

Application to vary conditions 1,6, 20 and 22 of ROMP decision notice 3/11/0115 to amend the date when landfill operations and site restoration are to be complete, together with revised scheme for site restoration.

Variation of condition 1 of planning permission 3/2008/0710/CPO to allow for the retention of 3 portacabins for the provision of office and welfare facilities for use in connection with completion of landfill and site restoration.

Date of Meeting: 6 September 2021

Portfolio Holder: Cllr D Walsh, Planning

Lead Officer: Emma Macdonald

Executive Summary: This report considers two applications in relation to Beacon Hill Landfill Site. The first application seeks to vary conditions to amend the date when landfill operations and site restoration are to complete, together with a revised scheme for site restoration. The second applications seek to retain 3 portacabins for the provision of office and welfare facilities for use in connection with the landfill operation and site restoration.

Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application.

Budget: A decision not to allow an extension of time for Beacon Hill Landfill Site may result in the applicant appealing the decision.

Risk Assessment:

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

Other Implications:

Sustainability – although this proposal would allow for landfilling which is at the bottom of the waste hierarchy, the Waste Plan acknowledges the need for limited landfill of wastes that cannot be managed further up the waste hierarchy. Managing waste locally, in Dorset, is in accordance with the principles of self-sufficiency and proximity.

Recommendation:

That the Committee would be minded to grant planning permission 3/18/3485/DCC subject to the conditions and section 106 obligations set out in the report and recommends that the Head of Planning determines the application accordingly.

That the Committee would be minded to grant planning permission 3/18/3484/DCC subject to the conditions set out in the report and recommends that the Head of Planning determines the application accordingly.

Reason for Recommendation:

- This is an existing landfill site with remaining capacity within one remaining cell
- The landfill site requires completion to ensure a beneficial restoration scheme is implemented in a timely manner
- The completion of remaining cell would have no undue impact on the wider landscape and green belt
- A package of mitigation measures is proposed to ensure no likely significant effects on 'Habitat Sites'
- There is not considered to be any significant harm to residential amenity
- There are no material considerations which would warrant refusal of this application

Appendices:

1. Location Plan
2. Application 3/18/3484/DCC – Portacabins Site Location
3. Application 3/18/3485/DCC – Location of Cell 13, Topographical Survey
4. Final Landscape Concept Diagram

Background Papers:

Planning Application No. 3/18/3485/DCC and 3/18/3484/DCC

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Planning Committee Report

1.0 Application Number 3/18/3485/DCC & 3/18/3484/DCC

Site address - Beacon Hill Landfill Site, Wareham Road, Corfe Mullen, Dorset, BH21 3RZ

Proposal 3/18/3485/DCC - Variation of conditions 1, 6, 20 and 22 of ROMP decision notice 3/11/0115 to amend the date when landfill operations and site restoration are to be complete, together with revised scheme for site restoration

Proposal 3/18/3484/DCC - Variation of condition 1 of planning permission 3/2008/0710/CPO to allow for the retention of 3 portacabins for the provision of office and welfare facilities for use in connection with completion of landfill and site restoration

Applicant name – SUEZ Recycling and Recovery UK

Ward Members – Cllr Mike Barron and Cllr Paul Harrison

2.0 Summary of Recommendation: GRANT subject to conditions and s106 agreement

3.0 Reason for the recommendation :

- This is an existing landfill site with remaining capacity within one remaining cell
- The landfill site requires completion to ensure a beneficial restoration scheme is implemented in a timely manner
- The completion of remaining cell would have no undue impact on the wider landscape and green belt
- A package of mitigation measures is proposed to ensure no likely significant effects on 'Habitat sites'
- There is not considered to be any significant harm to residential amenity
- There are no material considerations which would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	This is an existing landfill site and the remaining capacity is safeguarded through the Waste Plan for the final disposal of waste that cannot be recycled or treated. The proposed development is generally considered to be in compliance with local and national policy.
Impact on amenity	There are no proposals to change the methods of working or previously permitted tonnage of waste to be managed. Subject to the retention and implementation of appropriate mitigation measures through existing conditions, the impacts from the proposal are considered acceptable

Biodiversity & Restoration	<p>The application site is situated in a very sensitive location for wildlife, situated adjacent to the Dorset Heaths SAC and Dorset Heathlands SPA and Ramsar. The 'Habitat Sites' adjacent to the application area are underpinned by Upton Heath SSSI.</p> <p>Extensive discussions have taken place between the applicant, Natural England and Dorset Council and subject to conditions and a s106 agreement the proposal is considered acceptable. A package of mitigation measures is proposed that will provide improvements to the restoration outcome for Beacon Hill Landfill.</p> <p>The application has been assessed under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, concluding that the works will not result in adverse effect on the integrity of the Habitats Sites, either alone or in combination.</p>
Visual amenity & landscape character	<p>The proposed changes to the development are not considered to alter the potential effects on the landscape character and visual amenity. Visual impacts will be mitigated through the implementation of the proposed restoration and aftercare scheme.</p>
Water resources & Flood Risk	<p>The impacts on water resources and flood risk are acceptable with no increased impacts than the present scenario. The proposal is considered to be in accordance with the development plan policies.</p>

5.0 Description of Site

5.1 Beacon Hill Quarry and Landfill is located approximately 5km to the north-west of Poole, to the west of Corfe Mullen. Access to the site is from the north via Wareham Road, which joins the A350 Blandford Road approximately 1km to the west of the site. The site is bounded by Wareham Road to the north, Beacon Hill Lane to the west, Upton Heath to the south and a track to the east.

5.2 The red line for the site covers an area of around 26ha, comprising a former sand and clay quarry with planning permission for the infilling and restoration of the void with non-inert waste materials including domestic, commercial and industrial waste and inert materials, at a maximum rate of 200,000 tonnes per annum.

5.3 The land is owned by Beacon Hill Brick Company, but is leased to the applicant in conjunction with the operation and restoration of the landfill site.

Naked Cross and the adjacent nursery and residential properties on the edge of Corfe Mullen are situated approximately 200m metres northeast of the site access. Further residential and commercial properties are situated on Beacon Hill Lane approximately 300 metres to the southwest.

5.4 Bridleway E37/16 runs along the northern edge of the landfill site and SE18/7 runs to the south of the site along Beacon Hill Lane, both joining Wareham Road. A further bridleway E37/46 runs along the eastern boundary of the landfill site.

5.5 The site occupies an elevated position within the South East Dorset Green Belt. Upton Heath Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar lie adjacent to the landfill site. There are also a number of other designated nature conservation areas located within a 2.5km radius of the site.

5.6 The boundaries of the site are predominantly enclosed by vegetation in the form of woodland belts, hedgerows or heathland. The site is also securely fenced to restrict access.

5.7 Ancillary to the landfill operation is a series of buildings and structures including, two surface mounted weighbridges, weighbridge office and welfare facilities, site office, ISO containers, landfill gas utilisation plant, leachate treatment plant, associated gas and leachate pipework, water management lagoons and surfaced access road.

5.8 Both the landfill gas utilisation plant and the leachate treatment plant have separate planning permissions with restoration requirements.

6.0 Description of Development

6.1 The landfill site has been developed on a containment basis in line with the Landfill Regulations. This means the landfill is divided into a number of 'cells'. To date, 12 of the 13 cells have been infilled, capped and restoration soils spread over the surface. The remaining cell has a volume of around 400,000m³ and the applicant wishes to reserve this void space with a view to commencing operation when market conditions make it viable, as other void space in the wider area diminishes.

6.2 It is my understanding that there is no suitable alternative other than to fill this final cell as it forms a low area adjacent to the completed engineered landfill cells and surface water drains into it but does not soak away.

6.3 Condition 1 of the ROMP permission requires cessation of operations and site restoration by 1 January 2019. This has not been achieved. Even if the landfilling were already to be completed, the nature of the approved restoration scheme (predominantly heathland) would take a number of years to implement. As a result, an application has been submitted to allow the approved operations to continue for a period of time. This includes both the period required for completion of landfilling and the time needed for restoration of the site.

6.4 This planning application seeks to continue the development of the site without complying with Condition 1 of ROMP permission 3/11/0115. In doing so, the planning application seeks to continue the approved landfill operations for a period of up to 10 years (i.e. up to 1 January 2029). The landfill operations would not take place throughout the extended period. This would depend on market conditions and infill rates. At full capacity (200,000 tonnes per annum) the void would be full in around 2 years. At a lower input rate, it would take longer. A period of 12 months would be required after final closure of the landfill

site to enable the last cell to be capped and restored. In view of this, the applicant is proposing that all restoration works would be completed by 31 December 2029 at the latest.

6.5 The applicant is also seeking to amend the final restoration scheme and Ecological Management Plan in terms of the habitats created to incorporate better understanding of current site conditions, as well as to allow some minor regrading works at the western edge of the site to allow the landform to better integrate into the surrounding landscape.

6.6 The final aspect of the application seeks to amend the surface water management scheme. The overall concept is proposed to remain the same but slight changes to the location and shape of the attenuation ponds, discharge arrangements and connecting ditches (swales) are proposed.

6.7 In addition, a separate planning application has been submitted for the variation of condition 1 of planning permission 3/2008/0710/CPO to allow for the retention of 3 portacabins for the provision of office and welfare facilities for use in connection with completion of landfill and site restoration.

