Application No: 1/17/9001  
District: Carlisle

Applicant: Mr Charles Riddell  
Cumbria Waste Management Ltd  
Unit 5A, Wavell Drive, Carlisle

Received: 17 March 2017

PROPOSAL: Full planning application with accompanied updated topics of Environmental Statement submitted with 1/00/9005 to amend Condition No 1 to extend the life of the permission from 31 October 2020 to 31 October 2039; condition No 41 amend the approved plans to undertake the deposit of waste in different phases and to different pre-settlement contours from 44m AOD to 45m AOD

LOCATION: Hespin Wood Resource Park & Landfill Site, Todhills, Carlisle, CA6 4BJ
1.0 RECOMMENDATION

1.1 That having first taken into consideration the updated environmental information, as defined in the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, submitted in connection with the application, planning permission be Granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Full planning permission is sought to extend the life of planning permission 1/00/9005 to allow land raising operations to continue until 31 October 2039 and to increase the pre-settlement contours from 44m AOD to 45m AOD at the crown of the landfill by the importation of an additional 240,000m$^3$ of waste materials. The increase in pre-settlement contours would create steeper slopes to the raised landfill.

2.2 The re-profiling and changes to operations have come about through recent changes on Hespin Wood Resource Park. Planning permission was granted for the Mechanical Biological Treatment Plant (MBT) (ref: 1/08/9031, approved 24 April 2009) on the south western part of the landfill site. The implementation of this permission affected the deliverability of the approved profiling and contours of the landfill site approved under planning permission 1/00/9005. The MBT plant in affect reduced the capacity of the landfill and prevented the approved profiling/contouring scheme for the landfill site from being achieved. The eastern part of the landfill has also been affected by the upgrading of the M6/A74 and the construction of the All Purpose Road (APR), which incorporated the eastern part of Hespin Wood site. With these alterations affecting the approved contours and profiling of the landfill site as approved under 1/00/9005, a revised scheme has designed taking into account the changes which have been undertaken since planning permission was granted in 2000.

2.3 HGV access to Hespin Wood would remain as existing from the A689, C1015, C1022 and U1070. There is no proposed increase in HGVs to/from the site, parking or manoeuvrability within the site.

2.4 Operating hours would remain as existing between 07.00 to 19.00, 7 days per week including Bank and Public Holidays.

2.5 All other activities including the green waste composting, materials recovery facility etc on Hespin Wood Resource Park would remain as existing and would not be affected by the reprofiling of the landfill site.

3.0 SITE DESCRIPTION

3.1 Hespin Wood Resource Park is a mixed use Sui Generis site which operates as landfill site, Mechanical Recycling Facility (MRF), Green Waste Composting, aggregates recycling, location of the northern Mechanical Biological Treatment Plant (MBT) and more recently concrete batching plant.

3.2 Hespin Wood is located to the north of Carlisle close to the M6 motorway. Access to the site is from the All Purpose Road (APR), the C1022 and links to A689 at Parkhouse roundabout which connects to the strategic road networks of M6 and A595(T).
3.3 Hespin Wood occupies a rural location approximately 7km from Carlisle City Centre. To the east of the site is woodland strip, ARP road, M6 and the settlement of Todhills beyond; to the south is U1070 which links Todhills and Rockcliffe, this forms the access road to the site and the strategic road network. There is a woodland area which separates the site from the highway. Blackrigg bungalow is south west of the site; to the west of the site is west coast railway line and a woodland area; to the north of the site is a woodland area and agricultural fields.

4.0 SITE PLANNING HISTORY

4.1 Hespin Wood was established in the mid 1970’s originally at Hell’s Hole for the disposal of controlled tipping of domestic, trade and industrial waste (Ref: 1/76/0989, approved 16 January 1979). The main landfill operations received permission in 1979 for controlled tipping (Ref: 1/79/0113, approved 18 May 1979). The main landfill activities are for continuation of waste disposal and amendment of treatment, phasing, levels, reclamion and after-uses (Ref: 1/00/9005, approved 6 September 2000).

4.2 Hespin Wood has established itself into a Waste Resource Park which has a number of different elements namely Mechanical Biological Treatment Plant (MBT), Mechanical Recycling Facility (MRF), green waste composting, aggregate recycling, electricity generation compound, leachate plant and asphalt plant. There are extensive planning permissions relating to the activities on Hespin Wood.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process.

