

Chester le Street District: Proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new bridleway/cycle routes at Old Bush Landfill Site, near Ouston, County Durham for W & M Thompson (Earthworks) Limited.

Introduction

- 1 The former Old Bush landfill site is located to the north of the Drum Industrial Estate and approximately 500m to the south east of Ouston. The east coast mainline runs to the east of the site and the Drum Road Travellers Site lies 60m to the west (refer to attached location plan).
- 2 The site is a former brick clay quarry which was infilled with domestic waste and restored to agriculture in the 1960s. Differential settlement has taken place over the years and in 1988 Ouston Farms Ltd. made a planning application for agricultural improvement by waste disposal over an area of 12.4 hectares. The application involved the importation of 180,000m³ of soil, excavation materials, construction and demolition wastes over a period of 3 – 4 years in order to improve levels to facilitate better drainage and form a more adequate soil profile.
- 3 Planning permission was refused for the development largely on the grounds that any improvement in the agricultural quality of the land would be outweighed by the visual and environmental disturbance that would be caused. In 2001 planning permission was granted for the construction of a cycle path across the site as part of a larger route between Low Flatts Road, Chester le Street and Greenford Lane, Kibblesworth.
- 4 W & M Thompson (Earthworks) Limited currently operate three landfill sites. Bishop Middleham Quarry in County Durham, Springwell Quarry, to the south of Gateshead and Thornbrough Quarry, near Corbridge, Northumberland. The Thornbrough site is nearing completion and the operator is seeking a replacement to accommodate inert waste generated by the Company's business in the Tyneside, South Northumberland and North Durham areas.
- 5 The Old Bush site has been identified as a suitable replacement that would meet the Company's requirements and benefit from agricultural improvement. A planning application has therefore been submitted to deposit and spread construction waste (soils) on the site over a limited period and reinstate the land to agriculture and countryside recreation purposes and increase its landscape and ecological value.

The proposal

- 6 The proposal involves the importation of 160,000 cubic metres of construction waste soils to the 13.2 hectares application site over a 4 year period (based on the projected availability of approximately 80,000 tonnes of materials per year). The material would be sourced from various construction sites in Durham, Tyne & Wear and Northumberland. The material would comprise of top soils, sub soils, soil making materials and clays. Small quantities of other inert materials may occasionally be

- present in the imported soils (e.g. bricks, concrete and stone) but construction waste containing significant quantities of such materials would be directed to waste recycling facilities elsewhere (e.g. Springwell Quarry in Gateshead).
- 7 Site establishment works including the formation of a new access to Drum Road, closure of the existing access, creation of a site compound, and provision of drainage ditches and settlement lagoons would take place prior to the importation of waste. A 5m high grass seeded screening mound along the eastern boundary of the site would then be created with surplus material from the site establishment works and imported soils. Tree planting, along the eastern boundary and around the former access as well as a small area on the western boundary, would take place in the first planting season after the commencement of operations.
 - 8 Waste would be spread directly to the existing ground using mobile plant (a traxcavator and excavator) in 9 phases. No separate treatment or storage is proposed or considered necessary. Each phase would take approximately 5 to 6 months to complete and would be up to 2m in depth (although the depth of the material appears to vary between 2 and 3 m) with better quality soils material being spread in the areas proposed for agriculture. The site compound would be located off the access track in Phase 10. No tipping would take place in this area but upon restoration ponds and wetlands would be created here and extend into Phases 8 and 9. The tipping of material would generally proceed in a north to south direction, with the northern section completed first.
 - 9 The land would be graded to tie in with the surrounding landform and would fall eastwards towards the railway line. On completion of tipping the western and central part of the site (approximately 6.5 ha) would be restored to agricultural use. The remainder of the site would be planted with deciduous woodland and would incorporate three ponds and a wetland area along the course of the Upper Rowletch Burn. Provision would also be made for the establishment of a new bridleway/cycleway to link with the existing bridleway to provide a circular route through the site with way marking and information plaques. The site would be subject to a 5 year aftercare programme.
 - 10 The proposed working hours would be 07:30 to 17:30 Monday to Friday and 08:00 to 13:00 on Saturdays. An estimated maximum of 40 vehicle movements (20 in/20 out) and average of 34 vehicle movements per day (17 in/17 out) are predicted in association with the development. Three people would be employed at the site and there would be some indirect employment in the haulage and support activities.

