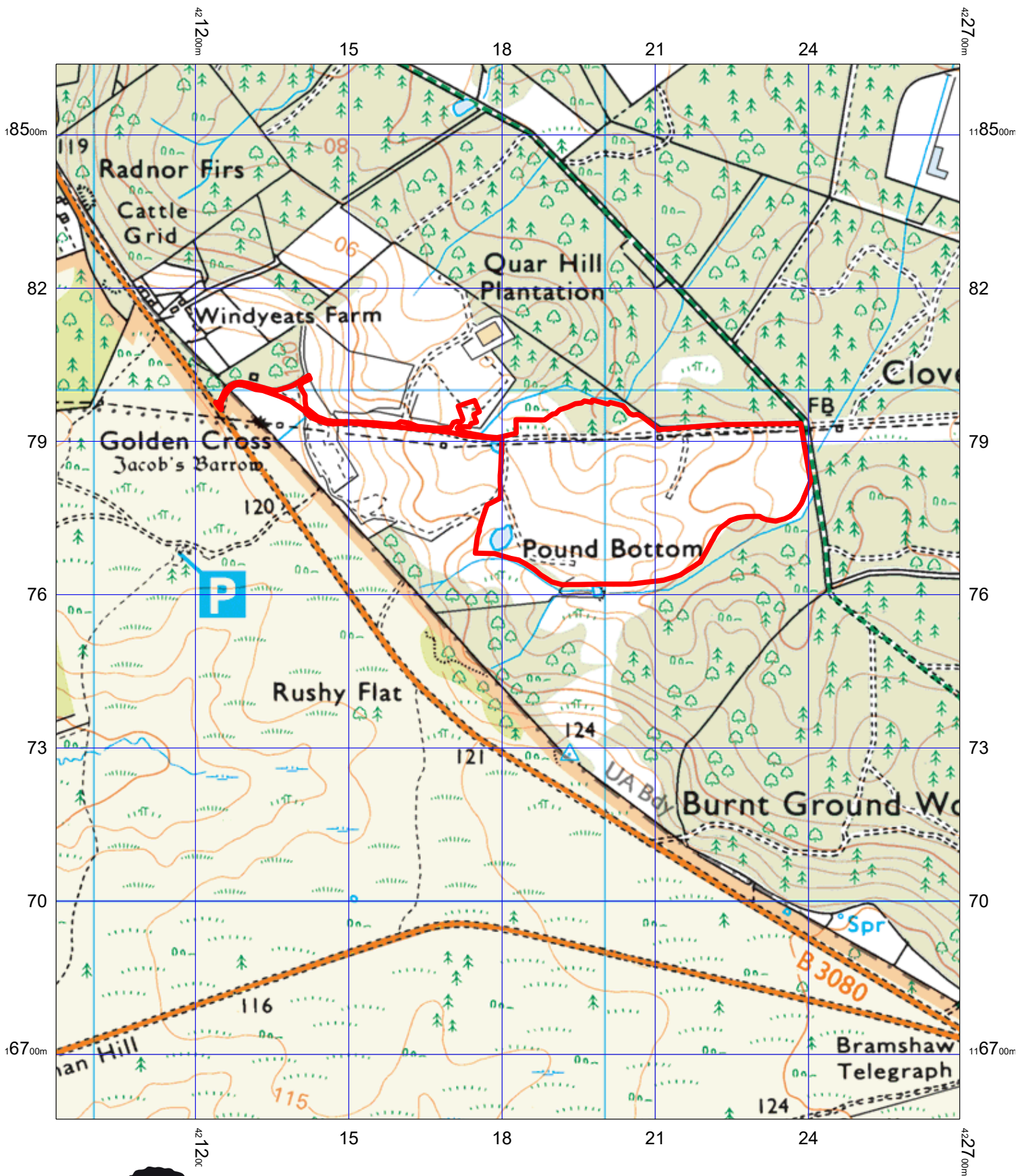
Reason: In the interests of public amenity.

- 18 Best practicable means must be used to ensure there is no noise or dust nuisance from the site. All mechanical equipment used on site shall be fitted with appropriate and effective silencers.
- Reason: In the interests of public amenity.
- 19 No external lighting shall be installed at the site without the prior written approval of the Waste Planning Authority. Details shall include measures to prevent light pollution and to protect the landscape character of the surrounding National Park landscape. Development shall be carried out in accordance with the approved details and shall be retained thereafter in accordance with those details.
- Reason: In the interests of public amenity and to protect the National Park landscape.
- 20 For the duration of the permitted waste management operations the site haul road shall be maintained so as not to result in the trafficking of mud from the site on to the public highway.
- Reason: In the interests of public amenity.
- 21 All materials, machinery, waste materials and spoil shall be stored within the site as shown edged red on Dwg. PLA-01 Issue F. All contractors working on site shall be made aware of the designation afforded to the New Forest as a SSSI/SAC and shall be provided with a map that clearly shows the defined boundary of the SSSI/SAC in relation to the development site.
- Reason: In the interests of protecting the New Forest Site of Special Scientific Interest in accordance with Policy SP6 of the New Forest National Park Local Plan 2016-2036 (August 2019).
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fixed plant or machinery, buildings, structures or erections, or private ways (other than private ways within the site of the approved restoration works) shall be erected, extended, installed or replaced at the site except those authorised by this consent, without the prior agreement in writing of the Waste Planning Authority.
- Reason: To protect the amenity and landscape of the National Park.
- 23 Commercial vehicles accessing the site shall adhere to the routing plan as shown on drawing TRA/01. All operators and drivers of commercial vehicles shall be made aware of the agreed routing plan in advance and this shall be strictly adhered to.

Reason: In the interests of local amenity.

- 24 Notwithstanding the provisions of planning permission (S/90/0485) and planning permission (APP/B9506/A/13/2206968) all working shall hereafter be undertaken in accordance with this permission.

Reason: To secure the satisfactory restoration of the site.



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