5.2 The Cumbria Minerals and Waste Development Framework’s (CMWDF) Core Strategy 2009-2020 (CS) and Generic Development Control Policies 2009-2020 (GDCP) both adopted in April 2009. The key policies relevant to the determination of this planning application are considered to be:

- Policy CS 1 - Sustainable Location and Design
- Policy CS 5 - Afteruse and Restoration
- Policy CS 8 - Provision for Waste
- Policy CS 9 - Waste Capacity
- Policy DC1 - Traffic and Transport
- Policy DC 2 - General Criteria
- Policy DC 3 - Cumulative Environmental Impacts
- Policy DC 5 - Criteria for Landfill
- Policy DC 10 - Biodiversity and Geodiversity
- Policy DC 12 - Landscape
- Policy DC 13 - Flood Risk
- Policy DC 14 - The Water Environment
- Policy DC 16 - Afteruse and Restoration

5.3 The Cumbria Minerals and Waste Local Plan 2015-2030 was submitted to the Secretary of State for examination by an independent Inspector on 9 September
2016. Hearing sessions for the examination were held between 29 November 2016 and 16 December 2016. Following discussion at the Hearing sessions, a ‘Table of Main Modifications to the Plan’ has been prepared, which will be issued for a six week public consultation at the end of March 2017. Having considered the responses to this consultation, the Inspector will send her final report to the County Council. As the emerging plan progresses, greater weight can be attached to the policies in the decision making process.

5.4 The Carlisle District Local Plan 2015-2030 (CDLP) - adopted 8 November 2016. The key policies relevant to the determination of this planning application are considered to be:

- Policy SP1 - Sustainable Development
- Policy SP6 – Securing Good Design
- Policy G1 - Landscape

5.5 The National Planning Policy Framework [NPPF], which was published on 27 March 2012, and the national online Planning Practice Guidance (PPG) suite, which was launched in March 2014, are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF and/or PPG are considered to be relevant to the determination of this application:

- Paragraphs 6-10 - Achieving sustainable development
- Paragraphs 11-14 - The presumption in favour of sustainable development
- Delivering Sustainable Development
  - Section 7 - Requiring good design
- Paragraphs 186-187 - Decision Taking

5.6 National Planning Policy for Waste (October 2014) sets out the Government’s ambition to work towards more sustainable and efficient approach to resource use and management. Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. The National Planning Policy for Waste should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste.

5.7 The Waste Framework Directive 2008/98/EC introduced new provisions in order to boost waste prevention and recycling as part of the waste hierarchy.

5.8 The Waste (England and Wales) Regulations 2011 requires everyone involved in waste management to take in the transfer of waste all reasonable measures to apply the waste hierarchy.

5.9 Government Review on Waste Policy in England 2011 sets out the objective of aiming for a zero waste economy in which material resources are re-used, recycled or recovered whenever possible and only disposed of as the option of last resort. There is a clear requirement that materials are re-used, recycled or recovered where possible and only disposed of as a last option. There is a clear requirement to drive the treatment of waste up the hierarchy from landfill. The Government Review provides support for Energy from Waste facilities such as that proposed, not only in the context of waste management but also having regard to low carbon/renewable energy provision and climate change.
5.10 Waste Management Plan for England (2013) provides an analysis of the current waste management situation in England and sets out how Government Policy would support the implementation of the revised WFD.

6.0 CONSULTATIONS AND REPRESENTATIONS

6.1 Carlisle City Council Planning Department: No objection, subject to the recommendation outlines set out in the Extended Phase 1 Habitat Survey being implemented.

6.2 Carlisle City Environmental Health Department: No objection subject to consideration given to minimise any issues caused by noise, vibration and dust.

6.3 Natural England: No objection. In view of the site’s history the area in question and the anticipated quality of the restored land affected no detailed comments would be raised with regards to soils and reclamation arising from the proposal.

6.4 Environment Agency: No objection.

6.5 Carlisle Airport: The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with the safeguarding criteria.

6.6 Civil Aviation Authority: No safeguarding objection.

6.7 CCC Ecology: No objection.

6.8 Fire Officer: No objection.

6.9 Rockcliffe Parish Council: No response received.

6.10 CCC Local Highway Authority: No objection. The proposed increase in operational timescales to the operations would not see any increase in vehicle movements to the site and as such there would be no significant impact on the highway network.

6.11 CCC Lead Local Flood Authority: No objection. Hespin Wood is located within Flood Zone 1. It is noted that there are small pockets of surface water flooding within Hespin Wood. It is not anticipated that surface water flooding would have a significant effect on the existing site. It is noted that the Flood Risk Assessment considers the restoration of the site and will reduce run-off rates. However it is considered the increase in gradients may increase the velocity of run-off which is not considered to be a significant issue as the surface water run-off would ultimately flow into Peter Sike which discharges into the Esk Estuary and minor increase in run-off would negligible.

6.12 The application has been advertised in the local press and by site notice on the site. Neighbouring properties and the local county councillor were also notified.

6.13 One letter of representation has been received raising Concern to the number of HGVs accessing the site and the state of the roads which include All Purpose Road, C1022 and A689.

7.0 PLANNING ASSESSMENT

7.1 The key planning issues relevant to the proposed schemes are considered to be: policy context; need for continuation of landfill; traffic and impact on the highway;
landscape and visual impact; biodiversity; noise; dust; other considerations with regards to comments from consultations and representations.

Policy Context

7.2 The proposed continuation of operation at Hespin Wood Landfill Site has been considered against National and Local Planning Policies and Guidance.