Consultations and views received

- 11 Chester le Street District Council objects to the proposed development. It is considered that the proposed landraising operation would have an adverse impact on the visual amenity of the Green Belt and that the proposal may adversely impact upon the residential amenity of nearby

- residential properties, through the generation of noise, dust and general disturbance created.
- 12 Ouston Parish Council (consulted on 25 July 2007) has not commented.
- 13 North Lodge Parish Council objects to the application for the following reasons:
- The site is existing greenbelt but there is a proposed material change by raising the land approximately 2m in height;
 - Whilst acknowledging the limited number of journeys stated in the application, these journeys will be a further addition to the existing traffic congestion at the nearby Northlands roundabout.
 - There is potential for depositing waste/mud on the surrounding roads, particularly adjacent to the residential Pelaw Grange Court, during the proposed 4 year span of operations.
 - A previously approved cycle route across the land will be affected by the operations.
- 14 Gateshead Council (consulted as neighbouring Council) requests that Durham County Council takes full account of the Council's material concerns and that the application should be refused. The concerns relate to: inadequate information regarding the proposal; lack of need in regional waste disposal terms and that there are other permitted sites close to the site that could take the material namely Blaydon, Path Head and Burnhills Quarries in Gateshead; lack of need in site reclamation and agricultural improvement terms; sustainability failings in that it fails to take account of alternative sites, and does not accord with principles of modern sustainable waste management in that national guidance is to seek to minimise the amount of waste that is disposed of by landfill; the visual impact of the site in that it is widely visible from areas of higher land in Birtley, Barley Mow and the Angel of the North and the East Coast Main Line; concerns that the majority of associated heavy traffic would travel through Birtley; the loss of existing nature conservation value; the effects of noise and dust on housing and other noise sensitive uses, and the lack of a flood risk assessment.
- 15 Birtley Town Council (consulted as neighbouring Town Council on 25 July 2007) has not commented.
- 16 The Environment Agency has no objections to the proposed development, but makes a number of comments relating to: waste licensing; water quality; surface water drainage; land contamination; groundwater, and biodiversity. In terms of biodiversity the Agency strongly supports the inclusion of improvements to the Rowletch Burn area, particularly the ponds and wetland habitats.
- 17 It would appear that the proposal would require an exemption from the Waste Management Licensing Regulations 1994 as it is for the spreading of waste on land with the intention of achieving agricultural or ecological improvement. The exemption limits the land type to which it can be applied, to any requiring improvement, restoration or reclamation as a result of previous development or industrial use. The volume of waste is

restricted to 20,000 cubic metres per hectare and the depth of spread must be no more than 2 metres.

- 18 Natural England (the Government Team) advises that based on the information provided, the proposal is unlikely to have an adverse affect in respect of species protected by law. However, it is suggested that if planning permission is granted the local planning authority may wish to attach an informative to the decision notice to make the applicant aware that such species may be present in the general area and the legal protection requirements.
- 19 Natural England (Geology, Landscape & Soils Team) notes that the previously restored Old Bush Landfill Site has clearly not been reclaimed in accordance with recent best practice, but it nevertheless appears suited to a limited but viable agricultural afteruse for stock grazing. However, should the Council be minded to approve this application, it is suggested that the applicant be requested to provide a more detailed soil handling and replacement strategy prior to commencement of development. This should be sufficient to demonstrate that, following the cessation of waste importation, a satisfactory standard of reclamation would be achieved for the range of proposed afteruses.
- 20 The North East Assembly considers that the development is consistent with a number of the regional objectives of regional planning policy and in general conformity with RPG1 and the Secretary of State's proposed changes to the RSS. This is subject to the local authority being satisfied that the site is the most appropriate for waste installation and that the development proposal is consistent with the objectives of the Great North Forest Plan.
- 21 Network Rail has concerns that the safe operation of railway infrastructure may be jeopardised by the proposed works and consequently recommends that a number of planning conditions be attached to any grant of planning permission and that operational and safety informatives are passed onto the applicant/operator for information purposes.
- 22 Northumbrian Water does not object to the application, but notes that development may be within the zone of influence of Northumbrian Water's apparatus and advises that the developer contacts the Company to discuss the matter further.
- 23 Great North Forest does not wish to comment on the amenity or environmental acceptability of the proposal, but if planning permission is granted it would encourage the local authority to ensure an ultimate solution for the land to prevent further development in the future.
- 24 The Great North Forest would support the creation of a new community woodland and the site should provide biodiversity, landscape, recreational amenity and health benefits to the local community. In order to ensure a long term maintenance strategy for the site and its environs, the developer should allocate funds for improvement work and the

inevitable maintenance works beyond the five year period stated in the Supporting Statement. The Great North Forest would be happy to discuss the possibility of actively managing the land once the restoration stage is completed. Priority should also be given to the development and improvement of the public rights of way network in order to mitigate the costs of the development to local communities which is reasonable to the scale of the development.