6.8 The three portable cabin units are located within the curtilage and directly adjacent to the northern edge of the existing landfill site, to the west of the existing weighbridges. The units are located together and are accessed from the internal roadways associated with the landfill site. The cabins are well screened from views from outside the site and its curtilage by established vegetation.

6.9 As explained above, the landfill site is currently mothballed due to low levels of waste availability. During the period of mothballing, restoration and aftercare operations have continued on-site, with staff in attendance requiring the facilities provided by three portable cabin units which are the subject of this application.

6.10 The three units are single storey and provide welfare and storage facilities for staff, which are required for the effective operation and ongoing restoration of the landfill site. They contain changing, kitchen and rest facilities, as well as storage for materials and records. The existing cabin units are located together in an area close to the internal site access road.

6.11 Once the landfill activities have ceased and the site restoration is completed, the cabin units will be removed, and the area restored.

6.12 The planning applications do not seek to amend any other aspects of the operation of the site, extend the working area or introduce any new buildings or infrastructure onto the site.

7.0 Relevant Planning History

7.1 Sand and clay has been quarried and used in brick making at the Beacon Hill site for many years. Permission (3/1993/673) was granted on appeal in 1996 for sand and clay extraction on around 26 hectares with reclamation by landfilling including restoration to heathland and public open space grassland. That permission was subsequently varied in June 2002 (3/2001/1255) to increase the amount of waste that could be imported each year. Under the provisions of Section 96 of the Environment Act 1995 the planning permission was 'reviewed' in February 2014 (reference 3/11/0115). This permission set out the updated planning conditions under which the site should be operated, having regard to an Environmental Impact Assessment (EIA) that was undertaken.

7.2 Since quarrying ceased at Beacon Hill, the void was divided into 13 landfill cells, with the first 12 having been filled with waste, capped and restoration soils placed. One cell remains to be filled but the site was mothballed in 2017 due to a shortage of available waste. It is anticipated that the landfill site will re-open once market conditions allow and subject to planning permission being sought.

7.3 During the period of mothballing, restoration and aftercare operations are understood to have continued on site with the approved surface water management scheme continuing to be installed on restored areas.

7.4 Three planning applications for Beacon Hill landfill site were submitted in 2018. The first application was for a surface water attenuation and infiltration pond and was granted planning permission in April 2020 (3/2018/3399). This pond was required as part of the proposal for an amended restoration and improved surface water management scheme for the site. It is located outside the landfill planning permission boundary therefore required a separate planning permission. The infiltration pond was required as a surface water outlet route from the northern half of the Beacon Hill site regardless of the outcome of the application to extend the time for completion of the landfill site considered below.

7.5 Two further planning applications, subject of this report, seek to extend the time period for which the landfilling operations are to be completed and restored to 2029 (3/18/3485) and a retrospective application for the installation of three portacabins for the provision of office and welfare facilities at the landfill site (3/18/3484).

7.6 In 2008 planning permission (3/2008/0710/CPO) was granted to retain three portable cabin units on land adjacent to permission area 3/11/0115 for office and welfare purposes required for landfill operations. The permission was granted for a limited time period, until 31st December 2018 (or until no longer required if sooner), to match the limited time period of landfill operations under the adjacent mineral and landfill permission 3/11/0115.

7.7 On 26th June 2018 the Waste Planning Authority (WPA) responded to a formal request for a Screening Opinion in accordance with the provisions of Regulation 6 of the Environmental Impacts Assessment (EIA) Regulations. The WPA stated that in our opinion, the development proposed, subject to this report, is not EIA development under the regulations, and as such, an EIA has not been required.

8.0 List of Constraints

Ecology and Nature Conservation Designations

Dorset Heathlands SSSI and Ramsar - 520m to the north west and 880m to the north west;

Corfe Mullen Pastures SSSI - 940m to the north west;

Corfe and Barrow Hills SSSI, SAC, SPA and Ramsar - 2.3km to the north east;

Poole Harbour SSSI, SPA and Ramsar - 2.4km to the south and 2.1km to the south west;

Canford Heath SSSI, SAC, and SPA - 3.2km to the east;

Pine Springs Local Nature Reserve - 950m to the south east;

Corfe and Barrow Hills Local Nature Reserve - 2.3km to the north east;

Broadstone Heath Local Nature Reserve - 2.4km to the east; and

Hatch Pond Local Nature Reserve lies 3.1km to the south east.

Cultural Heritage Designations

There are no Scheduled Monuments (SAMs) in close proximity to the site. The following SAMs lie within 5km on the site:

- Two sections of Roman Road lies 1.8km to the north east;
- Deserted Settlement NW of Mountain Clump lies 2.1km to the north west; and
- Royal Naval Cordite Factory at Holton Heath lies 3.8km to the south west.

Landscape Designations

Whilst not specifically a landscape designation, the site is located within the South East Dorset Green Belt

The site lies 4.3km to the north of the Dorset Area of Outstanding Natural Beauty (AONB).

Rights of Way

The site is located in and adjacent to an area of Access Land designated under the Countryside and Rights of Way Act 2000 that covers the majority of Upton Heath. There are also a number of Public Rights of Way (PRoW) including bridleways and footpaths, as well informal footpaths allowing defined access routes into the Upton Heath Nature Reserve. Under the existing section 106 agreement an area at the eastern end of the restored site of not less than two hectares is ultimately to be dedicated as Public Open Space, although this is unlikely to happen until the Environmental Permit for the site is surrendered.

9.0 Consultations

The local councillors at the time of the initial consultation on this application (December 2018) were Cllr Susan Jefferies and Cllr Bill Pipe.

Following the May 2019 Dorset Council elections, the local members are Cllr Mike Barron and Cllr Paul Harrison.

Environment Agency

No objection, subject to informative

Flood Risk Management

No objection, subject to recommended condition

Natural Environment Team

The Natural Environment Team (NET) have assessed the applications under Regulation 63 of the Conservation of Habitats and Species Regulations, 2017. Following extensive discussions between Natural England, the Waste Planning Authority and the applicant the competent authority has been able to conclude the works will not result in adverse effect on the integrity of the Habitats Sites, either alone or in combination, as described in Reg 63(5) of the Conservation of Habitats and Species Regulations (amended) (EU exit), 2019. This is subject to the mitigation set out in the HRA report being secured through conditions and a legal agreement.

Natural England

Natural England have confirmed that the appropriate assessment concludes that, subject to mitigation, Dorset Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment,

and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. All the necessary mitigation measures set out within the authority's appropriate assessment must be appropriately secured in any permission given.

Highways (Transport Development Liaison)

No objection

Regional City Airports (Previously MAG/EM2)

No objection on safeguarding grounds

East Dorset District Council (Consulted prior to LGR)

No objection

Corfe Mullen Parish Council

The local community has suffered over 25 years during the site's operation from air pollution, odour, flies, vermin, gulls and corvids, noise, heavy lorries, mud on the road, flooding and blocked ditches.

The site should be restored to original levels without further delay. If waste materials are not available an appropriate soil mix should be used to restore the site within two years.

Corfe Mullen Ward – Cllr Mike Barron

Objection to the extension of operations for ten years due to toxic fumes and smells.

To allow this site to re-open for any commercial reason would completely go against the principles of the climate emergency.

Corfe Mullen Ward - Cllr Paul Harrison

Objection to the ten-year extension for the following reasons:

- 5-year extension would be adequate
- Impacts of litter, smells, flies and dust
- Impact on SSSI

Lytchett Minster & Upton Parish Council

No objection, but raised concern about the impact of lorry discard, dirt of the road and water run off at the site entrance.

Dorset Wildlife Trust

DWT support Suez's recommendation of including a condition to any further landfill permission requiring the submission of surface water management measures with each ongoing phase of restoration until the full scheme is in place.

DWT are satisfied that the comments provided in our response dated 10th April 2019 regarding the proposed grassland and hedge elements of the restoration scheme have been addressed. DWT accept the statement that costed budgets are in place for restoration and aftercare and are satisfied that a revised costed and funded restoration plan is not required.

The restoration of Cell 13 as required at the end of the existing permission represents the reinstatement of a temporary loss in habitat (mitigation); a delay in restoration will result in an extended 10-year net loss of habitat for biodiversity and thus requires compensation. As NET have outlined, this can be calculated through their Compensation Framework as part of the Dorset Biodiversity Appraisal Protocol. DWT would welcome further discussions with Suez and NET on the possibility of additional scrub clearance on DWT's Upton Heath Reserve as a positive way forward, but agree with NET's recommendation that this should

ideally be set out in a management plan to ensure clarity. DWT accept the statement clarifying the requirements under the Environmental Permitting regime and are satisfied that the aftercare timescale is anticipated to be 10 years to ensure heathland establishment, as per the framework in the submitted Ecological Restoration and Condition Monitoring Plans.

Following review of the additional supporting information relating to sedimentation, hydrology and the Habitat Regulations Assessment, it is apparent that historic issues regarding sediment deposition onto the adjacent designated heathland can for the most part be attributed to previous land-use of the site as a brickworks and mineral quarry. However, DWT note further measures are proposed to reduce the risk of sediment deposition during periods of high rainfall as a result of the current landfill operations.

