#### DELEGATED REPORT

Report considered and agreed by Team Manager, Planning Policy & Development Management

……*Sarah Iles*…………….. date …7 March 2018…………

## Report considered and agreed by Principal Planning Officer, Planning Policy & Development Management

……*JAS Patterson*……………….. date ……28 February 2018………

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| Report by: | **Director of Communities, Economy and Transport** |
| Proposal: | **Continued use of compound for the purposes of managing landfill gas, together with the installation of a leachate tank (retrospective) and for minor alterations to the layout of plant and structures within the compound (retrospective)** |
| Site Address: | **Pebsham Landfill Site, Freshfields, Bexhill Road, St. Leonards on Sea, TN38 8AY** |
| Applicant: | **Mr James Stewart-Irvine, Biffa Waste Services** |
| Application No. | **RR/801/CM** |
| Key Issues: | 1. **Need**
2. **Siting and design**
3. **Consolidation of previous permissions**
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| Contact Officer:  | **Ms Kiran Sajjan Tel. 01273 481595** |
| Local Member:   | **Councillor Charles Clark** |

**RESOLUTION OF THE DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

**Under the powers delegated to me by the Governance Committee on 30 January 2003, I resolve to approve the proposal subject to the conditions set out in the recommendation.**

# CONSIDERATION OF RELEVANT PLANNING MATTERS

## The Site and Surroundings

1.1 Pebsham Landfill site is located approximately 480 metres north of Bexhill Road (A259) between Bexhill and Hastings and access is from a spur road (Freshfields), which runs north westwards off the A259. The application site is an existing small compound (750 sq. metres in area) located to the west of the haul road, and to the north of the site offices and weighbridge.

1.2 To the north west of the application site is Pebsham Wastewater Treatment Works, to the south west is Pebsham Waste Transfer Station, beyond which is the Hastings Household Waste Recycling Site (HWRS). To the south east of the application site is the site of the former Hastings HWRS, which has a permitted use for the transfer of leachate.

1.3 Pebsham Landfill is within the strategic gap between the built up areas of Bexhill and St Leonards/Hastings and is allocated in the Rother District Local Plan and Rother Local Plan Core Strategy for use as a countryside park (known as the Combe Valley Countryside Park). The Combe Haven Site of Special Scientific Interest (SSSI) lies to the north of the landfill site. Pebsham Farm is the nearest residential property and is located approximately 350 metres to the south-west of the site.

## 2. The Proposal

2.1 Planning permission is sought for the continued use of the compound for the purposes of managing landfill gas, together with retrospective permission for the installation of a leachate tank in the north east of the existing compound to serve the northern part of the landfill, known as the ‘Northern Quadrant’ and for further minor alterations to the layout of plant and structures within the compound comprising the removal of a transformer and flare. The application also seeks to consolidate the following previously granted planning permissions:-

* RR/757/CM - Variation of Condition 2 (time limit) of planning permission RR/273/CM for the approved development involving the construction and operation of a gas utilisation plant including 8.5 metres high gas flare for the control of landfill gas and electricity generators for the conversion of landfill gas to electricity together with a single storey brick building and site enclosed by a 2.4 metres high security fence (granted 9 July 2015).
* RR/758/CM - Variation of Condition 2 (time limit) of planning permission RR/413/CM for the approved development involving the construction and operation of additional landfill gas utilisation equipment (granted 9 July 2015).

# 3. Site History

3.1 The most recent planning permissions relating to the application site are those listed in paragraph 2.1.

## 4. Consultations and Representations

4.1 Rother District Council: Raises no objections subject to the imposition of conditions requiring the leachate tank to be removed from the land on or before 31 July 2025 and also subject to the use of the tank being limited to the Pebsham Landfill site only, not to be used for imported leachate.

4.2 Hastings Borough Council: No comments received.

4.3 Local Representations: None received.

**5.** **The Development Plan and other policies of relevance to this decision are:**

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013: Policy WMP 8c (Management of Landfill Gas)

5.2 Rother Local Plan Core Strategy 2014: Policies BX1 (Overall strategy for Bexhill); HF1 (Hasting Fringes) and Policy EN3 (Design Quality)

5.3 The National Planning Policy Framework (NPPF) 2012

The NPPF constitutes guidance as a material consideration in determining planning applications. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Part 11 (Conserving and enhancing the natural environment) is relevant in this case.

5.4 The National Planning Policy for Waste (NPPW) 2014

The NPPW sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. In particular, the need to ensure that landfill sites are restored to beneficial after uses and high environmental standards at the earliest opportunity.

**6. Considerations**

**Need**

6.1 Policy WMP8c of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan states that proposals associated with the disposal of non-inert waste, will only be permitted where it is demonstrated that the development includes measures to prevent the release of landfill gas that is produced by deposited waste; where landfill gas is present in sufficient quantities it will be captured and used, as appropriate, to produce the maximum amount of useful energy in the form of heat and/or electricity. It states further that landfill gas should be managed in a manner that minimises the risk to human health and the environment and also the development should not conflict with the restoration and after-use proposed for the site. Additionally, Part 11 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by preventing existing development from contributing to unacceptable levels of soil, air, water or noise pollution.