7.3 Cumbria Minerals and Waste Local Plan Core Strategy (CS) and Development Control (DC) policies (Adopted 23 April 2009). Policy CS1 (Sustainable Location and Design) requires minimisation of minerals and waste road miles. Hespin Wood is located close to the strategic road network and is located close to Carlisle where the main source of waste is generated; Policy CS5 (Afteruse and Restoration) requires the best practicable measures to secure most sustainable objectives for the environment and economy. The scheme would see the site restored to woodland and heath land; Policy CS8 (Provision for waste) requires for Cumbria to deal with its own waste. The continuation of landfilling at the site would retain a much needed resource to the area; Policy CS9 (Waste Capacity) requires 2 million cubic metre of landfill capacity in addition to existing void space during the Local Plan period. The proposed continued provision of landfill space and increase in waste capacity complies with the Local Plan requirements for providing landfill void space.

7.4 The following policies of the CMWLP are relevant: Policy DC1 (Traffic and Transport) requires minerals and waste road miles to be minimised; Policy DC2 (General Criteria) requires development to consider noise, dust and emissions; DC3 (Cumulative Environmental Impacts) requires consideration of local communities, environmental impacts, vehicle movements and economy; DC10 (Biodiversity and Geodiversity) requires consideration of impacts on locally important biodiversity and geological conservation; Policy DC12 (Landscape) requires development to be compatible with the distinctive characteristics and features of Cumbria’s landscape; DC13 (Flood Risk) requires developments to be required in lowest probability of flooding; DC14 (The Water Environment) requires development not to have an adverse impact on quantitative or qualitative effects on the water environment; DC16 (Afteruse and Restoration) requires a detailed restoration scheme to be submitted.

7.5 The Carlisle District Local Plan 2015-2030 (CDLP) - adopted 8 November 2016. Policy SP1 (Sustainable Development) requires development to work proactively with applicants and communities to jointly find solutions which mean that proposals can be approved wherever possible. Policy SP6 (Securing Good Design) requires development to ensure there is no adverse effect on residential amenity, avoid loss of environmental features, include landscaping schemes; Policy G1 – Landscape requires development to be considered with Cumbria Landscape Character Toolkit.

7.6 National Planning Policy for Waste (October 2014) sets out the Government’s ambition to work towards more sustainable and efficient approach to resource use and management. Delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy and helping to secure the re-use, recovery or disposal or waste without endangering human health and without harming the environment. The National Planning Policy for Waste should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements
7.7 The Waste Framework Directive 2008/98/EC introduced new provisions in order to boost waste prevention and recycling as part of the waste hierarchy. It requires waste to be managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest.

7.8 The Waste (England and Wales) Regulations 2011 requires everyone involved in waste management to take in the transfer of waste all reasonable measures to apply the waste hierarchy.

7.9 Government Review on Waste Policy in England 2011 sets out the objective of aiming for a zero waste economy in which material resources are re-used, recycled or recovered whenever possible and only disposed of as the option of last resort. There is a clear requirement that materials are re-used, recycled or recovered where possible and only disposed of as a last option. There is a clear requirement to drive the treatment of waste up the hierarchy from landfill. It is clearly acknowledged that some waste there are no clear alternative other than landfill and provision is required until such time as alternative processes can be designed to eliminate landfilling.

7.10 Waste Management Plan for England (2013) provides an analysis of the current waste management situation in England and sets out how Government Policy would support the implementation of the revised WFD.

Need

7.11 Hespin Wood is allocated in Cumbria Minerals and Waste Local Plan with significant void space remaining but with a short remaining life span until 2020. The following table is extracted from the Cumbria Minerals and Waste Local Plan.

<table>
<thead>
<tr>
<th>Site</th>
<th>Type</th>
<th>Voidspace (m³)</th>
<th>Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bennett Bank</td>
<td>Non-inert</td>
<td>84,434</td>
<td>2017</td>
</tr>
<tr>
<td>Hespin Wood</td>
<td>Non-inert</td>
<td>1,579,253*</td>
<td>2020</td>
</tr>
<tr>
<td>Lillyhall</td>
<td>Non-inert</td>
<td>943,912</td>
<td>2029</td>
</tr>
<tr>
<td>Flusco</td>
<td>Non-inert</td>
<td>933,497*</td>
<td>2032</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>Non-inert</td>
<td><strong>3,541,096</strong></td>
<td>-</td>
</tr>
<tr>
<td>Derwent Howe</td>
<td>Inert</td>
<td>557,000</td>
<td>2016</td>
</tr>
<tr>
<td>Roan Edge</td>
<td>Inert</td>
<td>212,000</td>
<td>2016[1]</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>Inert</td>
<td><strong>769,000</strong></td>
<td>-</td>
</tr>
</tbody>
</table>

7.12 Hespin Wood provides the only landfill facility in the north of the County. The nearest alternative facility is Flusco (Penrith) which is 25 miles south of Hespin Wood. Whilst recycle/reuse should and continues to be encouraged there is still a need for the provision of non-inert landfill capacity in the county, until such time an alternative technology is established/available. Cumbria Waste Needs Assessment (WNA) (2015) identifies that there will be insufficient non-inert landfill capacity in the County, to the end of the Local Plan period of 2030, unless Hespin Wood receives a time extension. This proposal conforms with the WNA
and therefore with PolicyCS8 of the Cumbria Minerals and Waste Local Plan
Core Strategy.