Comment: Should planning permission be granted then the applicant may be agreeable to entering into an extended aftercare period and discussions with the Great North Forest.

- 25 Groundwork West Durham (consulted on 30 August 2007) has not commented.
- 26 Sustrans advises that it does not have any comments on the waste planning aspects of the application, but generally welcome the proposal in terms of the provision of an important part of the key north-south cycle route, and its improvement of accessibility to the leisure and nature appreciation opportunities of this part of the Great North Forest. Sustrans considers that there are opportunities to potentially gain additional benefits for cyclists and walkers through the provision of a number of additional links and upgrades to the cycle and footpath network.
- 27 The application has been advertised on site and in the local press and neighbour notification letters were sent to occupiers of residential properties close to the site. Letters of objection have been received from the Birtley Community Partnership, Station Lane Area Residents Association and the MP for Blaydon.
- 28 The Birtley Community Partnership requests that the application is rejected on environmental and health grounds.
- The Partnership is astounded that this type of project could be considered at a time when people are working hard on a project to regenerate the Town.
 - The Partnership is of the view that the area has, for many decades, had to contend with landfill sites on the perimeter of the Town and it was assumed that after the excellent regeneration of the St Bede's Landfill Site, that it had seen the last of them. Businesses, Councils and local people worked very hard and very closely in partnership, to clean this site up and enforce existing regulations while the site was still operational and in particular had a great say in the final landscaping of the whole area.
 - Concerns are raised regarding the effect on Birtley from heavy traffic, noise and dust, the nature of the material to be deposited, the duration of the proposal and the lack of public consultation.
 - If planning permission were granted then consideration should be given to the possibility of setting up a site liaison committee like that which existed for the St. Bedes Landfill Site.

Comment: The relevant planning issues are considered in this report. If planning permission is granted then consideration would be given to the possibility of setting up a site liaison committee.

- 29 Station Lane Area Residents Association opposes the application for the following reasons:
- The residents of Birtley, Lamesley and Ouston have been subjected to noise, grime and disruption of their daily lives for several years whilst landfill sites have been operating. With the restoration of St. Bede's there is the expectation that such activities have come to a timely end.
 - Both the amount of material to be deposited and the length of the operation appear to be greater than the treatment of the site warrants.
 - If restoration of sites is to be undertaken, then there are other sites which are in greater need such as North Quarry near Birtley. Whilst a further landraising scheme is not wanted the applicant could use both sites to deposit up to a total of 160,000 cubic metres of inert waste. Operations would be of a shorter duration at each site, the length of disruption to local communities would be less, and the final visual and recreational values would be increased.
 - Should the application be approved, there must be a regulated route for the vehicles to use that is enforceable and is away from centres of population whenever possible.
- 30 Dave Anderson MP objects to the tipping proposal and considers that it is unnecessary, unsustainable and environmentally unacceptable.
- 31 The Co-operative Group (occupier of Unit 1, Drum Industrial Estate) requests that in the event of any planning approval:
- Vehicle movements are limited to 34 a day (17 in / 17 out) as outlined in the application;
 - Measures are taken to control dust and mud on the road resulting from development; and
 - It is also requested that any development is acceptable with regards to highway safety as the current entrance would appear to be substandard in highway terms.

Planning considerations

Policies

- 32 The strategy for the adopted County Durham Waste Local Plan (April 2005) [WLP] reflects the principles of national guidance that decisions on waste proposals should be guided by the waste hierarchy which encourages reduction, re-use and recovery of waste as a resource, before consideration is given to disposal as landfill. This approach is reflected in Policies W1 and W2, which require the demonstration of need for a particular development which cannot be met by an alternative solution higher up the waste hierarchy. The approach is also set out in Planning Policy Statement 10: Planning for Sustainable Waste Management (June 2005) (PPS 10).

