

REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 23 JULY 2009

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SUMMARY STATEMENT – PART ONE

Items include an application recommended for approval to be referred to the Regulatory and Appeals Committee for determination, six decisions made by the Secretary of State, a miscellaneous report on an enforcement issue and a list of enforcement enquiries closed by the Planning Manager (Enforcement & Trees) as **Not Expedient to Pursue**

The sites concerned are:

1	Manywells Landfill Site Manywells Brow, Cullingworth	Page 2	Bingley Rural
2	21 Halstead Drive, Menston	Page 18	Wharfedale
3	Bankfield House, 16 Derry Hill, Menston	Page 18	Wharfedale
4	60 Claremont Road, Wrose	Page 18	Windhill/Wrose
5	Clarke House, Keighley Road, Bingley	Page 18	Bingley
6	8 Queen Street, Bingley	Page 19	Bingley
7	1a Bertram Drive, Baildon	Page 19	Baildon
8	132 Main Street, Bingley	Page 20	Bingley
9	Not expedient	Page 21	Various

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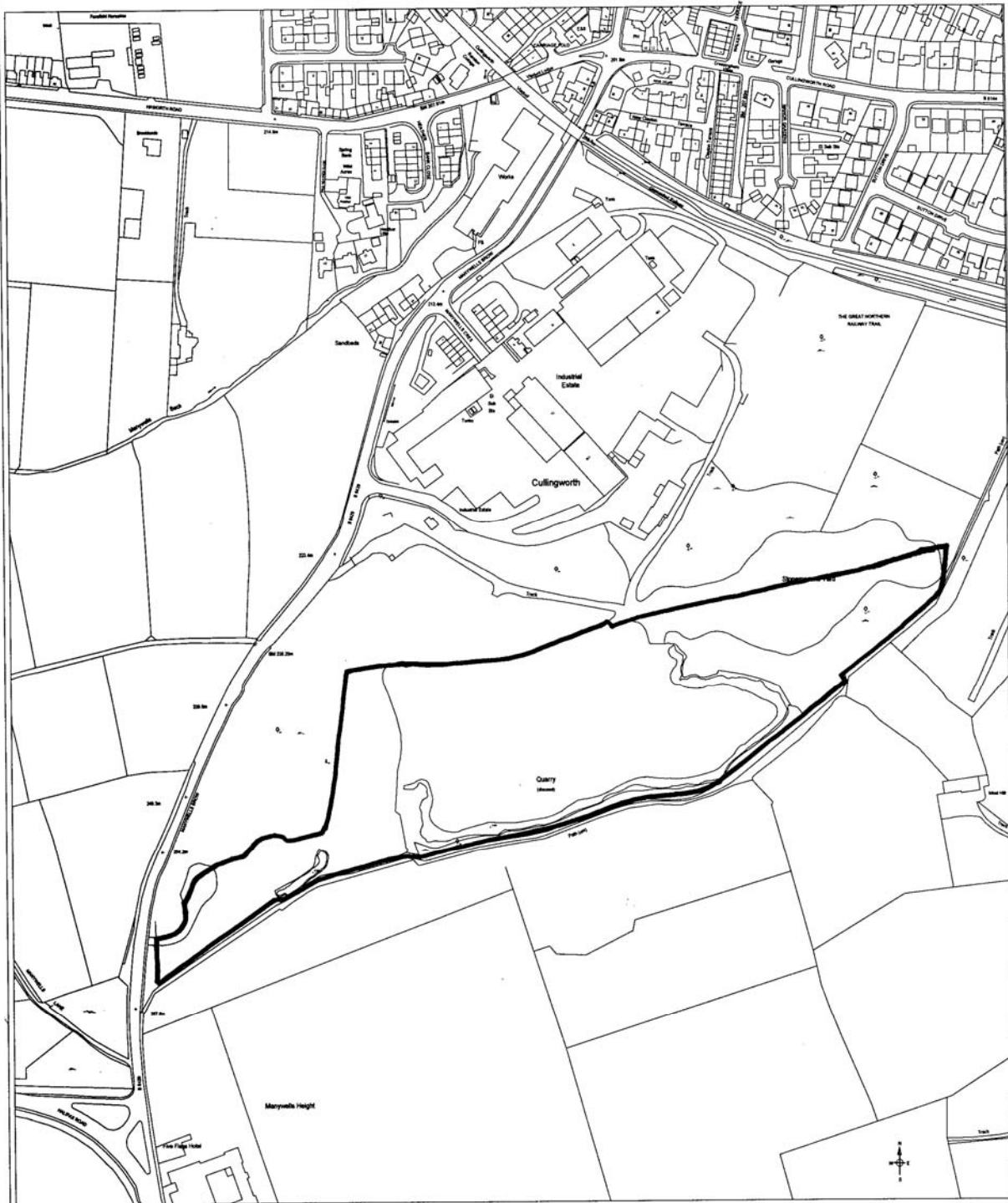
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SHIPLEY AREA PLANNING PANEL