Waste Capacity

7.13 The remaining approved (ref: 1/00/9005) landfill capacity on Hespin Wood is 1.53
million m$^3$. It is anticipated that 25% of the approved airspace would be used for
cell formation, daily cover, capping and restoration leaving a revised capacity of
around 1.15 million m$^3$. With the amendment to the site undertaken in relation to
the MBT and realignment of the M6 and APR road, this has resulted in revised
changes to the pre-settlement contours would provide a new capacity gain from
1.15 million m$^3$ to 1.39 million m$^3$(increase of 240,000 m$^3$).

Increase in Life of Landfill Provision

7.14 Planning permission 1/00/9005 allowed for disposal of waste at Hespin Wood
until 31 October 2020. Current rates of fill at Hespin Wood are around 60,000
m$^3$ per annum. At the projected rate of infilling it is anticipated that it would take
up to 23 years to complete Hespin Wood to its approved levels. The application
seeks to extend the life of the landfill site to 2039 allowing an additional 19 years
on the already approved 31 October 2020 cessation date, overall giving 23 years
remaining capacity, with a remaining two years for restoration including capping
and soil replacement of the cap.

Traffic and Impact on the Highway

7.15 CMWDF Development Control Policy DC 1 (Traffic and Transport) advises that
proposals for new Minerals and Waste Developments should demonstrate that
they are well related to the strategic road network, have potential for rail or sea
transport and sustainable travel to work and are located where they minimise
operational “minerals and waste road miles”.

7.16 Hespin Wood provides a much needed landfill capacity facility for the north of the
County. The nearest facility to Hespin Wood is Flusco, Penrith which is
approximately 25km south.

7.17 The application site would be accessed from the All Purpose Road (APR) which
connects the C1015/C1022 and onto A689 (Carlisle Northern Development
Route – CNDR) and the strategic highway network for Cumbria and direct links
onto the M6 motorway. The CNDR generates on average 10,000 vehicles per
day of which approximately 1500 are HGV’s.

7.18 Currently Hespin Wood has no restrictions on the number of vehicles which can
enter and leave the site. The proposed continuation of operations would not
generate any additional traffic movement over and above current operations
albeit over an extended period of time.

7.19 CCC Local Highway Authority has raised no objection to the extended time limit
to the landfill operations as there would be no increase in vehicle movements. It
is therefore considered the development would comply with Policy DC1 of
CMWLDF.

Landscape and Visual Impact

7.19 CMWDF Development Control Policy DC 12 (Landscape) requires development
to be compatible with the distinctive characteristics and features of Cumbria’s landscape and Carlisle District Local Plan (adopted 8 November 2016) Policy G1 – Landscape requires development to be considered with Cumbria Landscape Character Toolkit.

7.20 Hespin Wood Resource Park lies in Cumbria Landscape Character Guidance 2c Coastal Plain. The characteristics of Coastal Plain are predominately flat and slightly undulating coastal plain; long and narrow fields; shallow rivers and watercourses, scarce tree cover and frontiers of the Roman Empire. This is mainly flat coastal plain which is largely based on fluvial drift marine alluvium and undulating boulder clay on Triassic mudstone and sandstone.

7.21 The landscape, visual and cumulative landscape and visual effects of the proposed development have been assessed. In terms of landscape character, the development is considered to be acceptable. The effects upon wider landscape character are considered to be acceptable; given this is an existing feature within the landscape and the limited net impact which would result from a marginal increase in height.

7.22 Potentially affected visual receptors have been identified. The largest magnitude of change would be experienced by motorists on the M6/A74 who are not considered to be sensitive receptors. Visual impacts experienced by residents of the Todhills to the west would be limited by distance and tree cover. Visual receptors in sensitive locations would not be affected to any notable extent by the marginal increase in height of the pre-settlement contour being 1m on the previously approved profile, given the distance to the site, and the visual context of existing landscape character.

7.23 Scale and massing of the revised shape of the landfill site would not have any major impacts outside the site. The main difference would be the site would be slightly more domed due to the proposed steeper side batters due to the reduction in site area.

7.24 The cumulative landscape and visual effects are considered to be already present and any effects arising from the proposed 1m increase in the height of the landfill would not result in any significant impact. It is therefore considered the development complies with Policy DC12 of the CMWLDF and Policy G1 of the Carlisle District Local Plan 2001-2016.

**Biodiversity**

7.25 CMWDF Development Control Policy 10 (Biodiversity and Geodiversity) advises that proposals for new minerals and waste developments that would have impacts on locally important biodiversity and geological conservation assets, as defined by the Core Strategy will be required to identify their likely impacts on, and also their potential to enhance, restore or add to these resources and to functional ecological and green infrastructure networks. Development must demonstrate the need for, and benefits of the development and the reasons for locating the development in its proposed location, and demonstrate, appropriate measures to mitigate any adverse effects (direct, indirect, cumulative). Where impacts cannot be avoided or mitigated, appropriate compensatory measures should be identified and secured and must be compatible with the characteristics and features within Cumbria.