- 33 Policy W46 deals specifically with proposals for new landfill or landraise sites which create new landfill capacity and sets out criteria that proposals need to meet. These will only be permitted where it can be demonstrated that they contribute to a sustainable waste management system for County Durham; represent the best practicable environmental option; satisfy an established need; and achieve overall environmental benefits; or a proposal represents a small 'windfall' scheme which will secure the reclamation of registered contaminated or previously developed land within a short timescale or increase the nature conservation interest of a proposed site through the creation of new habitats, without creating a significant amount of new void space.
- 34 Policy W47 deals specifically with landfill and land raising proposals to improve the quality of agricultural land and states that these will only be permitted if there are no more suitable methods of improving the quality of the land; it represents Best Practicable Environmental Option; there is no unacceptable loss of amenity from the operations; restoration would not be unduly delayed; and the materials are inert.
- 35 Policy W27 considers landraise and groundwater vulnerability for parts of the County both within and outside hydrological sensitive areas. Policy W28 states that proposals for new waste development will not be permitted in flood risk areas unless it can be demonstrated that certain matters can be addressed.
- 36 The WLP also seeks to ensure the protection of the environment and local amenity through Policies W3, W4(i) and W33. Policy W33 requires that suitable mitigation measures are incorporated to ensure that any harmful impacts are kept to an acceptable level. WLP Policy W35 considers cumulative impact of past, current and proposed waste development. Policy W54 requires that planning applications for waste development should include proposals for the satisfactory reclamation of the site.
- 37 The site lies within the North Durham Green Belt, as identified in the adopted Chester le Street District Local Plan [CLP]. Policy W10 of the WLP addresses waste development in the Green Belt. Permission should only be allowed for the deposit of waste material in the Green Belt where it maintains its openness, and does not conflict with the purposes of including land within it.
- 38 The site lies within the Great North Forest as identified in the CLP (Policy NE3). Walters Wood County Wildlife Site and Site of Nature Conservation Importance lies some 1.17km to the west of the application site. WLP policies offer protection to nature conservation designations, these being W13 (County Wildlife/Geological sites). Policy W15 provides protection to protected species. Policies in the CLP also seek to protect nature conservation designations and the green belt. CLP Policies T2 and T3 make provision for protecting and augmenting the existing network of cycle routes and encouraging the use of the C2C and its connections. The route is shown on the CLP proposals map.

Need

- 39 The applicant operates one of the largest demolition businesses in the North of England and wants to use the site to accommodate inert waste generated in and around the Tyneside area. The Company states that it recycles in excess of 90% of demolition materials, but considers the options for recovery and reuse of excavated soil type materials are limited. Some of the material is suitable for use in horticulture, landscaping and land remediation projects, but a substantial proportion of the inert construction waste which is produced must be disposed of by landfill or land-raising. The Thornbrough site used to take such material but is now almost full. A number of other sites have been considered by the applicant within the area served by the Thornborough Quarry including Prestwick Landfill Site (Callerton), near Newcastle Airport, Eppleton Quarry at Hetton le Hole and Broadoak Quarry, Ebchester but it states that these also have limited capacity and life span. It is therefore argued that there is a lack of suitable alternative sites to accept the waste that would be landfilled at the proposed site and it is unrealistic to assume that inert construction waste can either be all recycled or disposed of in existing landfill sites. The applicant considers that this approach does not take account of commercial and practical realities particularly in respect of inert construction waste not being an homogenous material and the substantive changes to operating practices on non-hazardous landfill sites that have occurred and effect the way inert waste is recycled and used.
- 40 Notwithstanding the Company's operational requirements for a further site to accommodate its construction waste and whilst acknowledging that the volumes and composition of material involved may have limited recycling value, the proposed landraise would involve inert material which could be readily re-used in line with adopted planning policies.
- 41 There are a number of large landfill sites, current and former mineral workings, close to the application site which are licensed to accept inert waste materials used for positive reclamation purposes. Gateshead Council has identified 3 quarries, Blaydon, Path Head (to the north of Blaydon) and Burnhills (to the south of Blaydon) as sites capable of accepting this type of waste. Although the applicant takes issue over the ability of these sites to accept such waste they are authorised for this purpose under waste management licence requirements. Springwell Quarry in Sunderland, close to the Gateshead boundary and operated by the applicant, is also suggested as a possible site. North Quarry to the north of the application site is a former landfill in need of restoration, including the need for an engineered cap. Although the planning permission has expired this would benefit from the deposit of such material given concerns surrounding its current state. Further from the application site, County Durham has significant capacity for inert landfill waste. Sites within the County that could accept such material include Crime Rigg, Joint Stocks, Old Quarrington and Bishop Middleham. The diversion of clays and soils away from landfill sites, which require similar

materials to achieve approved landforms and afteruses would potentially impede and delay the timely and proper restoration of these sites.

Agricultural improvement

- 42 The applicant also seeks to justify the proposal on agricultural improvement grounds. It is considered that there is minimal further improvement that the farmer could undertake on the land using normal agricultural methods due to its uneven landform, limited soil depth and localised seasonal water-logging. However, the site has been in use for agricultural purposes since the 1960's and despite the limitations of earlier restoration it has reasonable grass cover and is being grazed as pasture. Although the quality of the land could be marginally improved depending on the materials imported, this has not been demonstrated and it is questionable whether there would be significant benefit from further reinstatement and re-profiling. Limited agricultural use (grazing) is likely to continue albeit with the added possibility of hay or silage production.
- 43 Notwithstanding any potential agricultural gains the proposals are also considered excessive as a means of addressing existing localised issues of ground unevenness and poor drainage. These matters could be dealt with by more limited reprofiling rather than extensive and comprehensive landraising to an average depth of 2m across the site. More than half of the land would in any event be given over to woodland and wetland areas on restoration rather than productive agricultural use.

