

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING & DEVELOPMENT CONTROL COMMITTEE**

DATE: **4TH SEPTEMBER 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **APPEAL BY BROCK PLC AGAINST THE DECISION OF FLINTSHIRE COUNTY COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF AN INTEGRATED WASTE MANAGEMENT FACILITY AT PINFOLD LANE, ALLTAMI.**

1.00 APPLICATION NUMBER

1.01 **043948**

2.00 APPLICANT

2.01 **Brock plc**

3.00 SITE

3.01 **Pinfold Lane Quarry, Alltami**

4.00 APPLICATION VALID DATE

4.01 **11/09/07**

5.00 PURPOSE OF REPORT

5.01 To inform Members of the appeal decision in respect of a full application for an integrated waste facility at Pinfold Lane Quarry, Alltami, Nr Mold following the refusal of planning permission at special planning committee. The appeal was dealt with by Public Inquiry held on the 25th – 27th June 2013 and 3rd July and was DISMISSED.

6.00 REPORT

6.01 A report was put before Special Planning Committee in September 2010 with Officer recommendation for approval which was deferred

because Members required clarification on matters relating to need and the Stoney Beach aspect of the application. A second report was put before Special Planning Committee in October 2011 with Officer recommendation for approval. Members refused the application on the grounds that *“There is no clearly identified need for the landfill element of the proposed development as the emerging Collections, Infrastructure and Markets Sector Plan calls into question the weight that should be given to the projections given in the North Wales Regional Waste Plan First Review, and so that element is contrary to Unitary Development Plan Policy EWP7.”*

- 6.02 A third report was taken to Planning Committee in April 2013 to provide Members with an update in light of changes to national policy and guidance, and to review the Council’s stance at the forthcoming inquiry. Officers recommended that if Members were still seized of the application planning permission it should be refused due to a lack of clearly identified need and because the development of the proposal site would result in the loss of a strategically located site which could otherwise be utilised for more sustainable methods of waste management, contrary to the requirements of the revised draft Technical Advice Note 21: Waste. Members supported the Officer recommendation.
- 6.03 The main issue considered at the Inquiry was whether there was a need for the 1.7 million cubic metre landfill element of the proposed development in the region/sub-region. The remaining elements of the proposal, including the Commercial and Industrial Materials Recovery Facility (MRF), Construction and Demolition MRF, and Contaminated Soils Recovery Facility were not in contention during the inquiry.
- 6.04 Since the decision was made by Members to refuse the application the Welsh Government has issued the Collections, Infrastructure and Markets Sector Plan, a draft revision of Planning Policy Wales, Chapter 12, and a draft revision to Technical Advice Note 21: Waste, both for consultation. The changes contained within these documents were the subject of much debate during the inquiry, particularly in relation to the issue of overprovision and what the level of need is across the region. The Inspector considered it appropriate to look beyond the Regional Waste Plan First Review, despite this being the policy document referred to in policy EWP 7.
- 6.05 The Inspector considered the evidence base contained within the Collections, Infrastructure and Markets Sector Plan, and an update of the modelling provided by the Council which gave estimates of when landfill is estimated to run out based upon different scenarios. The Inspector considered that estimates of landfill void running out in 2023/24 (without the adjacent consented Parry’s site being developed for landfill) and remaining void beyond 2025 (if the landfill permission at Parry’s is implemented) are realistic.

- 6.06 The Inspector also considered current rates of landfill deposition and when landfill would run out if nothing changed, i.e. if deposition rates remained the same as 2011 levels. The Inspector noted that at these deposition rates there is insufficient landfill void within the region, including Parry's, to meet the 10 year requirement identified by the current Technical Advice Note 21. However, the Inspector did not agree with the conversion rates applied by the Council and concluded that a less conservative conversion rate was more appropriate which increased the remaining void in years across the region. He also recognised apparent inaccuracies in the data sets provided by the Environment Agency Wales (now Natural Resources Wales).
- 6.07 The Inspector concluded that the implementation of the landfill planning permission at Parry's Quarry, opposite the appeal site, would enable the requirements of both the current and the emerging TAN to be complied with. However, **development of both sites would result in significant overprovision.**
- 6.08 Overprovision - harm
The Inspector also considered whether there was harm from overprovision and concluded that it would be wasteful of void, delay restoration of Parry's Quarry (if both operated at the same time) and would reduce gate fees (through competition), resulting in waste being managed lower down the waste hierarchy.
- 6.09 Economic Argument
The Inspector considered whether there was an economic requirement to co-locate the landfill and non-landfill elements of the proposal together to enable the non-landfill elements to come forward. He concluded that it is not necessary and that the non-landfill elements can be brought forward as stand alone facilities using contractual arrangements to secure disposal capacity.
- 6.10 The Inspector also considered the availability of existing consented landfill, and noted that in the event that the Parry's Quarry landfill permission is not implemented by February 2014, it is open to the operators of both Pinfold Lane Quarry and Parry's Quarry to re-submit.

7.00 CONCLUSION

- 7.01 This was an unusual application as significant time has passed since the application was originally submitted. Since then national policy has changed significantly which has supported the refusal of the application.
- 7.02 The Inspector broadly concluded that there is no need for additional landfill provision within the region at the present time given the existing planning permission at Parry's Quarry. In the event that

planning permission at Parry's Quarry lapses, should a further application for non-hazardous landfill within the County be received, the Council will need to consider whether, in light of any further changes to national policy, a need would arise.

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