DWT welcome the proposed surface water management plan outlined within the submitted sedimentation report (under section 5.2, specifically on page 20), as well as the additional mitigation proposed at discharge locations (under section 6.2), and are satisfied that these measures will further improve the current situation on the adjacent Upton Heath. DWT also support the recommendation for vegetated areas to further reduce risk.

In respect of the proposed delay to the restoration of Cell 13, DWT understand that an agreement between the applicant and the Natural Environment Team at Dorset Council has been reached to provide a financial contribution through the Dorset Biodiversity Appraisal compensation framework, to be secured through a Section 106 agreement or similar. DWT welcome this agreement, as well as further discussions regarding the proposal for the contribution to be ringfenced for the benefit of DWT's Upton Heath reserve.

Beacon Hill Brick Company

A series of concerns were made to the application to protect the interests of BHBC (the landowner). However, subject to the completion of an agreed S106 to replace the existing agreement to include all relevant site operations the objections were able to be withdrawn.

All consultee responses can be viewed in full on the website.

10.0 Representations

53 objections have been received in relation to 3/18/3485/DCC and 7 objections have been received in relation to 3/18/3484 prior to the committee. Concerns raised related to:

- Operations should have been completed without the need for an extension
- Impact on the health of residents – air pollution, smell, noise, dust
- Consideration should be given to a 2 - 5 year extension
- Site should be filled within inert waste
- Landscape impact – site should be restored as soon as possible
- Mud on roads and pavements
- Files, vermin and birds
- Litter
- Delayed heathland restoration
- Traffic movements
- Water flooding off the site
- Impact on wildlife designations adjacent to the site
- Reassurance is needed that there will be no further activity after 1st January 2029
- Impact on local businesses and amenity of residents

11.0 Relevant Policies

11.1 Applications for planning permission must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The term '*other material considerations*' is wide ranging but includes national and emerging planning policy documents.

11.2 The Development Plan

For Waste developments the relevant development plan includes the Bournemouth Christchurch, Poole and Dorset Waste Plan (adopted December 2019) and the Bournemouth, Dorset and Poole Minerals Strategy (adopted May 2014)

Bournemouth, Christchurch, Poole and Dorset Waste Plan (BCPDWP)

Policy 1 – Sustainable waste management

Policy 4 – Applications for waste management facilities not allocated in the Waste Plan

Policy 7 – Final disposal of non-hazardous waste

Policy 12 – Transport and access

Policy 13 – Amenity and quality of life

Policy 14 – Landscape and design quality

Policy 15 – Sustainable construction and operation of facilities

Policy 16 – Natural resources

Policy 17 – Flood risk

Policy 18 – Biodiversity and geological inters

Policy 19 – Historic environment

Policy 21 – South East Dorset Green Belt

Policy 23 – Restoration, aftercare and afteruse

Bournemouth, Dorset and Poole Minerals Strategy (BDPMS)

Policy RS1 – Restoration, Aftercare and Afteruse

11.3 National Planning Policy Framework (NPPF) March 2021

Section 2 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving development that accords with an up to date development plan.

Other relevant parts of the NPPF include the following:

4. Decision-making

6. Building a strong, competitive economy

13. Protecting Green Belt land

15. Conserving and enhancing the natural environment

11.4 National Planning Policy for Waste (NPPW) October 2014

Paragraph 1 – Introduction

Paragraph 5 – Identifying suitable sites and area

Paragraph 7 – Determining planning applications

Appendix B – Locational Criteria

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

14.0 Financial benefits

14.1 There are no financial benefits to the grant of this permission, other than the retention of a small number of jobs.

15.0 Well-being and Health Implications

15.1 Amenity impacts are considered within this report. Planning conditions are included to mitigate impacts of the proposed development on the local community.

16.0 Climate Implications

16.1 Granting permission for the extension of time at Beacon Hill Landfill Site will enable Dorset to manage its waste arisings in line with the principles of proximity and self-sufficiency reducing the vehicle miles associated with non-recyclable waste.

17.0 Planning Assessment

17.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the main issues raised by this application the accordence of the proposal with the development plan policy, impact on amenity, biodiversity impacts and restoration, visual amenity and impact on water resources.

Acceptability in principle

17.2 The site is an existing landfill site with capacity for the disposal of non-inert waste within one remaining cell. The application proposes to vary the provisions of planning permission 3/11/0115 such that landfilling operations are to be completed by 1st January 2029 as opposed to 1st January 2019 and the site be restored within 12 months of the completion of landfill operations with a long stop date of 31st December 2029.

17.3 In addition, the application seeks to make some minor amendments to the restoration scheme in terms of habitats to be created as well as allowing for some minor regrading works at the western edge of the site to allow the landform to better integrate into the surrounding landscape. Finally, the application seeks to amend the surface water management scheme.

17.5 Policy 1 'Sustainable waste management' of the Waste Plan requires the waste planning authority to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The policy goes on to require that waste management facilities should conform with and demonstrate how they support the delivery of the three key underlying principles of the Waste Plan.

17.6 The first principle is the 'Waste Hierarchy'. This concept is also included within the National Planning Policy for Waste (NPPW) indicating that landfill is the least desirable solution, to be used where none of the options higher up the hierarchy are appropriate. This is explored further below.

17.7 The second underlying principle of the Waste Plan is 'Self Sufficiency'. The proposal is in compliance with this principle as it will assist in enabling Bournemouth, Christchurch, Poole and Dorset to manage waste arisings locally and reduce the need for export.

17.8 The final guiding principle is 'Proximity'. The location of this facility in south east Dorset, on the edge of an urban area is such that it should be seen as being appropriately located relative to waste arisings. When considering proximity, it should also be noted that the proposal is an existing facility and the general acceptability of location was fully considered at the time of the original grant of planning permission.

17.9 Policy 7 'Final disposal of non-hazardous waste' of the Waste Plan seeks to ensure that proposals for the disposal of non-hazardous waste are considered only as a last resort, in accordance with the waste hierarchy. Proposals will not be permitted unless a series of criteria are met.

17.10 Firstly, the policy requires that waste should have already undergone treatment. I am confident that all wastes being brought into the site will have undergone treatment as required by this policy. This is a legislative requirement in the management of waste brought about by Article 6a of the Landfill Directive. This requirement is also included in the Environmental Permit for Beacon Hill landfill site, the operator has a responsibility to ensure compliance with the Environmental Permit regulated by the Environment Agency.

17.11 Criterion b requires there to be no other suitable means of recovery and criterion c requires there to be a clearly established need for the additional waste disposal which cannot be met at existing permitted waste management facilities. The latter is generally seen to apply to new disposal capacity. Beacon Hill landfill site is an existing facility and the Waste Plan recognises the continuing role of landfill, as required by the National Planning Policy for Waste, by safeguarding the permitted capacity at Beacon Hill landfill site throughout the life of the Plan period (2033). This approach was taken to ensure that landfill capacity remains available locally, allowing for self-sufficiency and the management of waste in accordance with the proximity principle.

17.12 The Waste Plan, adopted in December 2019, provides an up to date assessment of waste arisings and need for new facilities. A comparison between need and capacity demonstrated that there looks to be a significant shortfall in capacity available for managing projected arisings of non-hazardous residual waste throughout the Plan period. This is

compounded by the end of existing export contracts and the closure of landfill sites. Given the uncertainty over the re-opening of Beacon Hill landfill site, the remaining capacity was not relied upon when planning for the management of future waste. However, if planning permission were to be granted for an extension to the time of completion of this landfill site, the capacity would contribute to addressing the need for residual waste management that has been identified within the Waste Plan. In particular, the capacity could act as a replacement for the export of waste to landfill sites outside Dorset as contracts end.

17.13 Although the Waste Plan seeks to address the shortfall in residual waste capacity through the allocation of sites for recycling and treatment facilities, the Plan also accepts that there is a need for landfill capacity for the final disposal of waste that cannot be recycled or treated. This need is addressed by permitting capacity through Policy 7 and safeguarding remaining capacity (including at Beacon Hill) through policy 24 'Safeguarding waste facilities'. The specific policy provision for safeguarding remaining local landfill capacity at existing sites, including Beacon Hill landfill site, recognises the need for this facility. The Waste Plan also acknowledges that there are no obvious future new landfill sites within Dorset. No sites allocated for future quarrying through the Minerals Sites Plan are proposed to be restored via non-hazardous landfill.

17.14 Paragraph 48 of Planning Policy Guidance for waste highlights that the continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste. The guidance also acknowledges that the continued movement of waste up the waste hierarchy may mean that landfill sites take longer to reach their full capacity than originally planned, meaning an extension of time limit to planning permissions may be needed in some circumstances. This is subject to the proposal being in accordance with the Local Plan and having taken into account all material considerations.

17.15 The final part of Policy 7 requires proposals for landfill to utilise the gas produced as an energy source. Landfill Gas is currently abstracted from the capped landfill cells via an extensive network of gas wells and transferred via pipework to the landfill gas management compound where the gas is combusted at high temperature in dedicated engines to generate electricity. It is my understanding that the landfill gas management plant generates around 1.4MWh of renewable electricity into the National Grid. Upon completion of Cell 13 the existing gas extraction system would be expanded to ensure that the quantity of landfill gas collected at any one time is optimised.