Residential amenity

- 44 The nearest group of residential properties to the site are those at the Drum Road Travellers Site approximately 60m to the west of the application boundary at its closest point. Several properties at Ouston Springs Farm to the northwest of the site are some 160m away and Ouston is 500m distant in this direction. The closest properties in Barley Mow are approximately 300m to the east of the site, but are separated by the East Coast Mainline Railway, commercial development and Durham Road. The distance from the properties to the operational areas varies depending on the phase of working
- 45 A noise assessment has been undertaken by the applicant and indicates that during the construction of the screening mound and waste spreading operations the predicted worst case noise levels would be within the limits set out in government guidance and that it is unlikely that noise from the proposed operations would lead to complaints from residents or significantly alter the noise climate in the vicinity of the traveller site or Ouston Springs Farm. However, it is considered that there would be a short period of approximately two weeks when the ponds are being excavated and the adjacent area is being regraded at the southern end of the site when it is possible that noise levels at the traveller site may exceed recommended levels for normal operations by 2dB. Mitigation measures are proposed.

- 46 The type of material to be deposited is not biodegradable and would not give rise to odours. Litter is not expected to be an issue. Loads arriving at the site would be inspected to ensure that only inert materials are deposited. The predominant wind direction is from the southwest away from the nearest residential properties but towards Barley Mow. Dust suppression measures are proposed and would be implemented should planning permission be granted.
- 47 The Environmental Health Officer (EHO) at Chester-le-Street District Council objects to the proposal. The EHO has concerns regarding the methodology used to predict the noise levels associated with the proposed development. He is of the view that the predicted noise levels appear to be underestimated and given the close proximity of the Drum Road Travellers Site noise complaints can be expected from residents of the traveller site. The outdoor lifestyle of the travellers is highlighted and it is noted that the relief from external noise that is generally achieved by staying indoors will be lessened for those living in caravans as the attenuation provided by the caravan structure will be much lower than that attained by permanent housing built to established construction standards. In terms of dust the EHO considers that the application appears to underestimate the potential for dust nuisance, does not appear to have in place adequate control measures and fails to properly assess the impact on residents 80m away. Notwithstanding these concerns, if planning permission is granted it is requested that appropriate conditions are attached to any consent requiring extensive noise monitoring around the site on a long term basis to ensure that the guidance in Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (MPS2) is being adhered to and that a suitable dust action plan is implemented.
- 48 Given the nature and duration of operations, distances from residential properties and subject to appropriate planning conditions to ensure suitable mitigation measures are implemented it is unlikely that the proposal would have adverse effects on the majority of residential occupiers in the vicinity of the proposed site through increased noise and dust. However, the EHO objects to the proposal and considers that these impacts have been underestimated, specifically in relation to the Drum Road Travellers Site.

Landscape

- 49 The application site can be seen from a number of vantage points including the East Coast Mainline, Drum Lane and from high ground on both sides of the valley. In many of these views the proposals would have a low or moderate impact being a small element in a visually complex and varied landscape. The impact would be higher in views from the eastern edge of Ouston and from the network of public footpaths east of the village, where the site is more open to view at fairly close quarters. While the proposed phasing would result in only parts of the site being visibly disturbed at any given time, tipping operations would have a constant visual presence in views from this direction throughout the life of the site.

- 50 The 5m high mound along the eastern boundary of the site would help to screen views of waste spreading operations from the East Coast Mainline although this is partly on embankment at this point. The mound would be progressively removed from north to south as waste spreading operations are completed and screening of active operations is no longer required.
- 51 Although the proposals would have short term adverse effects associated with site operations, vehicle movements and engineered landforms in an open agricultural area within the Green Belt, in the longer term there would be landscape benefits from the creation of new broadleaved woodlands, wetlands and hedges. The overall design with woodland on the northern and eastern edges and along the course of the Rowletch Burn, which runs across the site, would fit reasonably well into its surroundings and is appropriate to the local landscape in terms of species mix.
- 52 The site lies in the Great North Forest and in a priority area for new woodland planting in the County Durham Landscape Strategy and the Great North Forest Team Valley Local Management Zone (LMZ) Strategy where '*more extensive native woodland along the East Coast Mainline Corridor*' is indicated. The River Team Catchment Plan also identifies a need for woodland and wetland creation in the area. The proposals are consistent with those strategies, although the benefits in landscape terms would be greater if the scale of woodland planting was more substantial, reflecting the scale of the woodlands planted in reclamation schemes to the north.