6.2 Although the Pebsham Landfill site is now closed to general waste, it is undergoing restoration and still retains an Environmental Permit issued by the Environment Agency which imposes a number of controls for the management of landfill gas and leachate. Over time, the quantity of leachate and landfill gas produced will reduce but it is anticipated that it will continue to be produced for a significant period of time. Therefore, active leachate and landfill gas management is required on site until the permit is surrendered and management is no longer required.

6.3 Furthermore, the leachate tank subject to this application is required for the continued collection of leachate from the Northern Quadrant. The tank has been relocated to a more suitable location within the compound, away from its previous prominent location. There is considered to be a continued need for the leachate tank for the foreseeable future.

**Siting and design**

6.4 Policy EN3 of the Rother Local Plan Core Strategy requires that new development should contribute positively to the character of the site and surroundings in terms of design. Policy BX1 of the Rother Local Plan Core Strategy places emphasis on positive contribution to the Combe Valley Countryside Park.

6.5 The leachate tank was previously located within the landfill site in an exposed location. It has now been relocated to the existing compound site where it is in a less prominent location. The green colour and design of the tank blends well with the other structures within the compound. There are views of the compound from the southern part of the Combe Valley Countryside Park and close views from Freshfields. However, these are set against the background of other development within the compound. Moreover, the bund which surrounds the compound on three sides will assist to screen the tank from any wider views from the north, south and west. It is considered that there will be no adverse effect on the Combe Valley Countryside Park and therefore the proposal does not conflict with Policy BX1 of the Rother Local Plan Core Strategy.

6.6 Some minor changes have been made to the original approved site compound plans; these changes have been included with this proposal. A transformer in the southwestern corner of the compound has been removed, as has a flare in the north east of the compound. As these changes and the relocation of the leachate tank have already been carried out, this part of the proposal is retrospective and is considered to be acceptable.

**Consolidation of previous permissions**

6.7 At present, there are two active permissions (RR/757/CM and RR/758/CM) for the compound site. This planning application seeks the consolidation of both permissions to be incorporated within a single permission along with the retrospective development in this application. Therefore, one planning permission will control the use of the site, which is considered appropriate.

**7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal seeks retrospective planning permission for the location of a leachate tank in the north-east corner of the compound and also for minor changes to the layout of the compound comprising the removal of a flare and transformer. The application also includes the continuation of the use of the compound for landfill gas management and for the consolidation of permissions RR/757/CM and RR/758/CM. It is considered that the proposed retrospective works and the continued use of the compound accord with Policy WMP8c of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Policies BX1, HF1 and EN3 of the Rother Local Plan Core Strategy 2014. The proposal is also supported by the provisions of the National Planning Policy Framework and National Planning Policy for Waste.

7.3 In determining this planning application, the County Council has worked with the applicant in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.4 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

**8. Recommendation**

8.1 To grant planning permission subject to the following conditions:-

1. The structures and works hereby permitted shall by 31 July 2025, be removed and the land restored to a condition consistent with the interests of the Combe Valley Countryside Park in accordance with a scheme submitted to and approved under Condition 3 of this permission.

 Reason: A temporary permission is required as the production of landfill gas will diminish over time and to secure the proper restoration of the site in accordance with Policy WMP 8c of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Policies BX1 and HF1 of the Rother Local Plan Core Strategy 2014.

2. The development hereby permitted shall be carried out in accordance with the plans and documents listed in the Schedule of Approved Plans.

 Reason: For the avoidance of doubt and in the interests of proper planning.

3. No later than 6 months before the removal of the structures referred to in Condition 1, details of the hard and soft landscaping works required to return the land to a condition consistent with the interests of the Combe Valley Countryside Park shall be submitted to and approved in writing by the Director of Communities, Economy and Transport. The approved scheme shall thereafter be carried out in full.

 Reason: To secure the proper restoration of the site in accordance with Policies WMP 8c of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Policy BX1 of the Rother Local Plan Core Strategy 2014.

4. Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

 Reason: To protect the quality and quantity of surface water levels in accordance with Policy WMP 28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. All vehicles, plant, machinery and equipment used or operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

 Reason: In the interest of general amenity in the locality and in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. Noise emitted from the site shall not exceed 46dBLAeq(1 hour) between 0700-1900 hours and 44dBLAeq (1 hour) between 1900-2300 and 38dBLAeq (5 minutes) between 2300-0700 on any day when measured at the noise monitoring point identified in the approved Noise Monitoring Location plan (Ref: RR/413/CMA) dated 14 October 2004 under planning permission RR/413/CM, unless with the prior written agreement of the Director of Communities, Economy and Transport.

 Reason: In the interests of the amenity of the locality and in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The use of the leachate tank hereby permitted shall be limited to the Pebsham Landfill site only and shall not be used for imported leachate from elsewhere.

 Reason: In the interests of amenity and the Combe Valley Countryside Park, in accordance with Policy BX1 of the Rother Local Plan Core Strategy 2014.

Schedule of Approved Plans

P2035500 - Revised Plant Layout, P2035600 - Revised Planning Application Boundary, Revised Supporting Statement

RUPERT CLUBB

Director of Communities, Economy and Transport

8 March 2018

## BACKGROUND DOCUMENTS

Application file RR/801/CM

Planning permissions RR/757/CM and RR/758/CM

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013

Rother Local Plan Core Strategy 2014

National Planning Policy Framework (NPPF) 2012

National Planning Policy for Waste (NPPW) 2014