17.16 Given the above, it is considered that the development is consistent, in principle, with local and national policy.

Impact on amenity

17.17 Policy 13 of the Waste Plan requires proposals for waste management facilities to demonstrate that any potential adverse impacts on amenity arising from the operation of the facility can be satisfactorily avoided or mitigated to an acceptable level. Regard should be had to sensitive receptors addressing a series of considerations.

17.18 This is an existing landfill site. The application proposes to vary the provisions of the existing planning permission to allow landfilling operations to be extended by ten years to 1st January 2029. However, the capacity remaining within the site will not result in landfilling for the duration of the proposed extended time; the void is likely to be filled in between 2 and 4 years depending on rate of filling. Restoration of the site is proposed to be complete within 12 months of the completion of landfill operations.

17.19 There are no proposals to change the methods of working or permitted tonnage of waste to be managed. The application seeks to make some minor amendments to the restoration scheme in terms of habitats to be created as well as allowing for some minor regrading works at the western edge of the site to allow the landform to better integrate into the surrounding landscape. These amendments should have no adverse impact on amenity.

17.20 The landfill site will continue to use the existing site entrance and ancillary facilities such as weighbridges, leachate and landfill gas infrastructure and site roads around the site. No additional office or welfare facilities will be needed for the continued operation of the landfill. There will be the need for the retention of three existing single-storey portable cabin units which provide essential welfare and storage facilities for landfill site staff. No objections have been received on amenity grounds regarding the retention of these facilities in conjunction with the landfill site.

17.21 Concerns have been raised from local residents with regards to the impact on amenity from the continued operation of the landfill site. Issues raised concern the health of residents in terms of air pollution, odour, noise, vermin, flies and dust and mud on the road outside the site.

17.22 The existing landfill site has operated in accordance with a series of planning conditions which act to mitigate the adverse effects of the development. The current conditions that apply to the site contained in planning permission 3/11/0115 came about as a result of an application that was made under the Review of Old Mineral Permissions (ROMP) procedure set out in the Environmental Act 1995. The application was accompanied by an Environmental Statement and assessed potential impacts on air quality, amenity, noise/vibration, dust, litter and vermin amongst other topics. As a result, a series of 22 conditions were imposed on the development. These conditions put in place measures to mitigate the potential for a range of amenity impacts and are proposed to be retained should permission be granted for an extension of time as currently proposed. The conditions include limits to working hours, dust suppression measures, control of litter, dirt and mud management and noise limits. There will be no increase in the magnitude of impacts or increased environmental risk as a result of the current proposals

17.23 The planning statement explains that at the end of each day's operations the tipping area will be covered using suitable cover material, such as inert waste. This reduces the emissions of odour, the potential for litter to be released from the site and for the site to attract flies, vermin and birds.

17.24 In addition, emission of dust and odour are controlled and mitigated through the provisions of the environmental permit for the landfill site which is monitored by the Environment Agency.

17.25 Concerns in relation to traffic movements from the landfill site have been raised by local residents. Consideration of the effects of Heavy Good Vehicles (HGV) movements were again fully assessed within the ES referred to above. The extant planning permission includes a number of conditions aimed at minimising the effects of traffic movements such as restrictions on lorry routing, maintenance of the site access, wheel cleaning and sheeting of vehicles. The s106 agreement also includes a clause to ensure that HGV entering or leaving the site do so via the section of Wareham Road to the west of the access point.

17.26 The current proposals would not increase HGV movements on permitted levels and no issues of concern have been raised by the highway's authority.

17.27 It is acknowledged that even with these measures in place there remains a risk that nearby properties may be affected by the operation of the landfill site. However, such

impacts are temporary in nature and will be short lived due to the nature of the current application and remaining capacity. Although the application allows for an extension of time for ten years, this is to allow flexibility for when the site is filled within this period.

17.28 It has been suggested by consultees that the extension of time is reduced to between 2 and 5 years. This has been considered, however the 10-year extension of time proposed allows the applicant some flexibility to engineer the Cell and fill Cell 13 when the waste is available and should avoid the need for a further extension of time. It should also be noted that the ten-year extension runs from the date the current permission expired, 1st January 2019, and not the date planning permission may be granted. The ten-year extension would therefore run to 1st January 2029, and given that we are already mid-way through 2021 and the time it will take to engineer the Cell, it is unlikely that the site will take waste until sometime in 2022 at the very earliest, leaving circa 8 years until expiry of planning permission. Once the site is engineered and begins to take waste, the remaining void could be full in around two years (assuming maximum allowable rate of importation) or longer at a lower input rate (for example four years at a rate of 100,000tpa).

17.29 Subject to the recommended retention and implementation of appropriate mitigation measures through existing conditions, I am satisfied that the impacts from the proposal are acceptable and in accordance with Policy 13 of the Waste Plan.

Water Resources and Flood Risk

17.30 Paragraph 167 of the NPPF notes that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 174 of the NPPF requires planning decisions to, wherever possible, help to improve local water quality. Policy 16 'Natural resources' of the Waste Plan seeks to ensure proposals for waste management facilities do not have an adverse impact on and/or adequately mitigate the quality and quantity of water resources. Policy 17 'Flood Risk' requires proposals for waste management facilities to result in no increased risk of flooding on the site or elsewhere and to include appropriate measures to manage surface water run-off.

17.31 The current application seeks to amend condition 22 of permission 3/11/0115 to refer to a revised Surface Water Management Plan (SWMP).

17.32 The current surface water drainage regime for the Beacon Hill site has, to date, only been partially installed. Due to site topography, installing the remaining elements of the system was unworkable and would entail unnecessary vegetation clearance. Additionally, the northern catchment was designed to discharge into the Wareham Road culvert, however permission to discharge into the culvert was not granted without a major upgrade.

17.33 As a result, a revised and improved SWMP has been prepared as part of this application. The revised SWMP proposes amended locations and sizes of attenuation and infiltration lagoons, inclusion of ditches and 'swales to assist in site attenuation, direct discharge of surface water and the requirement not to discharge surface water through the existing Wareham Road highways culvert.

17.34 The principal aims of the revised SWMP is to maintain surface and sub surface water flows to the Upton Heath SSSI, SAC, SPA and Ramsar site, located immediately to the south of and abutting the application site. Allied to this, regard was had to sediment control as this has been a particular concern during historic quarrying operations at the site with the sensitive receptor of Upton Heath SAC/SSSI downhill from the site. This issue is considered in more detail below, concluding that the revised SWMP proposals will not lead to Likely Significant Effects on the European Sites, and are likely to lead to a net positive impact.

17.35 The revised SWMP is proposed as part of this application to ensure there is no increase in downstream flood risk compared to the current consented design. The updated SWMP outlines surface water quality measures, site inspection requirements and ongoing maintenance and monitoring to be undertaken to ensure that there is no adverse impact on downstream water quality. Given the additional measures included in the updated SWMP there is considered to be an overall improvement in surface water quality discharging from the site.

17.36 Additionally, the revised SWMP takes into account climate change, with an allowance for an increase in rainfall intensity. These measures are welcomed.

17.37 Planning permission was granted in April 2020 for the construction and operation of one attenuation and infiltration pond which forms part of the SWMP for the site. This was part of the revised 2018 SWMP required as Land Drainage Consent for the discharge of clean water into the culvert was refused due to catchment concerns. This pond falls outside the quarry and landfill permission boundary and therefore required a dedicated planning permission.

17.38 Following some discussions, the Environment Agency has no outstanding objections to the proposed development subject to an informative related to environmental permitting as any significant changes to the existing practices will need to be reviewed and may require a variation to the existing permit.

17.39 Dorset Council's Flood Risk Management Team have also been consulted on this application. Initial recommendations of further ground investigations have been completed. As a result, the Flood Risk Authority has no objections to this application subject to a condition requiring the proposed works be delivered in accordance with up to date reports and drawings.

17.40 I am satisfied that the impacts on water resources and flood risk are acceptable with no increased impacts than the present scenario. The proposal is considered to be in accordance with the relevant development plan policies subject to the construction and operation of the revised SWMP in accordance with the submitted plans and documents and within agreed timescales. This is recommended to be secured through a condition. A further condition is recommended to require regular monitoring and maintenance of the surface water management system in accordance with the SWMP. This will ensure that if the surface water management measures prove insufficient to prevent uncontrolled surface water run-off, updated plans will be required for approval by the Waste Planning Authority within three months.

Biodiversity & Restoration

17.41 The application site is situated adjacent to the Dorset Heaths SAC and Dorset Heathlands SPA and Ramsar. These sites adjacent to the application area are underpinned by Upton Heath SSSI. This means that the site is situated in a very sensitive location for the natural environment.

17.42 It should be noted that SAC, SPA and Ramsar sites which were collectively known as European or Natura 2000 sites are now referred to as 'Habitats Sites' in line with National Planning Policy Framework, 2021 and to reflect the UK's exit from the European Union. National planning policy (National Planning Policy Framework 2021, para 181) states that listed or proposed Ramsar sites (those established under the Convention on Wetlands of International Importance, in Ramsar, Iran, 1971) should also receive the same protection as

Habitats Sites, as should possible SACs and potential SPAs. The term 'Habitats Sites' will be used within this section of the report as appropriate.