Nature conservation

- 53 The site consists of poor agricultural quality land (Grade 4) and has limited nature conservation value and no special features. It contains a few shrubs and trees in the western and southern parts of the site and a hedgerow running east west across the southern area. Some of this would be lost but replacement hedge planting is proposed.
- 54 The applicant has carried out protected species surveys for the presence of water voles and great crested newts. Neither species was found and there are therefore no habitat safeguarding issues associated with the proposal. The proposals would increase biodiversity in that it would create 3 ponds, wetland and woodland but does not fully exploit the opportunities for delivering the Durham Biodiversity Action Plan by recreating low level wetlands, wet woodland and grasslands similar to those which once occurred in this part of the Team Valley.

Public rights of way

- 55 Bridleway No. 4 Ouston Parish runs east to west through the northern part of the site (through Phases 1 and 2 and the proposed screening mound). As there is no link over the railway line it is likely that the Bridleway is only used for accessing the fishing pond located in the

reclamation site to the north. However, in order to retain access along the route a diversion order would need to be made. The proposed development would increase public access to the site and upon restoration it is proposed create an additional bridleway running north south along the western boundary of the site on the line of the former Ouston Wagonway to Drum Road. A further bridleway would connect to Bridleway No. 4 to create a circular route through the site. Way marking and informative plaques would be provided.

- 56 Improved public access and the provision of a link between the Bowes Railway Path to the north and the Coast to Coast (C2C) to the south is supported by the County Council, the Great North Forest, Gateshead Council, Chester le Street District Council, Groundwork West Durham and Sustrans. The route is intended to form part of the National Cycleway network connecting the C2C Cycle Route and the Bowes Railway Path and is one of a number proposed for off road recreational access in the Great North Forest. The line of the cycleway route on the application site benefits from planning permission and part of the overall cycle link has already been provided. Nevertheless the proposal would ensure the early delivery of this section of the route although links on adjoining land are not yet in place.

Hydrology

- 57 The Rowletch Burn is considered to be of good water quality although it does suffer from pollution further down its course. Drainage from the site would be directed through a settlement lagoon subject to the necessary consents from the Environment Agency which would ensure that only clean waste water would be discharged from the site into the Burn. Upon restoration three ponds and wetland would be provided along the course of the Upper Rowletch Burn.
- 58 The proposal is operational development of 1 hectare or greater within Flood Zone 1. The application was not accompanied by a Flood Risk Assessment (FRA). In this case the Environment Agency does not deem that spreading of construction waste soils will adversely impact on the surface water drainage regime and therefore a Flood Risk Assessment is not required.

Traffic

- 59 Material would be brought to the site in heavy goods vehicles and would involve a maximum of 40 vehicle movements (20 in/20 out) and average of 34 vehicle movements per day (17 in/17 out). Access would be from Drum Road which links onto the A693 to the south west and Durham Road to the east with links to the A1(M), but it is unlikely in view of the length of the internal road that mud would be transferred onto the highway. Loaded vehicles would be sheeted and a wheel wash facility would be provided. Due to visibility concerns at the existing access and proximity of a rail overbridge a new access is proposed, approximately 50m to the west of the existing access.

- 60 The Head of Highway Management Services considers that the average HGV movements would not add significantly to the amount of traffic using Drum Road and has no objection to this element of the scheme. However, he objects to the position of the proposed junction which would have sub-standard visibility and be too close to the rail bridge resulting in turning vehicles being masked to approaching vehicles. A revised location of the access junction would be acceptable at least 20m west of the proposed location. At this position there would be room for the required visibility splay of 4.5m x 90m and there would be sufficient forward visibility on the road to see turning vehicles in time. There would appear to be no technical reason why the access could not be resited although the application boundary would need to be amended.

Cumulative impact

- 61 There is a history of mineral working (former clay pits) and landfill operations in the vicinity of the proposed site and the proposed site would add to this for the period of working and restoration. The former St Bede's Landfill Site, operational between the 1960's until 2003, is 690m to the north of the application site. It is now restored and has been in aftercare since 2004. North Quarry lies 1.3km to the north and is in need of restoration and 1.7km to the north is Birtley Quarry an active clay extraction site with planning permission until 2020.

Other matters

- 62 Whilst the application is acceptable to document the main elements of the proposed development it lacks clarity on some points and questions remain regarding the implementation of the proposals as described on the plans. These are detailed matters that could potentially be resolved if the principle of development was otherwise acceptable. However, such agreement would not overcome concerns about the need for this waste development.