7.26 Carlisle City Council District Local Plan Policy CP2 (Biodiversity) advises
developments should not harm the integrity of the biodiversity resources as judged by key nature conservation principles and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

7.27 The proposed development has been assessed as to its likely impact on flora, fauna and habitats including direct impacts on protected species on the site such as great crested newts and other species and sensitive receptors during construction and operational development.

7.28 Hespin Wood is located 7km north of Carlisle City Centre. Hespin Wood is not located within any designated European, National or Local protected sites. The proposed development has been assessed on the ecological features of the application site itself and upon designated nature conservation sites within 2 km. Hespin Wood does lie 2.4km east of Special Protection Area (SPA) of Upper Solway Flats and Marshes; RAMSAR of Upper Solway Flats and Marshes; Special Area of Conservation (SAC) of Solway Firth and Site of Special Scientific Interest (SSSI) of Upper Solway Flats and Marshes.

7.29 The planning application has been accompanied by a Phase 1 Habitat Survey assessing the likely impact on flora, fauna and habitats including direct impacts on protected species on the site such as great crested newts and other species and sensitive receptors during operational development.

7.30 There are no confirmed protected species identified on Hespin Wood landfill site. Hespin Wood screened by a tree belt which provides foraging habitat for bats and birds. It is not proposed to remove any trees during operations thereby there would be no impact on bats from the operations.

7.31 Natural England is satisfied that the proposed alterations would not have any impact on European, national and locally designated sites. Any views received from the County Council’s ecological advisor will be reported on the update sheet.

7.32 The proposal is for an extension of time to an existing site and a marginal increase in height of final landform. It would not adversely affect any ecological interests and would comply with Policy DC10 of the CMWLP and Policy CP2 of the Carlisle City Council District Local Plan.

Environmental/Other Concerns

7.33 CMWDF Development Control Policy 2 (General Criteria) advises that proposals must, where appropriate, demonstrate that impacts associated with noise and air quality (from dust or emissions). As part of the assessment consideration must be given to the proximity to sensitive receptors including surrounding land uses and protected species, the extent to which adverse effects can be controlled or visual or acoustic screening, hours of operation and HGV impacts/routing.

7.34 Noise: The nearest noise sensitive residential property is located 260m east of Hespin Wood (Bents Farm). There are current background noise levels from the operation of the land raise site, the M6 motorway and operations from Hespin Wood complex. Noise levels would not be increased due to the continuation of operations than what are currently encountered and therefore the proposal is acceptable for the purposes of Policy DC2 of the CMWLP.

7.35 Dust: Dust from the continuation of landfilling could arise during periods of dry
and windy weather. A dust suppression system is in operation for times when
dust is a problem and this would remain insitu and controlled by condition. The
proposal is therefore acceptable for the purposes of Policy DC2 of the CMWLP.

7.36 Litter: Litter from the site may migrate off site during periods of high winds. A
condition is attached to planning permission 1/00/9005 requiring equipment to be
installed and used to ensure that windblown litter does not escape from the site.
A similar condition is proposed. Consequently it is considered that the proposal is
acceptable for the purposes of Policy DC2 of the CMWLP.

7.37 Vermin/Flies: Vermin and flies are considered to be a nuisance within any landfill
site and can travel and affect the amenities of local resident’s up to 2km from the
landfill site. An environmental management scheme would require details to be
provided of how vermin and flies would be dealt with from the site and would be a
matter for the Environmental Permit issued by the Environment Agency.

7.38 Emissions: Carlisle City Council currently has six Air Quality Management Areas
(AQMAs) although Hespin Wood is not located within any of them. The nearest
AQMA is A7 which runs from Hardwicke Circus to Kingmoor A689. There are
currently emissions from HGV’s operating from Hespin Wood and to a limited
degree from the gas flare stacks associated with electricity generation from
landfill gas. However, the main source of emission discharge in the area is from
the adjacent M6/A74 motorway. It is therefore considered that the proposal would
not generate any greater emissions than present and therefore would be
acceptable for the purposes of Policy DC2 of the CMWLP.

7.39 Vibration: The nearest sensitive receptor is 260m south of Hespin Wood. The
nearest public footpath no 128005 is approximately 1km north west of Hespin
Wood. It is considered there would be no impacts associated with vibration and
therefore the proposal is acceptable for the purposes of Policy DC2 of the
CMWLP.

7.40 Hours of operation: Hespin Wood currently landfill operates between the hours of
07.00 to 19.00 7 days a week. The hours of operations are proposed to remain
as existing and are considered acceptable.

7.41 Historic Environment: The proposed increase in height and extension to the
period for tipping would not have any impact on the historic environment or the
setting of any Listed Building. The nearest Listed Building is Floristonrigg which
is located 550m north of the landfill site. Consequently it is considered that the
proposal is acceptable for the purposes of Policy DC11 of CMWLD.

