

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**DATE:** **WEDNESDAY, 17 APRIL 2013**  
**REPORT BY:** **HEAD OF PLANNING**  
**SUBJECT:** **GENERAL MATTERS REPORT - INTEGRATED WASTE MANAGEMENT FACILITY AT PINFOLD LANE QUARRY, ALLTAMI.**  
**APPLICATION NUMBER:** **043948**  
**APPLICANT:** **APPEAL REFERENCE APP/A6835/A/08/2068136/WF BROCK PLC**  
**SITE:** **PINFOLD LANE AND STONY BEACH QUARRIES, ALLTAMI, FLINTSHIRE**  
**APPLICATION VALID DATE:** **DATE OF THE APPLICATION: 11/09/2007**  
**LOCAL MEMBERS:** **DATE OF THE LPAS DECISION NOTICE: 03/11/2011**  
**COUNCILLOR ELLIS**  
**TOWN/COMMUNITY COUNCIL:** **BUCKLEY**  
**REASON FOR COMMITTEE:** **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 PLANNING INQUIRY**  
**SITE VISIT:** **NO**

**1.00 SUMMARY**

- 1.01 A very long period of time has elapsed since this matter was first considered by Members, since when other factors have arisen which may be material to the Council's consideration of this matter and therefore its stance at the forthcoming inquiry. The purpose of this report is therefore to provide Members with an update in relation to the above site, including policy changes, so that Members can review and if necessary, reconsider their recommendation in light of these changes.
- 1.02 The proposal, which was refused and is the subject of an appeal, is for an integrated waste management facility comprising: a commercial

and industrial waste materials recycling facility, a construction waste recycling facility, a contaminated soils treatment facility and a non-hazardous landfill of approximately 1.6 million cubic metres capacity.

- 1.03 The proposal site comprises two quarries, Pinfold Lane Quarry and Stoneybeach Quarry which are linked by a private access road. The application site area is approximately 16.3 hectares. The quarries were both exploited for clay, shale and sandstone, which have now been worked out. Access is via Pinfold Lane, which has a traffic controlled access on to the major highway network. The site is located close to the interchange between the A494 (T) and the A55 (T) North Wales Expressway. To the east of the site is Parry's Quarry, an existing operational clay quarry with planning permission for the construction of a solid waste landfill site.
- 1.04 Since Members considered the application there have been a number of important considerations which have occurred which include the following:
- An appeal has been lodged with the Planning Inspectorate by Brock PLC against the refusal of planning permission.
  - The Welsh Government has now published its Collections, Infrastructure and Markets Sector Plan (July 2012) which provides a detailed regional breakdown of waste management needs until 2024/25;
  - The Welsh Government has published a Policy Clarification Letter, CL-01-12 Planning and Waste Interim Position;
  - The Welsh Government is in the process of reviewing Technical Advice Note 21: Waste and Planning Policy Wales and published a draft revised TAN on the 20<sup>th</sup> of March 2013.
  - Data is available for a further 2 years which demonstrates that landfill deposits have continued to decline whilst diversion at the front end (i.e. preparation for reuse, reuse, recycling and composting) have continued to increase.
- 1.05 Members will be aware that a report was taken to a Special Meeting of the Planning and Development Control Committee on the 12<sup>th</sup> of October 2011 for an Integrated Waste Management Facility at Pinfold Lane and Stoneybeach Quarries, Pinfold Lane, Alltami, Flintshire. Members resolved to refuse 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 1<sup>st</sup> Review, and so that element is contrary to Emerging Unitary Development Plan Policy EWP7."*
- 1.06 Members will note that the decision was contrary to officer recommendation, which was for approval subject to conditions and S106 agreements. The conclusion drawn by officers was that *"In relation to the landfill element of the proposal, the issue of need is*

*finely balanced. There is currently an urgent need for operational landfill within the County; however, the planning permission for landfill at the adjacent Parry's Quarry, once implemented would help address this urgent need."*

1.07 Officers have therefore reconsidered their recommendation in light of the changes to national policy and guidance and consider that, were the application to be considered again today, the application should be refused due to a lack of need for the landfill element of the proposal, contrary to both national and local policy.