17.43 Applications for waste developments must comply with Policy 18 of the Waste Plan, with adverse impacts on biodiversity being avoided or mitigated to an acceptable level.

17.44 Restoration of sites that do not constitute permanent development is very important. Policy 23 of the Waste Plan seeks to ensure full provision is made for the provision of appropriate restoration and aftercare. National Planning Policy for Waste also requires landfill sites to be restored to a beneficial after use at the earliest opportunity and to high environmental standards.

17.45 The application site was originally heathland and rough pastures prior to the development of a clay pit, brickworks and landfill site. Currently, the majority of the site's landfill capacity has been utilised, and the site has been mothballed. This has led a delay in the restoration of the final permitted area of the landfill known as Cell 13. The proposal seeks to continue the previously approved landfill operations up to 1 January 2029. A period of 12 months would be then required after final closure of the landfill site to enable the last cell to be capped and restored. In view of this, the applicant is proposing that all restoration works would be completed by 31 December 2029 at the latest.

17.46 Regulation 63(1)(a) of the Conservation of Habitats and Species Regulations 2017 require the competent authority to consider whether the development would have a Likely Significant Effect on the features for which the Habitats sites were designated, either alone or in combination with other projects.

17.47 Two applications are currently being considered however Natural England and Dorset Councils Natural Environment Team have agreed that only planning application 3/18/3485/DCC has the ability to lead to likely significant effects on the Habitats Sites. There are no outstanding biodiversity related concerns related to the application for the retention of the existing portacabins (3/18/3484).

17.48 The application seeks to vary Condition 1 of permission 3/11/0115, by extending the approved landfill operations up to 1st January 2029. The Habitats Regulations Assessment has considered the variation of this condition and has concluded that the extension of landfill operations would not lead to Likely Significant Effects on the relevant 'Habitats Sites'. The reasons for this are that the SAC and SPA sites were designated when the clay pit and brickworks were already in existence and that the 'Habitats Sites' are therefore not reliant on the restored area as supporting habitat. In addition, the remaining area of Cell 13 represents less than 0.1% of the European sites. Therefore, the restoration of this small area ten years later than originally consented is extremely unlikely to affect progress in achieving the conservation objectives of the 'Habitats Sites', especially when balanced against the improved restoration across the rest of the landfill.

17.49 However, when looking beyond the requirements of the Habitats Regulations screening assessment there is the need to provide compensation for the delay to restoration of Cell 13. This has been achieved through the use of the Dorset Biodiversity Appraisal Protocol Compensation Framework. This process will secure an appropriate financial sum through a s106 agreement to be used in the creation of like for like habitat within the wider heathland network for Dorset.

17.50 The application includes an amendment to the Ecological Restoration Plan (Condition 20 of permission 3/11/0115) to incorporate better understanding of current site conditions.

17.51 The current approved restoration plan stipulates restoration to heathland across the landfill site. To date there has been limited success in achieving this scheme due to the substantial modification needed to the existing soils to become suitable for heathland restoration. As a result, the application proposed a more detailed restoration plan. The revised plan acknowledged the difficulty in restoring the site to heathland and focused on a mix of heathland and grassland, with hedged compartments. However, consultation responses from Natural England, Dorset Wildlife Trust and Dorset Council's Natural Environment Team stipulated that restoration should include a high proportion of grassland with acid grassland characteristics as well as more general mesotrophic grassland, and that hedges should reflect those in the wider landscape by being planted as wide, 'shrub belts' with soft, wavy edges and incorporation of natural colonisation by heathland scrub species such as gorse. These measures have been addressed and set out within an amended Ecological Restoration Plan, dated 17th February 2020 and if implemented would lead to the creation of a heathland/acid grassland mosaic providing supporting habitats for the adjacent European heathlands and increase the available habitat for species interest features such as Woodlark, Nightjar and Dartford Warbler. It is considered that this will result in an improvement in the restoration outcome for the site.

17.52 The Habitats Regulation Assessment considered the two main pathways of how the restoration of the site might affect the adjacent 'Habitat Sites'. The first of these being silt/sediment deposition and remobilisation of historic sediments leading to a smothering of the heathland resulting in a direct loss of habitat or indirect loss of habitat available to interest species. The revised restoration scheme is likely to lead to improvements in vegetation establishment and establishment of the landfill surface.

17.53 The second pathway is the hydrological effects arising from surface water runoff and re-emergence of water percolating through the restoration soils and material deposited historically. This has the potential to change the pH and nutrient status of the SAC/SPA heathland soils. The revised restoration plans include the importation of sandy material that will then be stabilised through established heathland vegetation and rye grass nurse crop. The pH of the surface water runoff is likely to reduce as it travels across the capping material. The HRA concludes that it is extremely unlikely that the revised restoration plans will lead to a net deterioration of the current situation with regard to pH of water flowing from the landfill site and that they are more likely to lead to a net improvement.

17.54 The long-term management of the site beyond the restoration and aftercare phase has the potential to lead to likely significant effects if not properly addressed. Lack of management during this period could result in the growth of invasive species, fire risk and general deterioration of the condition of the site. In order to address this concern, the applicant has agreed to provide additional mitigation in the form of an annual check for invasive species on the restored landfill site. Findings of the annual monitoring will be reported to the WPA together with an action plan detailing the removal of any species found, as necessary. This should continue until the surrender of the Environmental Permit and it is recommended that this be secured through the s106 agreement. Additionally, there is the need for funding in the form financial security if Suez dispose of their interest in the site to ensure the performance of the aftercare obligations.

17.55 The application also seeks to update the Surface Water Management Plan (Condition 22 of permission 3/11/0115) to improve sediment control, relocate attenuation ponds which are located in difficult to maintain areas of the site and increase use of direct discharge in acknowledgement that the infiltration opportunities are limited due to the impermeable nature of much of the sub-surface material. The principal aim of the revised SWMP is to maintain surface and sub surface water flows to Upton Heath SSSI, SAC, SPA and Ramsar site.

17.56 The HRA considered how the revised SWMP might affect the adjacent 'Habitat Sites' following two pathways. The first of these is silt/sediment deposition and remobilisation of historic sediments, leading to smothering of heathland/mire vegetation. It is considered that the relocation of the attenuation ponds and promotion of direct discharge in a more controlled manner addresses these issues. These works are set out in various reports and compliance with them with is recommended to be conditioned and, as appropriate, included within the s106 obligation.

17.57 The second pathway is hydrological effects arising from surface water run off and re-emergence of water percolating through the restoration soils and material deposited from historical activities. This has the potential to change the pH and nutrient status of SAC/SPA heathland soils, leading to direct changes in SAC vegetation and indirect loss of habitat available for species interest features of the SPA. The revised SWMP proposals have capacity to reduce the impact of these materials.

17.58 Overall, it is considered that the revised SWMP proposals will not lead to Likely Significant Effects on the 'Habitat Sites', and are likely to lead to a net positive impact. Monitoring of the hydrological impacts of the SWMP and of the Restoration Plan will be important in ensuring that the improvements are achieved. A condition requiring an annual monitoring and review meeting to be organised by the site operator is recommended to ensure that improvements to the revised SWMP are made as needed, in the unlikely event that measures prove insufficient during extreme rainfall events.

17.59 To ensure that restoration progress continues and the site is restored in a timely manner, in accordance with Policy 23, a further condition is recommended to require restoration of all areas other than cell 13 (which is still to be completed and covered by other conditions) by the end of December 2022 in accordance with approved details.

17.60 In conclusion, the application to extend the approved landfill operations to 1st January 2029, the proposed amendments to the Ecological Restoration Plan and the updated SWMP will not lead to likely significant effects on 'Habitat Sites'. The improvements and mitigation proposed are likely to lead to positive impacts and an improvement to the previously consented scheme. As a result, subject to the recommended conditions and obligations set out in the proposed s106 agreement, the application is considered to comply with Policy 18 of the Waste Plan, with adverse impacts on biodiversity mitigated to an acceptable level.

Visual Amenity/Landscape Character & Green Belt

17.61 Policy 13 of the Waste Plan requires proposals for waste facilities to demonstrate that potential adverse impacts on amenity from visual impacts can be satisfactorily avoided or mitigated to an acceptable level. Policy 23 'Restoration, aftercare and afteruse' ensures that waste management developments which do not constitute a permanent use of land include acceptable restoration and aftercare measures. Restoration should be implemented at the earliest practical opportunity, either in a phased manner or on completion of the operation.

17.62 The Environmental Statement (ES) accompanying the 1995 permission included a detailed landscape and visual impact assessment which acknowledged that the site is located within an area of high sensitivity with the potential for substantial negative landscape impacts. The site and its operation are visible to local receptors including residential properties, public rights of way, business premises and roads. Long distance views are also apparent from public open spaces and areas around Wareham. However, the assessment noted that visual impacts would be mitigated through the implementation of the proposed restoration and aftercare scheme. When considering the 1995 application, the Council's

Senior Landscape Officer confirmed that he was happy with the assessment contained in the ES and the pre and post settlement restoration levels.