7.42 Flood Risk: Hespin Wood does not lie within a designated flood zone. However
due to the size and nature of the development the proposal has been
accompanied by a Flood Risk Assessment. There is no proposal to change the
existing surface water management system as this was able to cope with impacts
of Storm Desmond 2015 and did not have any flooding impact on adjacent land.
The Environment Agency have raised no objections to the proposed continued
operation. CCC Lead Local Flood Authority has raised no objection to the revised
contours. Consequently it is considered that the proposal is acceptable for the
purposes of Policy DC13 of the CMWLP.

Carlisle City Council Environmental Health Department raise no objection subject
to consideration given to minimise noise, vibration and dust.
**Site Restoration**

7.43 Restoration of the site would include heathland and woodland. The site restoration has not been amended from the approved scheme in 2000 and would still be appropriate to the proposed revised landform.

**Other Considerations**

7.44 Impact on the amenities of local residents: The continued operations of Hespin Wood would have an impact on the amenities of local residents for an additional 18 years on the already consented timescale most particularly from the continuation of HGV movements on the highway. However, those impacts are considered to be not so great to make the development unacceptable or can be minimised by the imposition of conditions set out in the recommendation.

7.45 Impact on highway of HGVs: The proposed increase in the life of the permission would have an impact on the highway which has previously been assessed until October 2020 due to the continued numbers of HGV’s using the highway. The impact of an additional 19 years on the existing activities is considered to be a medium scale impact. The Local Highway Authority has raised no objection to the extended time limit to the landfill operations as there would not be any increase in vehicle movements. Planning permission 1/02/9023 “extension to existing generation/flare compound” provides for the management of landfill gas and electricity generators; the permission runs in parallel with planning permission 1/00/9005 and therefore separate planning permission would be required to extend the life of the generation/flare compound.

7.46 One letter of representation has been received expressing concern to the impacts of HGVs on APR, C1022 and A689. The APR runs parallel with the M6/A74 and provides an alternative link road between Carlisle and Gretna. The road was upgraded as part of the M6/A74 improvements. The section of road between Hespin Wood and the junction of the C1022 was specifically designed and suitably constructed to allow HGVs to access Hespin Wood and by-passing the village of Rockcliffe. The APR, C1022 and A689 are identified as part of the strategic highway network for HGVs within the County. These roads are designed and maintained as part of the strategic highway network for the Cumbria and are considered acceptable to serve the site.

**Human Rights**

7.47 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual’s peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan and to protect the amenities of residents as set out in those policies.

7.48 The proposal would have a limited impact on the visual, residential and
environmental amenity of the area but it is considered that those impacts would be insufficient to interfere with the rights of the applicant and satisfactory controls could be imposed to protect the amenities of the most affected residents. The impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) would be minimal and proportionate to the wider social and economic interests of the community and could be satisfactorily controlled by planning conditions.

8.0 CONCLUSION

8.1 The proposed time extension and increase in levels at Hespin Wood Landfill site would mean the site could continue to provide a much needed waste management facility in the north of the County. The continuation of landfill operations complies with Cumbria Waste Needs Assessment (2015) which identifies a continued need for a non-inert landfill facility at Hespin Wood.

8.2 The proposed continuation of landfilling at Hespin Wood also complies with the policies of both Cumbria County Council’s Minerals and Waste Local Plan and Carlisle City District Local Plan.

8.3 The main areas of concern with regards to traffic and transport, landscape and visual impact, biodiversity and environmental considerations could be controlled by condition and under the control of the Environmental Permit issued by the Environment Agency.

8.4 In summary, it is considered that the proposed development accords with the policies of the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions proposed, any potential harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that planning permission be granted subject to conditions as set out in Appendix 1.

Dominic Donnini
Corporate Director Economy and Highways

Contact: Mrs Jayne Petersen MA RTPI, Kendal,
Tel: 01539 713549; Email: jayne.petersen@cumbria.gov.uk

Background Papers: Planning Application File Reference No. 1/17/9001; 1/00/9005; 1/79/0113

Electoral Division Identification: Longtown ED - Mrs Val Tarbitt
PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

1. This permission shall be for a limited period only expiring on 31 October 2039 for landfilling operations and complete restoration by 31 October 2041, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery including foundations and hardstanding shall have been removed from site and the site shall have been restored in accordance with the approved scheme.

Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework (2009).

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:

   c. Plans numbered and named:
      i) Drawing No HPW.110 - Location plan
      ii) Drawing No HPW.101C – Current site
      iii) Drawing No HPW.103C – Current approved restoration profiles
      iv) Drawing No HPW.105C – Proposed landscape restoration
      v) Drawing No HPW.15-003K – Sections A-B
      vi) Drawing No HPW.L15-003K – Section C
      vii) Drawing No HPW.109 – Proposed pre-settlement profile
      viii) Figure 2.1 – Development phasing
      ix) Figure 3.2 – Pre-settlement contours
      x) Figure 3.3 – Interim restoration proposals
      xi) Revised cell phasing 2016
   d. The details or schemes approved in accordance with the conditions attached to this permission.