**2.00 RECOMMENDATION: THAT WERE MEMBERS STILL SEIZED OF THE APPLICATION THAT THEY SHOULD RESOLVE THAT THEY WOULD HAVE REFUSED PLANNING PERMISSION FOR THE FOLLOWING REASONS**

2.01 There is no clearly identified need for the landfill element of the proposed development and so that element is contrary to adopted Flintshire Unitary Development Plan Policy EWP7.

2.02 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.

**3.00 CONSULTATIONS**

3.01 See report taken to Planning Committee on the 12<sup>th</sup> October 2011

**4.00 PUBLICITY**

4.01 See report taken to Planning Committee on the 12<sup>th</sup> October 2011

**5.00 SITE HISTORY**

5.01 Planning permission was refused for an Integrated Waste Management Facility on the site in 2011. The applicant appealed the decision and an inquiry is scheduled for June 2013.

**6.00 PLANNING POLICIES**

6.01 Collections, Infrastructure and Markets Sector Plan (2012)  
Planning Policy Wales: draft Edition 6 (2013)  
Draft Technical Advice Note 21 (2013)

Flintshire Unitary Development Plan  
STR1 - New development  
STR7 - Natural environment

STR10 - Resources  
GEN1 - General requirements for development  
GEN3 - Development outside settlement boundaries  
GEN6 - Environmental Assessment  
D1 - Design quality  
D2 - Location and layout  
D3 - Design  
WB1 - Species protection  
WB2 - Sites of international importance  
WB3 - Statutory sites of national importance  
WB4 - Local sites of wildlife and geological importance  
WB5 - Undesignated habitats, flora and fauna  
WB6 - Enhancement of nature conservation interest  
L1 - Landscape character  
AC4 - Major traffic generating developments  
AC12 - Airport safeguarding zone  
AC13 - Access and traffic impact  
EM4 – Location of other employment development  
EM7 - Bad neighbour industry  
MIN8 - Protecting mineral interests  
EWP6 - Areas of search for new waste management facilities  
EWP7 - Managing waste sustainably  
EWP8 - Control of waste development and operations  
EWP12 - Pollution  
EWP13 - Nuisance  
EWP16 - Water resources  
IMP1 - Planning conditions and obligations.

## **7.00 APPRAISAL**

- 7.01 The main purpose of this report is to provide Members with an update regarding national policy and its implications for the proposed Integrated Waste Management Facility at Pinfold Lane, in particular the issue of need, which was central to the reason for refusal. Other elements of the proposal are not revisited within this report as they have been fully considered by Members and no objection raised and no other material considerations have arisen since that time.
- 7.02 Since Members considered the application the following has occurred:
- An appeal has been lodged with the Planning Inspectorate by Brock PLC against the refusal of planning permission.
  - The Welsh Government has now published its Collections, Infrastructure and Markets Sector Plan (July 2012) which provides a detailed regional breakdown of waste management needs until 2024/25;
  - The Welsh Government has published a Policy Clarification Letter, CL-01-12 Planning and Waste Interim Position;
  - The Welsh Government has published a revised Technical Advice Note 21: Waste and Planning Policy Wales which have been published for consultation.

- The requirement for landfill is continuing to decline to such an extent that over the past few years landfill life (in years) has actually increased without any new permitted facilities.

7.03 Collections, Infrastructure and Markets Sector Plan

At the time of making the decision on the Pinfold Lane application, the draft Collections, Infrastructure and Markets Sector Plan (CIMSP) had been consulted upon. The draft CIMSP provided information at the national level and did not break infrastructure requirements down to the regional or local authority level. The document advises (page 167, first paragraph) that with most modelled scenarios (suggesting) that there will still be void space available in Wales until at least 2025. Officers did not consider there was sufficient evidence within the document to demonstrate evidence of a clear lack of need sufficient to withhold consent. However, Members took a more cautious approach and felt that this document introduced enough uncertainty with regards to the need for landfill that the application should be refused.