17.63 The current planning application includes a landscape and visual appraisal considering the potential effects of the development. Although some changes are now proposed to the restoration these are minor in nature, from predominantly heathland to a combination of heathland and grassland. There remains a focus on nature conservation after uses and the restoration is considered compatible with the surrounding landscape character. As the proposed development comprises the continuing of landfilling with no change to the size and scale or geographic extent of development, the appraisal focused on the increased duration of activities which is considered to be proportionate to the nature of development and potential level of change.

17.64 The application site lies within the South East Dorset Green Belt. Policy 21 'South East Dorset Green Belt' of the Waste Plan allows for waste management facilities in the Green Belt only where they do not constitute inappropriate development. Restoration should be appropriate to the inclusion of the land in the Green Belt and should enhance the beneficial use of the Green Belt. The fundamental aim of preventing urban sprawl by keeping land permanently open is set out in Chapter 13 of the NPPF.

17.65 The restoration of mineral workings (which is not inappropriate in the Green Belt) through the disposal of waste is considered to be acceptable in the Green Belt. Given the nature and scale of the development and the restoration proposals there is considered to be no loss of openness to the Green Belt.

17.66 Restoration of the landfill site has already taken place to a large extent and a condition is recommended to ensure that the site is restored in accordance with the details contained in the planning statement and the updated Ecology Restoration Plan and Ecology Condition Monitoring Plan incorporating the Addendum dated 17 February 2020. The addendum includes an updated Landscape Concept Diagram.

17.67 With the exception of Cell 13, restoration work over the site shall be completed by 31 December 2022. Cell 13, which is still to be filled, will be restored within 12 months following the capping of the landfill cell and by 31 December 2029 at the latest.

17.68 The proposed changes are not considered to alter the potential effects on the landscape character and visual amenity. No objections were received to the current planning application from Dorset Council's landscape officer. Conditions are recommended to secure an appropriate restoration of the site, which will ensure compliance with the polices noted above.

Legal Agreement – Draft Heads of Terms

17.69 It is considered that a s106 obligation is required to secure those items of mitigation and compensation that cannot be adequately secured through the imposition of planning conditions alone. Such measures include:

1. The provision following surrender of the Environmental Permit of space for use by the public of not less than 2 hectares and provisions to meet the maintenance costs
2. An obligation, to ensure the management and maintenance of the Heathland within the buffer zone in accordance with approved plan until landfill restoration is agreed as established by the Waste Planning Authority in accordance with the permitted schemes
3. The provision of a financial contribution for the monitoring, management and remedial work of the Upton Heath SSSI. The financial contribution will comprise an

initial sum of £7,500 to be paid on signing of agreement, to be followed by three annual payments of £4,250 and thereafter £2,000 per annum until landfill restoration is agreed as established by the Waste Planning Authority in accordance with the permitted schemes.

4. The requirement that HGV's entering or leaving the site shall do so via the section of Wareham Road to the west of the access point
5. Financial compensation for the delay in completion of restoration obligations relating to Cell 13 calculated in accordance with the Dorset Compensation Framework. The financial compensation has been calculated as £36,286 to be paid in two instalments. Within 5 working days of issue of planning permission the first payment of £18,143 will be made. The second payment is the remaining £18,143. This would be reduced if Cell 13 is completed before expiry of planning permission 3/18/3485, using the following formula: $\text{£}36,286/15 \times \text{actual number of years to restoration, minus first payment of £18,143.}$
6. Obligation to ensure the long term management of the site, comprising an annual check for invasive species on the restored landfill until the surrender of the Environmental Permit. If any invasive plants are identified these will be removed within an approved timescale.
7. A commitment from Suez that if the company dispose of their interest before the end of the aftercare period financial security will be provided as security for the performance of the aftercare obligations until surrender of the Environmental Permit.

17.70 This legal agreement would replace a legal agreement for Beacon Hill Landfill Site, dated 16th November 1995 (as varied 14 August 1998) which requires updating.

17.71 Draft Heads of Terms are currently being considered by the Council's Solicitor. Consequently, it is recommended that Members make any approval of the application subject to the prior completion of a S106 agreement in accordance with the Heads of Terms set out above.

18.0 Conclusion

18.1 This is an existing landfill site with remaining capacity within one remaining cell. The landfill site requires completion to ensure that a beneficial restoration scheme is implemented. The completion of the remaining cell would have no undue impact on the wider landscape or green belt. There is not considered to be any significant harm to residential amenity that cannot be addressed by the recommended conditions. The surface water management scheme and restoration proposed, and the package of mitigation measures recommended within the HRA to be secured through conditions/legal agreement are considered to provide advantages over the previously consented scheme. There are no material considerations which would warrant refusal of this application.

19.0 RECOMMENDATION:

19.1 That the Waste Planning Authority resolves to grant planning permission for application reference number **3/18/3485/DCC** subject to the completion of a legal agreement in accordance with the draft Heads of Terms (as detailed above) under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager and the conditions set out below.

SCHEDULE OF CONDITIONS

1 Time limit

The development to which this permission relates shall be begun not later than the expiration of three years from the date of this permission.

Reason

This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Duration of the development permitted

Infilling of Cell 13, subject to this permission, shall cease on or before 1 January 2029. Final restoration operations in accordance with the approved restoration (Condition 20), shall be completed by 31 December 2029. Following completion of the approved restoration scheme, the site shall be the subject of aftercare for a period of at least five years and after the five years until the site achieves a favourable ecological condition in accordance with the Ecological Restoration Plan (October 2018) and addendum to the Ecological Restoration Plan (February 2020).

Reason

To provide for the completion and restoration of the site within an agreed timescale in the interest of the amenity and the environment having regard to policy 13 (Amenity and quality of life) and Policy 23 (Restoration) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

3 Notification

The operator shall notify the Waste Planning Authority in writing within one month of the date of commencement of works to enter Cell 13.

Reason:

To enable the Waste Planning Authority to control the development and monitor the site to ensure compliance with the planning permission.

4 Approved Plans and Details

Unless otherwise specified by these conditions, or otherwise agreed in writing by the Waste Planning Authority, the development shall be carried out in accordance with the Planning Statement dated November 2018. This includes:

DWG BH2/1 – Site Location Plan, October 2018

DWG BH2/2 – Site Plan, October 2018

DWG BH2/3 – Topographical Survey, October 2018

DWG BH3/1 – Proposed Modified Pre-Settlement Levels, October 2018

DWG BH3/2 – Proposed Modified Post-Settlement Levels, October 2018

DWG BH3/3 – Landscape Restoration Masterplan, September 2018

Planning Statement dated November 2018

Ecology Restoration Plan, October 2018 (Code 7 Consulting)

Ecology Condition Monitoring Plan, Code 7 Consulting October 2018 (Code 7 Consulting)

Surface Water Management Plan, September 2018 (Egniol)

Addendum to the Ecological Restoration Plan (October 2018), 17 February 2020 (Code 7 Consulting)

Assessment of Sedimentation in Upton Heath Adjacent to Beacon Hill Landfill July 2020 (SLR)

Reason:

To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission in accordance with the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

5 Levels and Limits of Working

An annual survey of levels shall be carried out and submitted to the Waste Planning Authority. Surveys shall be undertaken at intervals of not greater than every 12 months. Unless otherwise agreed in writing by the Waste Planning Authority, final pre-settlement landform and surface restoration elevations shall not exceed the finished restoration contours shown on submitted Plan Drawing Ref BH 3/1 'Proposed Modified Pre-Settlement Levels', October 2018.

Reason:

To ensure the proper restoration of the site which is within the South East Dorset Green Belt having particular regard to Policies 23 (Restoration, aftercare and after use) and Policy 13 (Amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

6 Working Programme and Phasing

Unless otherwise approved in writing by the Waste Planning Authority, infilling and restoration at the site shall be undertaken in accordance with the approved working and restoration plans (Drawings BH 3/1 to BH 3/3) and description provided in Chapter 3 of the SLR Planning Statement dated November 2018. Operations on the application site shall be carried out in accordance with the approved plans, working scheme and details and no part of the operations specified therein shall be amended or omitted without the prior written consent of the Waste Planning Authority. Within any 12 month period the volume of waste deposited at the site should not exceed 200,000 tonnes per annum without the previous approval in writing of the Mineral Planning Authority

Reason:

To ensure the site is restored within the timescales envisaged in the application in accordance with Policy 23 (Restoration, aftercare and after use) and to limit the volume of traffic in the interests of amenity, having regards to policy Policy 13 (Amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

7 Noise

- (a) All plant and machinery shall operate only in the permitted hours, specified in Condition 8 below, except in emergency, and shall be silenced at all times in accordance with the manufacturers recommendations.
- (b) Except for the temporary operations specified in paragraph c, the Equivalent Continuous Noise Level, LAeq1hr free field, at the representative noise sensitive premises adjoining the quarry shall not exceed the criterion levels at the agreed representative properties as detailed in Table 13.1 of the submitted Environmental Statement (May 2012). Any measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.
- (c) For the temporary operations of soil stripping, bund formation and restoration, the LAeq level at any noise sensitive properties shall not exceed 70dB(A), expressed in the same manner as b) above. Temporary operations which exceed the normal day to day criterion as per (b) above shall be limited to a total of 8 weeks in any 12 month period to any noise sensitive property.
- (d) Noise levels shall be monitored at 3 monthly intervals at up to 5 locations to be agreed in writing with the Waste Planning Authority. The results shall include the L90 and LAeq1hr noise levels, the prevailing weather conditions and comments on the sources of noise which are controlling the noise climate. The survey periods shall be for two 15 minute samples at each location during working periods and the results shall be kept for the duration of the extraction and restoration phases of the site and

made available to the Waste Planning Authority on request. If locations vary from the agreed criterion locations, the same acoustic modelling procedure shall be used to calculate the levels at the agreed locations.