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Hours of Operation

3. No deposit of waste materials or works associated with such a deposit including the stripping and replacement of soils and works to engineer the site shall take place outside the hours 07.00 to 19.00 everyday including bank or public holidays.

However, this condition shall not operate so as to prevent the sure of pumping equipment and the carrying out, outside of these hours, of essential maintenance to plant and machinery used on site or the monitoring management or treatment
of landfill gas or leachate.

Reason: *In order to protect the amenities of local residents outside operating hours.*

**Traffic and Access**

4. There shall be no vehicular access to or egress from the site other than via the existing approved access unless otherwise agreed in writing by the Waste Planning Authority.

Reason: *To avoid vehicles entering or leaving the site via an unsatisfactory rote in accordance with CMWLF Policy DC1.*

5. During peak period of 08.00 to 09.30 and 15:00 to 17:30 no more than 20 HGV's (40 movements) shall enter and leave the site. A 12 month record of HGV movements shall be maintained and retained on site and made available for inspection on request to the Waste Planning Authority during operational hours.

Reason: *To minimise the potential for conflict with any other uses in the area and minimise the potential for noise generation from operation of the site in accordance with Policy DC1 of the of the CMWDF’s Generic Development Control Policies.*

6. All HGV’s entering and leaving the site shall do so via the U1070 from the east.

Reason: *For the avoidance of doubt and due to highway bridge weight restrictions on the U1070 to the west.*

7. The access road from the site to the public highway shall be kept clean and maintained in a good standard of repair for the operational life of the site and throughout the restoration period.

Reason: *To ensure that no material from the access road is carried onto the public highway in the interests of highway safety.*

8. The wheel wash facility shall be retained, maintained and used to ensure that no material from the site is deposited onto the public highway.

Reason: *To ensure that no material from the access road is carried onto the public highway in the interests of highway safety.*

9. Measures shall be employed throughout the operational life of the site to ensure no slurry or water from the site or access road flows onto the public highway.

Reason: *To ensure that no material from the access road is carried onto the public highway in the interests of highway safety.*

**Litter**

10. Measure shall be employed to ensure that windblown litter does not escape from the site.
Reason: To safeguard the amenity of adjoining land users by preventing bindblown litter escaping the site.

Noise and Dust

11. All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers specification.

Reason: To safeguard the amenity of adjoining land users by ensuring that the noise generated by the operation of plant, machinery and vehicles is limited to acceptable levels in accordance with CMWLDF Policy DC2.

12. The rating levels for cumulative noise from all plant and machinery during the operational life of the site shall not exceed 5dB below the existing LA90 background levels and 10 dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014).

Reason: To protect the amenities of local residents from noise pollution and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

13. During periods of dry weather the access road, haul roads, working areas and waste shall be sprayed with water to suppress dust in order that it does not constitute a nuisance if migrating outside the site.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site in accordance with CMWLDF Policy DC2.

Cessation of Operations

14. In the event that waste operations permanently cease prior to the full implementation of the approved scheme, a revised scheme, to include details of the restoration, aftercare and timescale for the completion of the restoration works, shall be submitted for approval to the Waste Planning Authority within 3 months of the cessation of working. The approved revised scheme shall thereafter be implemented in full.

Reason: To secure the proper restoration of the site in the event that operations cease prior to the full implementation of the scheme, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework (2009).

Soil Stripping

15. All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated or traversed by heavy vehicles or machinery (except for the purposes of stripping that part or stacking topsoil on that part) and shall be stacked in a location to be first agreed in writing with the Waste Planning Authority.

Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable

16. The stripping, movement and respreading of soils shall be restricted to occasions when the soil is in a suitable dry and friable condition and the ground is sufficiently dry to allow the passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil.

Reason: To prevent any avoidable damage to the structure of the soils.

Surcharing

17. A topographical survey in the form of a plan at 1:5000 scale identifying actual and approved pre and post settlement levels of the permitted landfill/raise site accompanied by calculation of settlement rates shall be submitted to the Waste Planning Authority in April 2018 and thereafter in April of each subsequent year for the operational life of the site.

Reason: To allow the Waste Planning Authority to monitor the rates of fill and settlement to ensure the approved post settlement contours will not be exceeded.

18. No waste capping, restoration or other materials shall be deposited above the Pre-settlement contours indicated on drawing HPW.105c dated Dec 2016.

Reason: To ensure the site does not exceed permitted levels.

Safeguarding of Watercourses and Drainage

19. Throughout the period of working and restoration, provision shall be made for the collection, treatment and disposal of all water entering or arising on the site, including an increased flow from the land, to ensure that there shall be no contamination of watercourses by the approved operations.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies DC13 and 14 of the Cumbria MWDF Generic Development Control Policies.

20. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers’ total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the Waste Planning Authority.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policies DC13 and 14 of the Cumbria MWDF Generic Development Control Policies.
21. Throughout the period of working, restoration and aftercare of each phase the operator shall protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from land adjoining.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater source, in accordance with Policies DC13 and 14 of the Cumbria MWDF Generic Development Control Policies.