Conclusion

- 63 The applicant is seeking a replacement site for inert waste disposal and has identified land at the former Old Bush Landfill Site that would serve this purpose and provide agricultural, landscape and recreational benefits. The site is currently suitable only for rough grazing and is of little agricultural value. Whilst accepting that the proposal would have some potential benefits in terms of local landscape and public access strategies for the area, it is considered that there is no need for the facility to meet deficiencies in landfill capacity or as a necessary agricultural improvement.
- 64 Given the existing condition, use and appearance of the site it has not been demonstrated that land raising on the scale intended is justified to secure significant agricultural improvements. Moreover, the material to be deposited could be used in restoration at mineral and waste sites within Tyneside and the surrounding area. Completion of the sites may

be unnecessarily delayed if suitable material is diverted to sites that are not essential for this purpose.

- 65 The proposal therefore conflicts with the thrust of Government waste planning guidance, local plan policy on tipping and would prejudice the implementation of adopted WLP policies. Planning Permission was previously refused for such a development 19 years ago largely on the grounds that it was not needed and would create visual and environmental disturbance. The provision of a bridleway/cycleway is already provided for in an existing planning permission and improvement to biodiversity and planting could take place without the need to undertake landraising at the site.
- 66 Although noise levels are predicted by the applicant to be within acceptable levels, these are questioned by the EHO who considers that there is likely to be an adverse affect on residential amenity in terms of noise and dust specifically at the Drum Road Travellers Site.

Recommendation and Reasons

- 67 Having weighed the potential benefits and disbenefits of the scheme I **recommend** that planning permission be refused for the proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new bridleway/cycle routes for the following reasons:
- i. There is no demonstrated need or environmental benefit in improving the agricultural quality of the land by the importation of waste materials. The re-use or recycling of the material or its utilisation at existing sites would be a more positive use than depositing it at the proposed site. The proposal is therefore contrary to WLP Policies W1, W2 and W46.
 - ii. There is sufficient tipping space elsewhere in the locality where the material that is to be deposited would achieve overall environmental benefits by making a more positive contribution to the improvement of a degraded landscape. The proposal does not accord with WLP Policy W46 with regard to landraise.
 - iii. There would be unacceptable loss of amenity caused by the operations contrary to WLP Policies W3, W4(i), W33 and W47.
 - iv. The proposed access is unacceptable in its current form, and would give rise to conditions prejudicial to highway safety contrary to WLP Policy W31.

Significant departure

Background Papers:

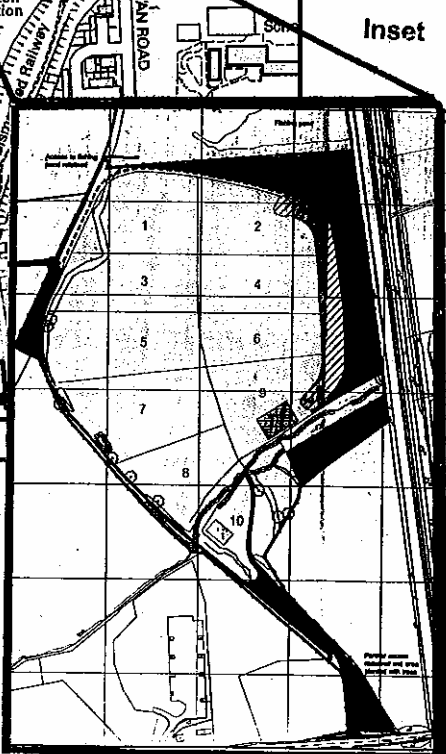
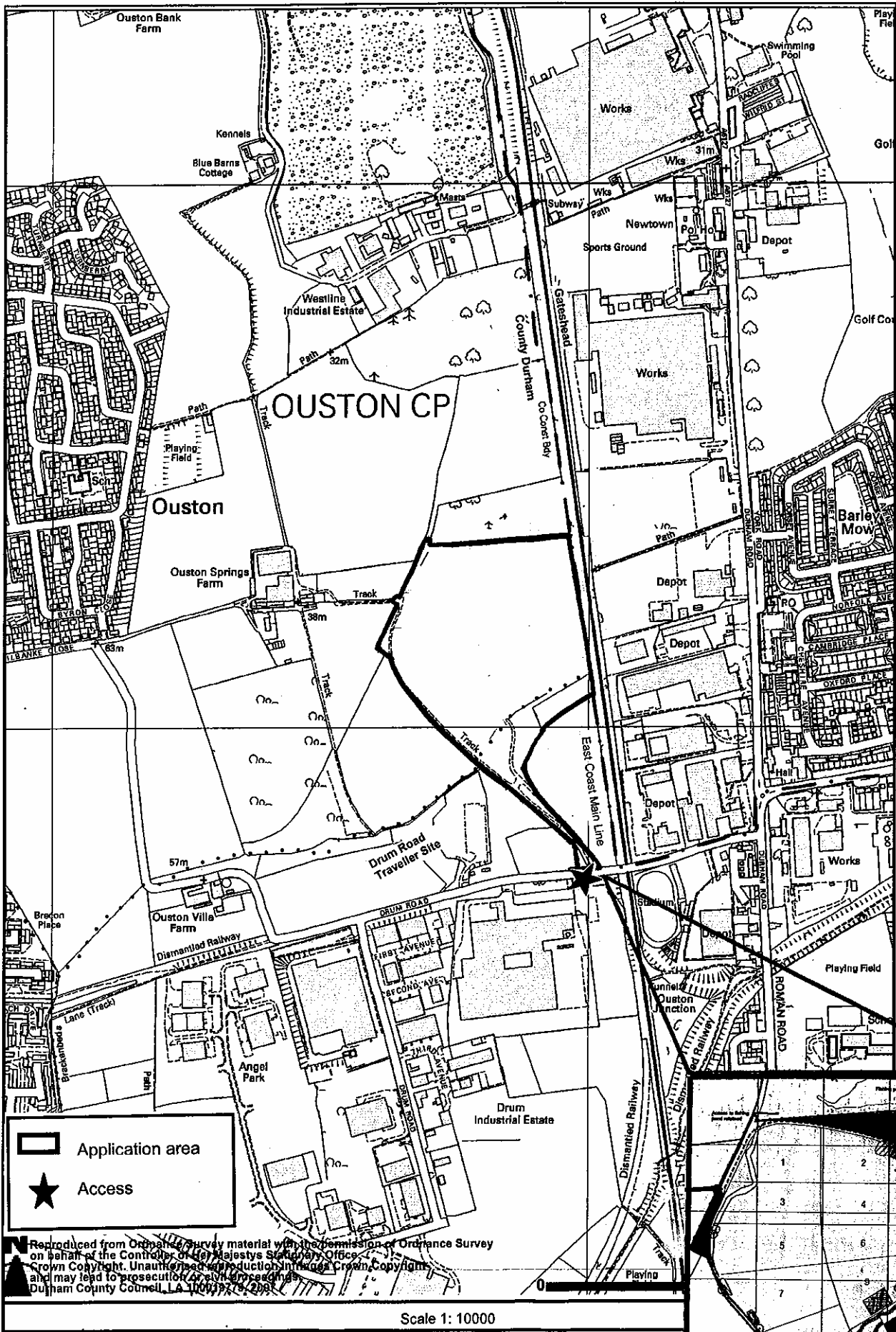
Planning application and supporting statement, plans and additional information on planning application file ref: CMA/2/11.

Contact: John Byers Tel: 0191 383 3408

Proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new bridleway/cycle routes at Old Bush Landfill Site, near Ouston, County Durham for W & M Thompson (Earthworks) Limited.

Key Facts

Site area:	13.2 Ha.
Existing land use:	Agriculture (Grade 4). Former clay pit restored through waste disposal and site of former brickworks.
Proposed land use:	Agriculture 6 Ha. Forestry 6 Ha. Ponds and wetland 1 Ha. 1000m new bridleway and cycleway routes (370m improved).
Duration of landraise operation:	4 years (2008 to 2012 final restoration works completed by 2012).
Type of waste to be accepted at the site:	Construction waste soils comprising top soils, sub soils, soil making materials and clays. Occasionally small quantities of other inert materials from construction sites may be present in the imported soils.
Source of waste to be accepted at the site:	Various construction sites in Durham, Tyne & Wear and Northumberland.
Amount of waste to be accepted at the site:	160,000 m ³ in total. 80,000 tonnes per year. Maximum depth being 2m.
Hours of operation:	All operations: 07:30 to 17:30 Monday to Friday 08:00 to 13:00 Saturday There would be no working on Sundays or Bank Holidays.
Daily lorry movements:	Maximum 40 in total (20 in and 20 out). Minimum 34 in total (17 in and 17 out).
Lorry routeing:	New access (to west of existing) onto Drum Road to Durham Road/A693.
Employment:	3 people employed directly with additional employment in haulage, ancillary and support activities.



Chester le Street District: Proposed land improvement by spreading of construction waste soils to provide land for agriculture, woodland, ponds and wetland and new Bridleway/cycle routes at Old Bush Landfill Site, near Ouston, County Durham for W & M Thompson (Earthworks) Limited.