DATE
23 JULY 2009



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ITEM No. 1

LOCATION

MANYWELLS LANDFILL SITE, MANYWELLS BROW, CULLINGWORTH

Date: 23 July 2009

Item Number: 1

Ward: 03 – Bingley Rural

Recommendation: To Grant Planning Permission subject to conditions. This application is referred to the Panel so it can advise the Regulatory and Appeals Committee on the local implications of the application. The application must be determined by the Regulatory and Appeals Committee as it potentially represents a departure from the Replacement Unitary Development Plan and if that Committee is minded to grant permission the application will be referred to the Secretary of State under the Departure Directions 1999.

Application Number:
09/01181/FUL

Type of Application/Proposal and Address:

This is an application for the remediation and final restoration of Manywells Landfill Site in Cullingworth, the construction of a new access road off Manywells Brow, and the landfill with inert waste of quarry hollows in fields to the south of Manywells Landfill Site.

Site Description:

The proposal site is located adjacent to and to the south of the Manywells Industrial Estate which in turn is south of the village of Cullingworth. To the south of Cullingworth the land slopes up to a plateau of agricultural land; the majority of the proposal site is located on the upper slopes of this hillside, with the quarry hollows being located on the plateau of agricultural land beyond. The surrounding area has a mixed character comprising woodland to the west, industrial buildings and land to the north, and agricultural land to the east and west. The nearest residential dwellings to the proposal site are at the '5 flags' residential development approximately 150m to the south, East Manywells Farm 200m to the east and 11 Manywells Crescent approximately 220m to the north.

The proposal site comprises four distinct areas of land. The proposed new access road will run through a 0.8ha area of woodland to the west of the landfill site (Area A). This area comprises part of an approximately 3.5ha area of mixed deciduous woodland east of Manywells Brow. A rough track currently runs along the proposed route for the access road with a clearing in the location of the proposed site compound. A telecom mast is situated within the woodland adjacent to the route of the proposed access road. The eastern and western boundaries of Area A are marked by a wire mesh fence 2m+ in height; the northern and southern boundaries of Area A are not enclosed. Area A is approximately 3m lower in ground level than the adjacent bridleway to the south.

The landfill site to the east of the woodland (Area B) is approximately 4ha of disturbed land mounded up into a domed landform, up to 10m higher than adjacent land to the south. An access road encircles the site approximately half way up the waste mass and various items of drainage and landfill gas management infrastructure are visible including borehole encasements, manholes, pumps, pipes, tanks and a landfill gas flare unit. The site is accessed through Manywells Industrial Estate to the north and is enclosed by a concrete post and wire-mesh fence 2m+ in height. To the northeast of the landfill site is a 1.3ha wedge shaped area of land (Area C) within the existing perimeter fencing of the landfill site but outside the two controlled waste landfill cells. This area currently contains a site office cabin, a staff parking area, several storage containers and a mound of shale. Approximately half of this area contains established vegetation including trees and an area of heather/ bilberry.

To the south of Manywells Landfill Site are two agricultural fields amounting to 2.4ha, containing three quarry hollows (Area D). Public Bridleway 212 separates area D from the rest of the proposal site. The agricultural fields are on a relatively flat plateau of upland pasture. The boundary between the bridleway and the fields containing the quarry hollows is marked by an approximately 1m high post and wire fence. Field boundaries to the south, east and west consist of dry stone walls. The fields have the appearance of semi-improved pasture.