22. During each phase of development all surface water run-off shall be passed through a settlement facility prior to being discharged into any watercourse, soakaway or surface water sewer. The settlement facility shall be retained and maintained for the life of quarrying operations.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater source, in accordance with Policies DC13 and 14 of the Cumbria MWDF Generic Development Control Policies.

Care of Fences

23. The operator shall maintain and make stockproof the existing fences and walls throughout the period of operations until the restoration and aftercare of the site has been completed.

Reason: To secure the proper management of the working area and to ensure that stock do not enter the working areas.

Environmental Management Plan

24. Details shall be submitted within 3 months of the date of this permission a scheme detailing bird, vermin and other pest control measures shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include:

   a. Details of the measures to deter bird, vermin and pests becoming accustomed to particular techniques;
   b. Fly control management scheme;
   c. A methodology for assessing the ongoing effectiveness of different bird, vermin and pest deterrent methods;
   d. An objective methodology for assessing insecticide;
   e. Details of control measures and ongoing assessment of effectiveness in relating of mammalian pests;
   f. On a yearly basis commencing from the date of this planning permission a record of the implementation of the approved measures shall be submitted to the Waste Planning Authority in writing.

   The approved scheme shall thereafter be implemented throughout the operational life of the site.

Reason: In the interests amenities of users of the area and residential amenities.

Electricity Generation
25. The collection and disposal of landfill gas by use for electricity generation for the shall only continue on the site using the plant and equipment constructed and operated in accordance with and subject to the terms of planning permission 1/02/9023. Thereafter on expiry of permission 1/02/9023 or expiry of any other approved amended time limit under a subsequent permission, the plant and equipment shall be removed from site and the land restored.

Reason: To secure the proper restoration of the land and to allow its return to as high a quality as possible.

Ecology

26. Within 6 months of the date of this permission detail of the proposed habitat areas, their protection, monitoring and ongoing management for 5 years post restoration shall be submitted to and agreed by the Waste Planning Authority prior to the restoration and planting commencing. Once agreed in writing the scheme shall be implemented in full once restoration of the site commences.

Reason: To ensure the biodiversity and restoration of the site comply with Cumbria Minerals and Waste Local Plan Policy DC10.

Aftercare and Restoration

27. The site shall be progressively restored in accordance with the approved restoration scheme.

Reason: To secure the proper restoration of the land and to allow its return to as high a quality as possible.

28. At least once each year during the five year aftercare period for each phase there shall be a formal review, under the provisions of Section 72(5) of the Town and Country Planning Act 1990, to consider the measures which have taken place on each restored phase in the previous year after year 1 and to agree a programme of management for the coming year which shall be carried out by the operator. The parties to attend the review meetings shall include the waste operator and the Waste Planning Authority and any other relevant specialist advisors considered necessary by either party. At least 2 weeks before the date of each review the operator shall provide the Waste Planning Authority with a record of the management and operations carried out on each phase during the period covered by the review and a proposed programme of management for the coming year.

Reason: To secure the proper aftercare of the restored land and to allow its return to as high a quality as possible.

Approved Documents

29. From the commencement of the development to its completion a copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site for inspection during normal working hours. Their existence and
content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

Cessation of Operations

30. In the event that waste disposal permanently ceases, as defined by this permission, and such period to have been confirmed in writing to the Waste Planning Authority within 28 days of the commencement of such period or such period as identified by the Waste Planning Authority and advised in writing to the applicant, prior to the full implementation of the approved scheme, a revised scheme to include details of the restoration, aftercare and timescale for the completion of the restoration works, shall be submitted to the Waste Planning Authority, within 3 months of the cessation of working for approval. The site shall thereafter be fully restored and aftercare carried out in accordance with the approved scheme.

Reason: To ensure that the development is carried out to an appropriate standard and to secure the proper restoration of the site should waste disposal at the site ceases prematurely, in accordance with Policy DC16 of the CMWDF Generic Development Control Policies.

31. In the event that waste disposal is temporarily suspended for a period exceeding one year, the commencement of such period having been first confirmed in writing by the applicant to the Waste Planning Authority or as identified by the Waste Planning Authority and confirmed in writing to the applicant, then within 14 months from the identified time of suspension of waste deposit an interim restoration scheme and timetable for its completion shall be submitted in writing for approval by the Waste Planning Authority. The interim restoration scheme shall then be implemented in its entirety within a further 12 months from the date of approval.

Reason: To ensure that the development is carried out to an appropriate standard and to secure the proper restoration of the site should quarrying at the site temporarily cease, in accordance with Policy DC16 of the CMWDF Generic Development Control Policies.

32. If the operations hereby permitted are suspended for a period of 4 weeks or more, the operator shall give written notification to the Waste Planning Authority of the date upon which the operations were suspended. Written notification shall also be given to the Waste Planning Authority within 7 days of the resumption of operations following a temporary suspension.

Reason: To ensure that the Waste Planning Authority is made aware of the suspension of operations at the site.