7.04 In response to the consultation on the draft CIMSP, the North Wales Minerals and Waste Planning Service recommended strongly that information on need should be provided below the all-Wales level (regional, sub-regional or local authority) to support decisions on waste planning applications such as the Pinfold Lane application. The Welsh Government took on board those comments within the final published CIMSP.

7.05 The Collections, Infrastructure and Markets Sector Plan was published in July 2012, and provides an updated picture of infrastructure requirements, in relation to technology choices and the best overall environmental option for specific waste materials. The Welsh Government published a Policy Clarification letter, CL-01-12 in November 2012, which provides an interim planning position whilst Planning Policy Wales (PPW) and Technical Advice Note 21: Waste are undergoing review. The Clarification letter makes it clear that the *'updated information contained in the CIMS Plan should be taken into account when making decisions on planning applications'*. This comprises an important change in circumstances.

7.06 The CIMSP provides an analysis of landfill availability in Wales, including North Wales. Landfill requirements were modelled based upon a number of different scenarios which estimated that worst case scenario landfill void runs out in 2016/17, best case scenario landfill void will last indefinitely (assuming all targets are met for all waste streams and all Incinerator Bottom Ash (IBA) is recycled). The document concluded that close attention needs to be paid to the landfill capacity situation in North Wales, although the planning permission for a new site (Parry's Quarry, which is adjacent to the Pinfold Lane site) will help this situation if the landfill is constructed and used.

- 7.07 The modelling assumed that waste arising in Wales is dealt with in Wales and is based upon surveys undertaken in 2007 (for commercial and industrial waste) and 2010 (in terms of landfill void). Updating the modelling with the 2011 landfill void lengthens the time that void will remain available for all scenarios. The document also considered the spatial distribution of landfills and concluded that North West Wales has limited capacity at two sites.
- 7.08 Officers have re-run the modelling undertaken by Welsh Government for the CIMSP using more up-to-date information on landfill void and taking into account void with planning permission at Parry's Quarry. Without Parry's Quarry, under a worst case scenario, landfill void is expected to run out in 2017/18 although if recycling and prevention targets are met and EfW is developed for municipal waste only (it is expected that some capacity will be made available to the private sector from the municipal projects, so in reality it will be somewhere between the two) void runs out in 2023/24 (not taking into account void at Parry's). With Parry's Quarry, this is extended further so that in the worst case scenario, landfill runs out in 2019, but for all other scenarios landfill remains until 2020. If recycling and prevention targets are met and EfW is developed for municipal waste, a void of over 1 million remains past 2025.
- 7.09 The implication of the reliance on 2007 data (for C&I waste) is potentially significant in relation to volumes of C&I waste requiring landfill. The Welsh Government modelling assumes that in 2011 370,000 tonnes of C&I waste arising in North Wales required landfilling, however, given the declining trend in landfill across Wales it is considered likely that this is an overestimate. Since October 2007 there has been a requirement in place to treat waste prior to sending it to landfill. There are other instruments which are aimed at reducing the volume of C&I waste to landfill, including schemes requiring producers to take responsibility for the waste they produce through requirements contained within regulations, such as the packaging waste regulations and Waste Electronic and Electrical Equipment (WEEE) regulations and voluntary agreements such as the Courtauld Commitment which includes the major supermarkets as signatories, along with a large number of other major retailers, brands and suppliers.
- 7.10 Revised Draft Technical Advice Note 21: Waste  
Technical Advice Note 21 (2001) advised that *“each region should aim, as far as is practicable, to provide facilities with sufficient capacity to manage the predicted quantity and nature of arisings from that area for at least a ten year period and preferably longer”*. No guidance is given with regards to the overprovision of facilities. However, since the report was taken to Committee in October 2011 a revised Technical Advice Note 21 has been issued. The draft revised TAN 21 takes a much more cautious approach, advising that there is a need to *“avoid the prospect of overprovision of disposal capacity so as not to*

*undermine the longer term aspirations of higher reuse and recycling and tie up land which could otherwise be used to support other sustainable uses” (Paragraph 3.7.).*