- (e) Monitoring locations and frequency sampling may be varied by agreement in writing with the Waste Planning Authority and it is envisaged that less frequent sampling will be necessary if the results show consistent noise levels which are below or equal to the permitted maximum. The duration of the sample measurements shall be 15 minutes unless the result is within 2 LAeq of the relevant criterion agreed for the location, in which event a full 1 hour sample shall be taken.

In the event of any exceedance of noise limited being identified by either the operator or the Waste Planning Authority, the use of any offending plant or machinery shall be suspended and not re-commence until the precise cause of the problem has been established and addressed with appropriate mitigation measures first submitted to and approved by the Waste Planning Authority in writing.

Reason:

In the interests of the amenity of local residents having regard to Policy 13 (amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

8 Hours of working

Except in emergencies to maintain safe working (which shall be notified to the Waste Planning Authority as soon as practicable):

- (a) No operations, (including the transport of materials to or from the site), other than water/leachate pumping shall be carried out at the site except between 0700 and 1730 hours, Mondays to Fridays, and 0700 hours to 1300 hours on Saturdays. No operation other than essential pumping shall take place on Sundays or Bank or Public Holidays.
- (b) No operations for the formation and subsequent removal of material from environmental baffle/screening banks or bunds shall be carried out except between 0800 hours to 1700 hours, Mondays to Fridays, and 0800 to 1300 hours on Saturdays.

Reason:

To protect the amenities of local residents having regard to Policy 13 (Amenity and Quality of Life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

9 Dust Suppression Measures

The operator shall provide, implement, and maintain dust suppression measures in accordance with a scheme that has been submitted to and approved by the Waste Planning Authority in writing. Such measures shall include the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather and the sheeting of open vehicles carrying material to and from the site. Other measures discussed in Section 7.6.1 of the submitted Environmental Statement (May 2012) shall also be implemented. During adverse weather conditions, operations close to affected properties shall cease, in order to minimise the possibility of dust nuisance. The approved scheme shall be implemented for the duration of the development.

Reason:

To protect the amenities of local residents having regard to Policy 13 (Amenity and Quality of Life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

10 Litter Generation

The operator shall provide, implement and maintain measures for the duration of the development which have first been submitted to and approved in writing by the Waste

Planning Authority to control the generation of litter from the site. Such measures shall include:

- (a) Instructions to ensure incoming waste remains sheeted for as long as possible prior to emplacement;
- (b) Provision of an emergency tipping area to allow discharge of light waste within a secure litter enclosure during adverse weather;
- (c) Adequate compaction during waste emplacement;
- (d) Adequate covering of wastes following emplacement;
- (e) Minimising the extent of the active tipping area;
- (f) Adequate plant on active phases for placement compaction and covering of waste;
- (g) Ensuring the adequate supply of daily and intermediate cover material;
- (h) Instructions to ensure the full discharge of a vehicle discharging waste at the site, to prevent any waste retained in the vehicle after tipping being subsequently released; and
- (i) The closure of the site to specific or all waste types during adverse weather conditions.

Reason:

To protect the amenities of local residents having regard to Policy 13 (Amenity and Quality of Life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

11 Litter Control

The operator shall provide, implement and maintain measures for the duration of the development which have been first submitted to and approved in writing by the Waste Planning Authority to prevent litter escaping the site. Such measures shall include:

- (a) regular inspections and collection of litter around the site boundary and beyond; specifically, ditches, haul roads, water courses; and
- (b) Deployment of additional temporary personnel to collect litter, as deemed necessary from inspections and monitoring.

Reason:

To protect the amenities of local residents having regard to Policy 13 (Amenity and Quality of Life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

12 Access

All access to and egress from the site, including all HGV vehicles, shall be via the existing approved access onto Wareham Road.

Appropriate signs and markings shall be maintained, the details of which shall have been approved in writing by the Waste Planning Authority.

Reason:

In the interests of highway safety having regards to Policy 12 (Transport and access) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

13 Lorry Routing

The operator shall, through appropriate signs and briefings, make all HGV drivers accessing the site aware of the prohibition of right turns out of the site (and left turns into it) by virtue of the 7.5 tonnes weight restriction on Wareham Road, immediately to the northeast of the site access. A sign at the quarry/landfill site exit advising drivers of vehicle routes as agreed in writing with the Waste Planning Authority shall be retained for the duration of the operational life of the site.

Reason:

In the interests of highway safety having regard Policy 12 (Transport and access) and Policy 13 (Amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

14 Access Surface

The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times and until such time as it is no longer required for these operations. The operator shall provide, implement and maintain dirt and mud management measures as agreed in writing by the Waste Planning Authority. Such measures shall include the measures detailed in the submitted Dirt and Mud Management and Monitoring report (Document Reference Number BH/12) dated November 2007.

Reason:

In the interests of highway safety having regard Policy 12 (Transport and access) and Policy 13 (Amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

15 Wheel Cleaning

All reasonable steps shall be taken to ensure that all HGVs leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason:

In the interests of highway safety having regard Policy 12 (Transport and access) and Policy 13 (Amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

16 Sheeting of Vehicles

All heavy goods vehicles loaded with materials shall not arrive or leave the site unless the load has been securely sheeted to ensure that no material is spilled upon the public highway.

Reason:

In the interests of highway safety, safeguarding the local environment and amenity of local residents having regard to Policy 12 (Transport and access) and Policy 13 (Amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

17 Storage of Materials

All oil and/or fuel tanks shall either be double skinned tanks or be surrounded by bund walls of sufficient height and construction as to contain 110 percent of the total contents of the tanks and associated pipework in the event of a spillage. The floor and walls of the bunded area shall be impervious to both water and oil. All filling points, draw pipes, vents and sight gauges shall be located within the bunded area. The pipes shall vent downwards into the bund.

Reason:

To safeguard adjacent areas of heathland and in the interests of visual amenity having regard to Policy 13 (Amenity and quality of life), Policy 16 (Natural Resources) and Policy 18 (Biodiversity and geological interest of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

18 Restriction on Dewatering

No pumped discharge of water from the site shall occur without the prior written consent of the Waste Planning Authority.

Reason:

To protect the adjoining land having regard to Policy 16 (Natural Resources) and Policy 18 (Biodiversity and geological interest) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

19 Japanese Knotweed Management Plan

Within 3 months of the date of this permission the existing Japanese Knotweed Management plan for the site dated 12 February 2015 shall be updated as necessary and submitted to the Waste Planning Authority for its approval in writing. The approved Japanese Knotweed Management Plan must be complied with in full to ensure Japanese knotweed is eradicated and controlled throughout the development.

Reason:

To prevent the spread of Japanese knotweed and to protect the ecological value of the surrounding area with regard to Policy 18 (Biodiversity and geological interest) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

20 Site Restoration

Within 3 months from the date of issue of this permission, or commencement of engineering of cell 13, whichever is sooner, the site operator shall submit to the Waste Planning Authority for approval in writing an updated Ecology Restoration Plan and Ecology Condition Monitoring Plan which incorporate the approved Addendum dated 17 February 2020 into the existing approved Ecology Restoration Plan and Ecology Condition Monitoring Plan.

The site shall be restored in accordance with the details contained in Chapter 3 of the Planning Statement dated November 2018, including drawing BH 3/3 together with the updated and approved Ecology Restoration Plan and Ecology Condition Monitoring Plan, referred to above. With the exception of Cell 13, restoration work shall be completed by 31 December 2022. The restoration of cell 13 shall be completed within 12 months of the capping of the landfill cell or by 31 December 2029 at the latest.

Reason:

To ensure the site is restored within the timescales envisaged in the application having regard to Policy 23 (Restoration, aftercare and afteruse) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan

21 Site Restoration Monitoring

To ensure the quantity and standard of habitats are achieved in accordance with the approved Ecological Restoration Plan and Condition Monitoring Plan (Condition 20), the site operator shall arrange for monitoring visits to take place with relevant officers of Dorset Council. These visits shall take place annually unless the Waste Planning Authority identifies a need for more regular visits. The visits shall take place throughout the duration of the restoration, continuing until the Waste Planning Authority confirms in writing that the habitats are considered to be fully developed and functioning in accordance with the Restoration Plan.

Reason:

To ensure the site is restored within the timescales envisaged in the application having regard to Policy 23 (Restoration, aftercare and afteruse) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan

22 Landscaping Implementation

All planting forming part of the restoration scheme approved pursuant to Condition 20 shall be carried out in the planting season coinciding with or immediately following completion of each phase of restoration whichever is the sooner. Within five years of planting, any trees, shrubs or other plants which die, become diseased, are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species in accordance with the details of the approved scheme (unless the Waste Planning Authority gives written consent to any variations).