Relevant Site History:

App. Ref.	Description	Decision
90/04390/FUL	Deposit of controlled wastes at Manywells Quarry	Granted 18 March 1994
91/06549/FUL	Boreholes for monitoring water pollution mounding and additional landscaping	Granted 18 March 1994
96/01201/FUL	Retrospective application for three small extensions to void space	Granted 20 Sept 1996
96/01208/COU	Change of use from ancillary mining land/woodland to ancillary operational area	Granted 20 Sept 1996
97/02305/FUL	Change of use from ancillary operational area to landfill site extension	Granted 14 May 1999
98/03369/VOC	Variation of condition 2 attached to planning permission 90/7/04390 and 97/02305/FUL	Granted 21 July 1999
00/00068/FUL	Regrading and reclamation of agricultural land with imported inert materials	Granted 17 July 2000
01/00787/VOC	Variation of condition 1 attached to planning permission 98/03369/VOC to extend timescale for deposit of waste until 22 September 2001	Granted 18 July 2001

Replacement Unitary Development Plan (RUDP) & Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS):

Proposals and Policies

- Areas A and D of the proposal site (as described above) are within the Green Belt as identified on the RUDP proposals map, therefore saved policy GB1 of the RUDP is relevant.
- Part of Area C of the proposal site is within an Employment Site allocated on the RUDP proposals map and therefore policy E1 is relevant.
- The proposal involves the restoration of a former landfill site and the landfill of quarry hollows through the deposit of inert wastes therefore policies P13 and P15 of the RUDP and ENV12, ENV13 and ENV14 of the RSS are relevant.
- The application will have a significant ecological impact therefore policies NE12 of the RUDP and ENV8 of the RSS are relevant.
- The proposal will have a significant effect on the character of the landscape therefore policies NE3 of the RUDP and ENV10 of the RSS are relevant.
- The proposal involves a temporary HGV crossing over public Bridleway Bingley 212 therefore policy TM2 of the RUDP and T5 of the RSS are relevant.

Parish Council:

Cullingworth Parish Council:

- Support the remediation of Manywells Landfill Site.
- Report that residents of Cullingworth have raised the following concerns about the infilling of the quarry hollows:
 - Health and safety concerns regarding the proposed bridleway HGV crossing
 - Concerns about the nature of the material proposed to infill the field hollows
 - Concern about the routing of HGVs
 - Concern about commercial stone extraction taking place

Publicity and Number of Representations:

The application was publicised in the press, through site notice and neighbour notification letter as a development affecting a public right of way representing a departure from the development plan. The notification period expired on 30 April 2009. In total 17 representations from members of the public raising concerns about or objections to the application have been received, broken down as follows:

- 8 representation from 2 individual objectors
- 5 representations from other individuals
- 2 representations from horse riders associations
- 1 representation from a clay pigeon club
- 1 anonymous representation

Summary of Representations Received:

- Concern that the application was not adequately publicised;
- Concern that both the field hollow landfill and Manywells remediation/ restoration proposal should not have been submitted together in a combined application;
- Questioning of the need for the landfill of the field hollows and the appropriateness of filling with inert wastes;
- Questioning of the need to import material to fill the field hollows given that excess fill material has been deposited on a nearby field;
- Questioning of the need for the bridleway crossing given the existence of an alternative access route off Cullingworth Road;
- Concern that the proposed bridleway crossing would be prejudicial to the safety of bridleway users, in particular horse riders;
- Concern about the impact of the bridleway crossing and the operation of heavy plant in close proximity to the bridleway on usage of the Calder Aire Link and Pennine Bridleway National Trail;
- Concern about the potential for HGVs to route through Cullingworth;
- Concern about the safety of the proposed access onto Manywells Brow;
- Concern about the number of trees proposed to be felled to achieve suitable visibility splays;
- Concern about nuisance caused by noise dust and fumes from the proposed landfill operation;
- Concern that an additional landfill site near Cullingworth would have an adverse visual impact;
- Concern that drainage from the access road may pollute Manywells Beck;
- Concern that the Clay Pigeon Club may no longer be able to use the land.

Consultations:

Countryside/ Landscapes

- Although there will be some habitat loss in the short term, ultimately there will be a major improvement to biodiversity in respect of habitat enhancement/ diversity and significant contributions towards regional biodiversity targets. However some outstanding issues need to be addressed through conditions, namely:
 - Final grass seed and planting mixes to be agreed;
 - Responsibility for the long-term management of all of the natural elements of the site, but especially the balancing ponds/reed beds;
- The remediation scheme, consisting of original landfill scheme, operational plant area, filling of hollows and new access road is unlikely to have detrimental effect on the visual amenity of the surrounding area and is more likely to significantly improve the landscape in the long-term, notwithstanding the period of construction works.