- 7.11 Overprovision of landfill could discourage alternative, more sustainable methods of waste management from being employed, contrary to the aims of national policy and also sterilises the site from being brought forward for alternative uses. The consented Pinfold Lane Quarry is a strategically located site which could be suitable for a range of different uses, including non-landfill waste management uses. The topography of the land is such that the impact of waste uses within the site would minimise the visual impact of any development. The use of the site for non-hazardous landfill would effectively sterilise this site for other sustainable uses, contrary to paragraph 3.7 of the draft revised TAN 21.
- 7.12 In order to avoid overprovision of disposal facilities the draft revised TAN identifies the level at which the void is considered sufficient and should be maintained. Paragraphs 3.16 and 3.17 both suggest a figure of 8 years, although options being considered include 6, 8 or 10 years. The precise method of calculating landfill void remains to be determined and itself is to be subject to consultation. Nevertheless, the change in policy is clear; local planning authorities should not be allowing disposal capacity where there is not clear evidence of need. Indeed, paragraph 5.5 states that *“At present, there is no identifiable need for further landfill capacity and the likelihood of such a need arising should reduce over time as the new waste prevention, recycling and other recovery activities develop in accordance with waste policy targets and actions. However, should a need for further landfill capacity arise in the future, concern can be dispelled through transparency of the planning process....”*
- 7.13 The Welsh Government, through their revision of TAN 21, is providing a mechanism by which landfill sites can be brought forward in the future should they be needed, so should the appeal be dismissed and planning permission ultimately refused, any future needs for landfill can still be addressed through the planning system.
- 7.14 Increased diversion of waste from landfill  
The report taken to Members was based upon 2009 data. Since then we have access to data for 2010 and 2011 which shows diversion rates from landfill are continuing to increase across Wales. Many Welsh local authorities are already meeting targets set by Welsh Government and the industrial and commercial sector are increasingly diverting waste in response to drivers such as the requirement to pre-treat waste.
- 7.15 The assumption that landfill requirements may remain relatively static (paragraph 7.25.24 of the Planning Committee report dated 06/10/2011) until residual waste treatment has been procured has

been demonstrated to be inaccurate. Levels of diversion at the front end from increased recycling have helped both in terms of the level of municipal waste landfilled and industrial and commercial wastes landfilled. Table 1 below shows the trend in Flintshire for a reduction in landfilling since 2008, with the difference between municipal and total HIC landfilled indicating the reduction in non-municipal wastes being landfilled.

Table 1: Tonnes of waste landfilled which arose in Flintshire: Source EA Waste data interrogator

	2008	2009	2010	2011
Total HIC <sup>1</sup> disposed of in landfill	131,255	101,339	98,356	88,417
Municipal landfilled <sup>2</sup>	50,623	49,790	46,759	44,903
Difference	80,632	51,549	51,597	43,514

- 7.16 Volumes of municipal waste being produced are continuing to decline, though due to the sporadic nature of waste management surveys in relation to non municipal waste streams it is not possible to identify whether this trend is the same for non-municipal waste. However, it anticipated that there has been a reduction in the volume of non-municipal waste arising since 2007.
- 7.17 Operational landfills in North Wales:  
The availability of non-hazardous landfill in North Wales hasn't markedly changed since the report was taken to Committee in 2011. Llwyn Isaf in Gwynedd has now closed, however, in spite of this; landfill life in years has increased over the last 3 years as a result of reduced inputs, as shown in table 2.
- 7.18 The draft revised TAN 21 is currently consulting on a trigger at which landfill void is considered sufficient and should be maintained. The Welsh Government is currently consulting on different options as part of their revision to Technical Advice Note 21, including 6 years, 8 years and 10 years. However, what is clear is that the 10 year requirement identified within TAN 21 is no longer a minimum, but rather is likely to be a maximum, as above this level of provision there is the risk that overprovision may compromise the aims and objectives of Towards Zero Waste (TZW). It is clear from table 2 below that with Parry's, there is sufficient void with planning permission in North Wales to exceed even the maximum requirement of 10 years. Indeed, without Parry's, and with no further decrease in volumes of waste being sent to landfill there is sufficient landfill void to meet the 8 year requirement.