Reason:

In the interests of the amenity of local residents and of people using public paths within the areas adjacent to the site having particular regard to Policies 23 (Restoration, aftercare and after use) and Policy 13 (amenity and quality of life) of the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

23 Removal of Roads and Buildings

On completion of the importation of waste material, all access roads, buildings, plant and any other site facilities not essential for restoration/aftercare or for continuing landfill gas/leachate monitoring and control shall be removed or demolished and any hardstandings or foundations where these would interfere with the restoration of the site shall be removed from the site. Any hardcore or material likely to interfere with the restoration of the land shall be removed from the land prior to the final cultivation and seeding of the site.

Reason:

To ensure the proper reclamation of the site which is within the South East Dorset Green Belt and having regard to Policy 23 (Restoration, aftercare and afteruse).

24 Surface Water Management

Operation, restoration and aftercare of the site shall be carried out in accordance with the following documents:

- The Flood Risk Assessment (set out in Chapter 7 of the Planning Statement dated November 2018 (SLR Ref: 403-00079-00531)
- Surface Water Management Plan (Egniol Environmental Limited dated September 2018) and accompanying schematic drawings.
- Assessment of Sedimentation in Upton Heath Adjacent to Beacon Hill Landfill dated July 2020 (SLR), additional mitigation measures set out in section 6.2
- Drawing: Surface Water Attenuation & Infiltration Pond – Location Plan – Beacon Hill Landfill Site – Suez – October 2018 – Ref No: BCH-SWP-LOC-1018
- Report: Technical Note – Surface Water Management – Lagoon 1 Infiltration Summary – Beacon Hill Landfill Site – Egniol – Not dated – Ref No: EEL.7061.R05.001
- Email: RE: PLN18-172/173/174 - Beacon Hill Landfill site – From Annemarie Wilshaw (Suez) to Chris Osborne (DC FRM) – 21/01/2019
- Report: Geotechnical Investigation for Soakaway Lagoon – Beacon Hill Landfill Site – Egniol – Rev 4.006/06/2019) – EEL.7446.R06.004
- Drawing: Surface Water Attenuation & Infiltration Pond - Restoration Plan – Beacon Hill Landfill Site – SUEZ Ltd. – October 2018 – BCH-SWP-RP-1018

Unless otherwise agreed in writing with the Waste Planning Authority, the Surface Water Management Scheme infrastructure shall be constructed within 15 months of the date of this permission. The surface water infrastructure related to Cell 13, shall be in place with 3 months of capping and restoration of Cell 13. The operator shall notify the Waste Planning Authority in writing on completion of the construction of works, for both the main site and Cell 13. Until such time as the Waste Planning Authority is satisfied that the full surface water management scheme is in place on site, the applicant will submit for the approval in writing by the Waste Planning Authority details of surface water management measures to accompany each ongoing phase of restoration and the development shall be carried out in accordance with the approved measures and scheme.

Reason:

In the interests of proper management of Surface Water from the site and mitigation of flood risk having regard to Policy 16 (Natural Resources) and Policy 17 (Flood Risk)

25 Surface Water Management Monitoring and Maintenance

Regular monitoring and maintenance of the surface water management system pursuant to Condition 24 should be undertaken in accordance with section 4 and 5 of the Surface Water Management Plan, September 2018. In the event that the surface water management measures prove insufficient to prevent uncontrolled surface water run-off, the site operator must submit an updated Surface Water Management Plan within 3 months of the failure of the existing measures for the approval in writing of the Waste Planning Authority. The development must then comply with the approved revised Surface Water Management Plan.

Reason:

In the interests of proper management of Surface Water from the site and mitigation of flood risk having regard to Policy 16 (Natural Resources) and Policy 17 (Flood Risk)

INFORMATIVES

Environmental Permitting

The waste operations at Beacon Hill are currently permitted under the Environmental Permitting Regulations, by the Environment Agency. The existing Permit is not time limited, but if planning permission is granted any significant changes to the existing practices will need to be reviewed and will potentially require a Variation to the existing Permit. Once the last waste deposit is made on site, there will continue to be the requirement to carry out restoration of the site and on-going maintenance of any environmental control equipment.

Legal Agreement

This consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act, 1990 (as amended).

19.2 RECOMMENDATION:

That planning permission be granted for application reference **3/18/3484/DCC** subject to the following condition.

1 Time Limit

The development subject to this permission shall cease by 01/01/2029 or until the buildings are no longer required for use in connection with the adjoining landfill site, whichever is the sooner. By the expiration of this period the buildings and hardstanding shall have been

removed and the site restored to a condition which shall first have been submitted to and approved in writing by the WPA.

Reason:

The facility is required for staff involved with the operation of the adjoining landfill site.

2 Approved Plans and Details

Unless otherwise specified by these conditions, or otherwise agreed in writing by the Waste Planning Authority, the development shall be carried out in accordance with the Planning Statement dated November 2018. This includes:

- Drawing Bch-PCA-1007-01 Application boundary

Reason:

To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission in accordance with the Bournemouth, Christchurch, Poole and Dorset Waste Plan.

Appendix 2 - Application 3/18/3484/DCC Portacabins Site Location



Appendix 2 - Portacabin location - Beacon Hill

 Planning permission boundary for Beacon Hill landfill, separate boundary for Portacabins

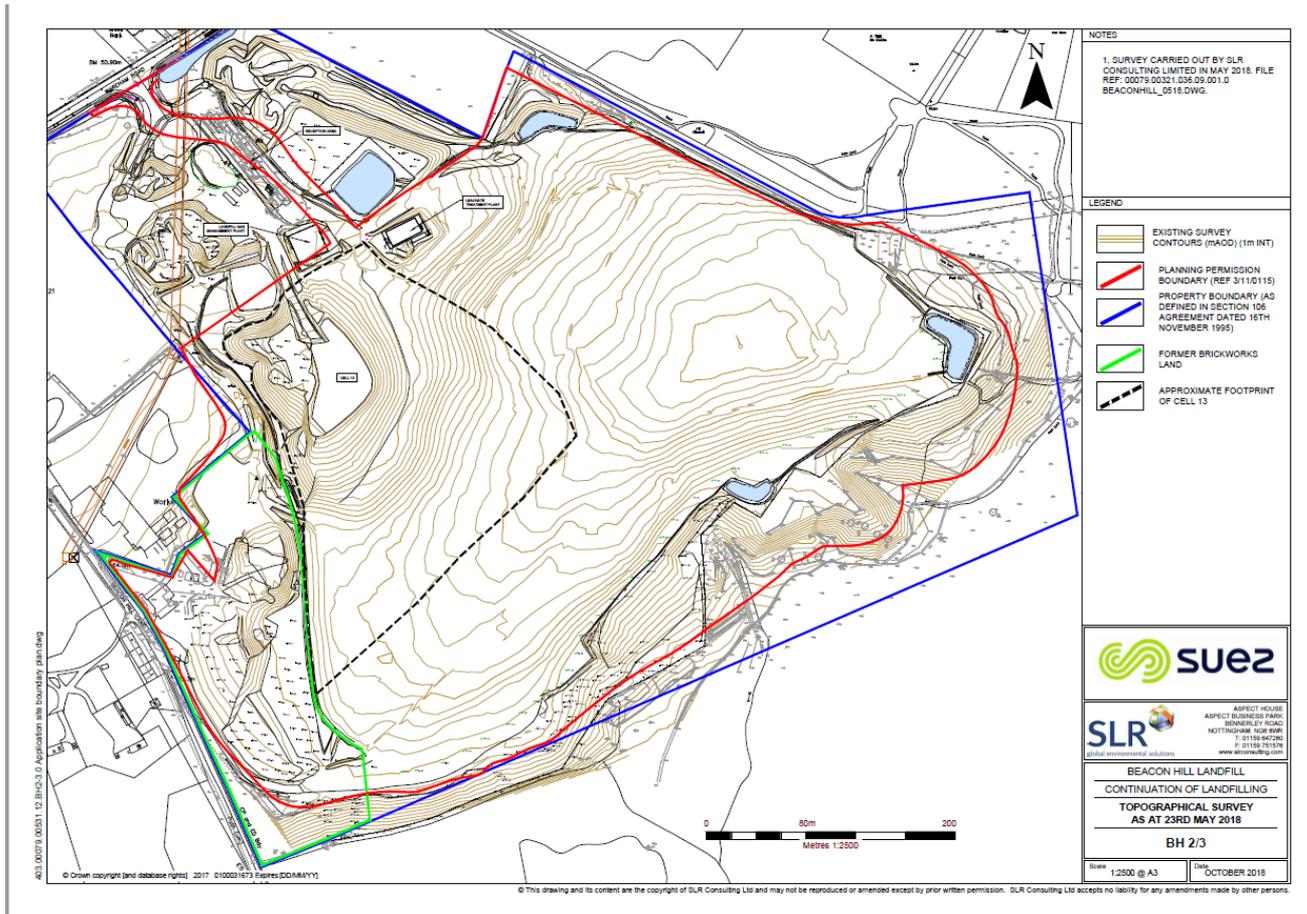
Ref:
Date: 18/08/2021
Scale: 1:1200

Cent X: 397896
Cent Y: 95321



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Appendix 3 - Application 3/18/3485/DCC Location of Cell 13, Topographical Survey



Appendix 4 - Final Landscape Concept Diagram