Drainage

- Details of the proposed soakaway should be submitted to the Council for approval prior to works commencing

Environment Agency

- No objections provided that the landscape/ restoration proposals are implemented, native planting is used and that Environment Agency guidance is followed in relation to groundwater and contaminated land.

Environmental Protection (Scientific and Technical)

- Initially requested additional information on landfill gas and leachate monitoring, assessment of contamination risks and proposals for works to manage the risks;
- Following the submission of further information Environmental Protection confirmed that they are satisfied with the level of information provided on the contamination risks associated with the site and that the proposed works will provide an appropriate and effective method of remediating the site
- Recommended that a condition be imposed requiring a site closure plan/ remediation verification report.

Environmental Protection (Nuisance)

- Initially requested further information on the noise impacts of the proposal.
- Following the submission of additional information Environmental Protection confirmed that, subject to conditions, the level of noise generated by the operations would meet acceptable residential amenity noise guidance levels.
- Confirmed that the proposed control measures for dust, odour, litter, pests and vermin are acceptable;

Great Northern Trail Forum

- Support the proposal to turn a landfill site into an informal recreation area;
- The restored landfill should provide an additional attraction for users of the Great Northern Trail;
- The Aire Calder Bridleway should be improved for cyclists in order to ensure that travelling by car is not seen as the main mode of accessing the site;

Highway Development Control

- Initially raised concerns about the method for controlling routing, and the level of HGV traffic likely to route through Denholme and requested additional information on the access road gradient, visibility splays, signage and wheel wash facilities.
- Recommended conditions covering, visibility splays, signage, wheel wash arrangements, HGV movement numbers and the direction of HGV movements at the junction between the access road and Manywells Brow.

National Grid

- Negligible risk to the national electricity and gas transmission networks

Natural England (National Trail)

- The impact on the Calder Aire Link and the Pennine Bridleway National Trail should be considered and it should be ensured that the Bridleway remains free from obstruction and is not damaged.

Natural England (Landscape/ Ecology)

- Welcomes the remediation and restoration of Manywells Landfill Site in principle and in particular welcomes the proposed landform, the restoration as an amenity area, the extensive tree planting and the use of sustainable drainage techniques.
- However raised concerns regarding the necessity of further survey work prior to the approval of the restoration scheme, the complexity/ ambition of the restoration plan, the areas proposed for tree planting, the practicalities of establishing heather moorland, the level of detail on the restoration of the field filling area, compound and wheel wash area, and the appropriateness of the proposed seeding mixes/ planting. Also advised that consideration should be given to additional planting within the woodland and that no trees should be felled during the bird nesting season (March – Sept).

Rights of Way

- Public Bridleway Bingley 212 crosses the site. This is an important strategic route as it is part of a feeder route to the Pennine Bridleway and the Great Northern Trail;
- Initially raised concerns regarding the alignment of the proposed fencing along the bridleway and the gating arrangement and surfacing for the proposed bridleway crossing;
- Objections withdrawn following the submission of amended plans showing details of the bridleway crossing, warning signage and fence alignment;

Trees

- Accepting that there will be some tree loss to facilitate the works it is essential that the maximum number are retained. Trees not affected by the development should be retained unless new planting is to be carried out. Footways and roadways need to be of tree friendly construction, this will need to take into consideration level changes and maximising the use of no dig construction.

Yorkshire Water

- Initially requested further information on proposed leachate and surface water drainage;
- Following the submission of additional details Yorkshire Water confirmed that they have no objection in principle to the proposed drainage arrangements;

West Yorkshire Archaeology Advisory Service

- The proposal has no apparent significant archaeological implications.

Summary of Main Issues:

- 3.0 Sustainable Waste Management
- 4.0 Openness of the Green Belt
- 5.0 Viability of Employment Land
- 6.0 Impact on landscape, ecology and recreational amenity
- 7.0 Impact upon the rights of way network
- 8.0 Highways Impacts
- 9.0 Local Impact of Development

Appraisal:

1.0 Planning History

1.1 Manywells Landfill Site has a relatively complicated planning history; however the main and most relevant permissions relating to the site are 90/7/04390, granted in March 1994 (the original landfill permission) and 97/02305/FUL, granted May 1999 (relating to an

extension to the original permitted void space). Conditions attached to the permissions (as amended by subsequent variations) required landfilling to cease and capping to have been completed by 22 September 2001 with restoration being achieved within 12 months of this date. The highest part of the approved restored landform was 169m AOD. Although tipping did cease in 2001 the site was over-tipped and the site operator/ owner went into receivership without capping or restoring the site.

