
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	28 August 2008	CATEGORY: DELEGATED
REPORT FROM:	Director of Community Services	OPEN
MEMBERS' CONTACT POINT:	Kevin Exley 01283 228717	DOC:
SUBJECT:	Albion Landfill - Application to modify planning obligation	REF:
WARD(S) AFFECTED:	Woodville, Church Gresley, Swadlincote and Seales Wards	TERMS OF REFERENCE: EDS

1.0 Recommendations

- It be noted that Leicestershire County Council has received an application to modify the planning obligation relating to the land at Albion to allow a planning application to extend the working life of the Albion Landfill site; and
- That no objection to this application be lodged, subject to any future planning application for a time extension at this site coming before this committee for full consideration.

2.0 Purpose of Report

- 2.1 To inform members that an application to modify a planning obligation relating to land at Albion, Moira and Swainspark, Leicestershire has been received by Leicestershire County Council and to formulate a response.

3.0 Detail

- 3.1 An application for the modification of the Planning Obligation dated 26th March 1999 under Section 106 of the Town and Country Planning Act relating to land at Albion, Moira and Swainspark, Ashby Woulds, Leicestershire has been received by Leicestershire County Council. A site plan identifying the extent of the land is attached to this report at Appendix 1.
- 3.2 The Obligation was entered into, originally by Onyx Landfill Limited which is now Veolia ES Landfill Limited, to ensure that amongst other matters the development of the Albion Landfill site, permitted under planning consent ref. 98/0599/7, is carried out in a proper manner. Clause 10.1 of the second Schedule requires that *“no application shall be made to extend the area or timescale of landfill operations at Albion as specified in the planning permission”*.
- 3.3 For a number of reasons outlined later Veolia now consider that it has become necessary to consider making a planning application to extend the timescale of the landfill and as such are applying to Leicestershire County Council to modify the Planning Obligation by the deletion of the words *“or timescale”* from Clause 10.1 of the Second Schedule such that the new wording would read *“no application shall be*

made to extend the area of the landfill operations at Albion as specified in the Planning Permission”.

- 3.4 Veolia have justified the need to extend the life of the Albion Void on the grounds that when planning consent was originally granted in March 1999, it was anticipated that the site would take 13 years to fill to permitted levels and as such a condition was attached requiring the importation of waste to cease by the 31st December 2014 or 13 years after the commencement of importation whichever was earlier. Due to difficulties in issuing the Waste Permit by the Environment Agency and various legal challenges, the importation of waste did not actually commence until the 28th November 2005 – almost seven years after planning permission was granted. In addition to this, the site has experienced lower waste inputs from local authorities including South Derbyshire and North West Leicestershire, both of which have seen recycling rates more than double in the past 5 years. Further reductions in waste have also arisen as a result of the landfill tax. The agreed scheme for the restoration and after-use of the site cannot properly be achieved until the void has been filled to the capacity permitted.
- 3.5 Land at Moira and Swainspark which were part of the original application has now been fully restored and will not be affected by this application to modify the planning obligation.

Officer comments

- 3.6 Members will no doubt be aware that historically this Council objected to the application to utilise this site for waste disposal. Concerns that led to this objection were based, in particular, on the potential of HGV movements to impact on the safety and amenity of local communities, most notably Overseal, Woodville and Castle Gresley. Other concerns raised by the Council included noise, air quality, public health and landscape impacts.
- 3.7 However, it is important for members to be aware that this proposal to modify the Planning Obligation (a legal agreement between a local authority and a developer) does not constitute a planning application. Should Leicestershire County Council agree to this modification the applicants would still be required to submit a new planning application to vary the condition on the original planning application. As such this modification does not itself confer permission to extend the life of the site.
- 3.8 Should a planning application be subsequently submitted, it is likely that it would be accompanied by detailed information, which would set out likely impacts on the environment and local communities of continued use of the site. At this point the Council would be able to make a meaningful assessment of the significant impacts of a time extension and assess the issues that could result from any proposals.

4.0 Financial Implications

- 4.1 None identified

5.0 Corporate Implications

- 5.1 A significant proportion (around 60%) of this authorities municipal waste is received by this site. As such any proposals to extend the life of the landfill would be of corporate interest.

6.0 Community Implications

- 6.1 Removal of this planning obligation will allow a planning application to be submitted to extend the life of the site. Any proposal will need to assess the community impacts of a time extension.

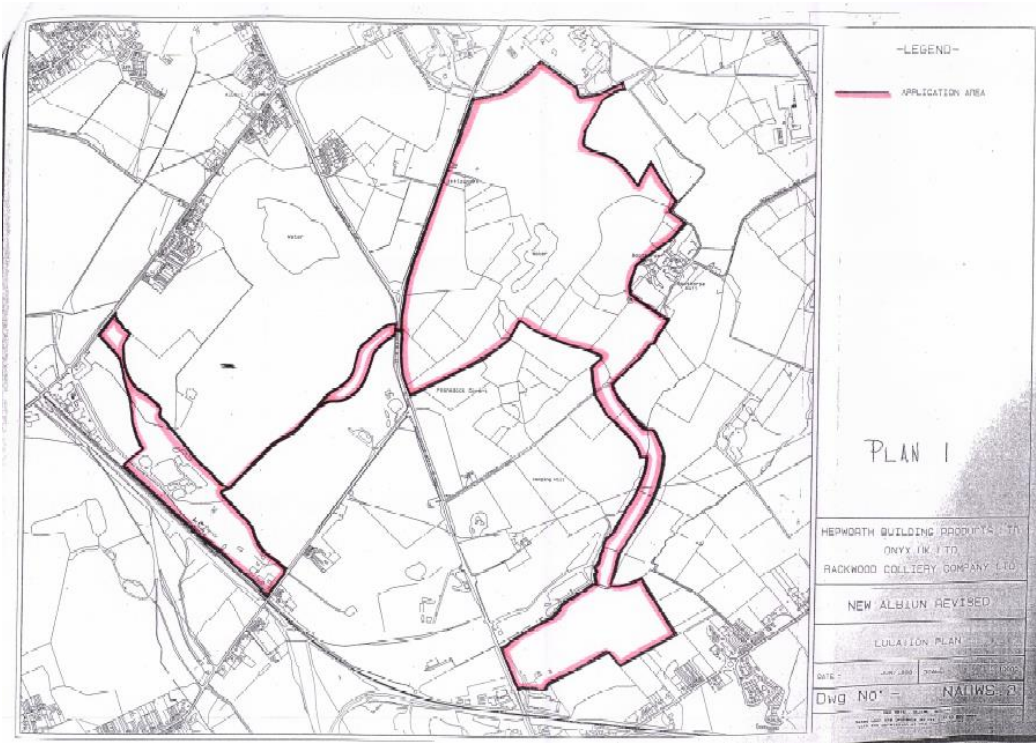
7.0 Conclusions

- 7.1 Removal of the planning obligation as previously considered is likely to be a precursor to a planning application to extend the life of the Albion Void Landfill site, which the site owners suggest will not be filled to levels set out in the original planning consent of 1999 to allow the site to be fully remediated.

8.0 Background Papers

None

Appendix 1 Site Boundary Plan



Appendix 2 Location of the Albion Void