<sup>1</sup> Household, Industrial and Commercial (HIC)

<sup>2</sup> Note: municipal data is provided over the financial year, whilst the Total HIC data is provided over a calendar year.



7.19 The draft revised TAN does not identify how the trigger will be calculated as this may be done in different ways. For example, table 2 below calculates landfill life based upon existing inputs, which are already out of date and likely to be too high. The Welsh Government forecast requirements based upon decreasing landfill requirements for non-hazardous wastes, however, the baseline data for C&I waste is taken from a survey undertaken in 2007 and assumes all waste arising in the region is managed in the region, which is not the case. This data is out of date and likely to overestimate the volumes of waste requiring management, for the reasons set out in paragraph 07:09 above, particularly in landfill. Indeed, in relation to commercial waste, the Welsh Government predicted a 1% increase per annum for their 'no additional prevention option'. The baseline position within the Collections, Infrastructure and Markets Sector Plan is therefore not representative of what is happening 'on the ground' in North Wales and incorrectly suggests that landfill will run out in 2016/17 if no alternative treatment capacity is developed. For landfill void to be used up within 3-4 years, deposition rates would have to be 792,240<sup>3</sup> tonnes per annum (including 2012). Given that we know the volume of municipal waste being landfilled in 2012 continued to decline, there is no reason to think that the trend for a reduction in waste going to landfill has not continued in 2012, and will not continue thereafter.

Table 2: North Wales landfill deposits and landfill life (Source Environment Agency Wales)

000 tonnes	2007	2008	2009	2010	2011	2011 +Parry's
Volume of waste deposited in non-hazardous landfills in North Wales	739	690	522	487	413	As 2011
Volume of waste adjusted for density (1.2 non-haz, 1 inert)	866	813	609	562	482	As 2011
Non-hazardous void in North Wales (open gate)	6,976	5,926	5,760	5,517	5,282	5,282 + 2,200
Void	5,232	4,444	4,320	4,138	3,961	5,611

<sup>3</sup> Void available at the end of 2011 divided by 5 years gives an annual figure of 792,240 per annum

accounting for engineering and cover						
Remaining life (years)	6	5.46	7.1	7.37	8.24	11.64

## 8.00 CONCLUSION

- 8.01 Since the officer recommendation was taken to Committee on the 12<sup>th</sup> of October 2011 in relation to the Pinfold Lane application policy changes have occurred and more up to date data is available. Although the drive to divert landfill has long since been established in EU, UK and Welsh policy, there has been a degree of uncertainty as to what this means in terms of need for landfill in North Wales. Since the publication of the CIMSP and the draft revised TAN 21, it has become clear that there is a need to avoid overprovision whilst we establish what our long term needs really are likely to be. Landfill provision should be carefully considered at the regional level and only made if there is a clear evidence of need, in line with the principles of proximity and self sufficiency.
- 8.02 Landfill life (i.e. the period of time it takes to fill a void) within North Wales has increased over the past few years, not as a result of the provision of new voids, but as a result of declining landfill deposition rates. It is considered likely that this trend has continued into 2012, calling into question the need for any further landfill within the region, even without the void at Parry's Quarry being developed. As paragraph 5.5 of the draft revised TAN 21 states "*At present, there is no identifiable need for further landfill capacity.* To grant planning permission for new landfill void in North East Wales now would be contrary to national policy and guidance, resulting in the loss of a strategically located site which could be used for more sustainable waste management uses such as facilities for recycling and reprocessing. The site would also be potentially suitable for use as an 'urban quarry', the use of which the Welsh Government are promoting in paragraph 3.27 of the draft revised TAN 21 in order to divert inert waste from landfill.
- 8.03 In officer's view, were the application to be decided again today, the recommendation would be for refusal due to a lack of need for the landfill element of the proposal.
- 8.04 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the

Convention.

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