1.2 The council determined the site to be contaminated land in 2003, with 2 significant pollutant linkages being identified in relation to migration of landfill gas and leachate from the site, one of the identified risks related to the collection of gas in quarry hollows located in fields to the south of the landfill site. The Council took over ownership of Manywells Landfill Site in 2006. Between 2006 – 2009 various works have been undertaken to improve the management of the site and begin to mitigate contamination risks. This planning application has been submitted to provide for the long term remediation of the contamination risks posed by the site and a beneficial final restoration in terms of the ecological, landscape and amenity values of the site.

1.3 The proposal includes the landfilling of the quarry hollows to the south of the landfill site to remove the contamination risk associated with the collection of gas in these hollows. A similar proposal was granted planning permission in July 2000, ref. 00/00068/FUL, subject to 11 conditions. However the permission lapsed on 18 March 2001 without being implemented.

2.0 *Proposal*

2.1 The proposal includes 4 main elements:

- 1) Remediation and final restoration of Manywells Landfill Site (Area B);
- 2) Provision of surface water attenuation ponds and gas flare on adjacent land to the north-east of the landfill site (Area C);
- 3) Landfilling of quarry hollows in adjacent agricultural land to the south of the landfill site (Area D);
- 4) Formation of new access road off Manywells Brow to the west of the landfill site (Area A);

Please refer to attached map and see site description above for location and description of areas.

2.2 *Elements 1 and 2* include 4 key operations:

- a) reshaping the waste mass to improve profile and reduce slope gradients;
- b) installation of gas, leachate and surface water drainage infrastructure (including new flare and settlement ponds);
- c) formation of a new clay cap tied into the existing liner;
- d) soiling, seeding and planting the site to protect slope integrity and provide for ecological/ landscape enhancement;

2.3 The capping and soiling of the site will require the importation of approximately 16,500m³ of clay, 40,000m³ of soils and 3,500m³ of compost giving rise to approximately 15,000 HGV movements. The project programme anticipates that the remediation and capping works taking place between November 2009 and September 2011, meaning that the transportation of soil and clay would take place over a 2 year period. The proposed hours/ days of operation for the remediation and restoration operations are 07:30-18:00 Monday-Friday, 08:00 – 13:00 Saturday, with no working on Sundays or bank holidays. The proposal involves the installation of a long term gas flare within the north-eastern corner of the site. The proposed flare would be contained within a 9m x 7m storage container type structure with an attached 7.75m high flue. The proposed final landform for

the landfill site would remain domed but with more evenly graded slopes. The highest point would be approximately 274m AOD which is approximately 10m higher than the bridleway to the south (5m higher than the previously approved restoration levels). The restoration scheme involves the deposit of up to 1.5m depth of soil on top of the cap and the creation of a mixture of woodland, meadow and upland pasture/ moorland habitats.

2.4 *Element 3* involves the landfill of quarry hollows in agricultural fields to the south of the landfill site with 14,500m³ of non-recyclable inert wastes with the dual objective of providing agricultural improvement and mitigating risks associated with the migration of landfill gas. The landfill operation would utilise the proposed new access road off Manywells Brow, via a spur road off to the south crossing the bridleway to access the field filling area. A gated bridleway crossing has been proposed including warning signs along the bridleway and a narrowing of the bridleway at the crossing point. The landfill operation would give rise to approximately 3,500 HGV movements taking place over a 2 year period, the bridleway crossing would be removed upon completion of the landfill operation. The proposed restored landform would tie into surrounding land levels, a meadow seed mix would be sown and the field returned to pasture. The proposed hours/ days of operation for the landfill activity are Monday-Friday 07:30 – 18:00 with no working on weekends of bank holidays.

2.5 *Element 4* involves the formation of a new industrial access road which will be downgraded but maintained following the completion of remediation and restoration works, to allow for continued vehicular access to the site for maintenance and monitoring purposes. The access road is proposed to be approximately 225m long with the width varying between 7m-8m, the first 150m is proposed to be surfaced in tarmac with the remainder being compacted aggregate. A site compound is proposed to be provided approximately half way along its length within which staff parking would be provided and a wheel wash and temporary site office/ welfare cabin would be situated. A new 2.1m high security fence and gates would be provided at the access point, set back from Manywells Brow, and a 1.1m high wire mesh netting fence would be provided along the southern and northern boundaries.

3.0 *Sustainable Waste Management*

3.1 The proposal involves the remediation and restoration of a controlled waste landfill site and the landfill of approximately 14,500m³ of non-recyclable inert wastes in former quarry hollows located within agricultural land. The key national policy document on waste planning is Planning Policy Statement 10 (PPS10). One of the key planning objectives of PPS10 is to help secure the recovery of waste without endangering human health and without harming the environment. The RSS broadly repeats the policy objectives set out in PPS10 but also sets out district level benchmark figures for the treatment of waste and provides a priority order for assessing the suitability of potential waste management sites. Principle Policy UDP9 of the RUDP states the objective of contributing to the management of pollution, hazards and waste within the District. Policy P13 of the RUDP allows that inert landfill can be acceptable if it involves the restoration of despoiled or contaminated land or would lead to a significant agricultural improvement.

3.2 The Manywells Landfill site has been determined as Contaminated Land with 2 significant pollutant linkages identified which could endanger human health and harm the environment. The primary objective of both the remediation of the landfill site and the infilling of the adjacent field hollows is to break pollutant linkages and reduce the risk the site poses to human health and the environment. In addition to mitigating risks associated with the migration and collection of landfill gas, the landfilling of the hollows in the agricultural fields to the south of the landfill site should also provide some agricultural improvement. It is therefore considered that the proposed development is in the interest of

sustainable waste management, is consistent with the key planning objectives of PPS10 and the RSS and principle policy UDP9 of the RUDP and that the proposal for inert landfilling is acceptable in principle in accordance with policy P13 of the RUDP.

4.0 Openness of the Green Belt

4.1 Areas A and D of the proposal site are located within the Green Belt as allocated in the RUDP and therefore the development of the proposed new access road and the landfill of the quarry hollows must be considered against policy GB1 of the RUDP. The only aspects of the proposed access road construction which could potentially impact on the openness of the Green Belt are the structures proposed to be located within the site compound (the site office and wheel wash facilities) and the proposed new gates/ fencing adjacent to Manywells Brow. Due to the fact that the proposed site compound will be located within woodland, that the office cabin and wheel wash will be removed on completion of the remediation and restoration works (3 years and 3 months following commencement) and the proposed new gates and fencing would be set back from the road and would be similar in scale to the existing fencing, it is not considered that the proposed access road would have a significant impact on the openness of the Green Belt.

4.2 The proposed landfill operation within fields to the south of Manywells landfill site would result in a landform with an even contour which ties in with surrounding land levels and therefore would not affect the openness of the Green Belt in the long term. During landfilling an office/cabin will be situated on site and a bund will be formed adjacent to the bridleway to provide some screening for bridleway users. Both of these aspects of the development will to some degree harm the openness of the Green Belt. However the scale of impact is relatively low, the harm would largely be restricted to users of the Bridleway, and the duration of the harm would be short, with the bund and site office removed upon completion of the field filling operation, approximately 3 years from commencement. Therefore it is not considered that the proposal would be inappropriate development in the Green Belt, within the meaning of PPG2, and for that reason would not conflict with policy GB1 of the RUDP. However even if it were considered to be inappropriate development very special circumstances exist to justify any short term harm to the openness of the Green Belt, in terms of the need to mitigate risks to human health.

5.0 Viability of Employment Land

5.1 Part of the area to the northeast of the landfill site (Area C), which has been proposed to be used as a location for the gas flare and balancing ponds and to be generally incorporated into the landscaping/ restoration proposals for the landfill site, is allocated as an Employment Site. Both of the proposed balancing ponds would be located within the Employment Site. The area which is included in this application is only a relatively small proportion of the whole employment site, but the potential development area of the employment site would be slightly reduced by the proposed balancing ponds, potentially reducing the level of employment which could be generated by the site. However the remediation and restoration of the Manywells landfill site will significantly improve the viability of developing the employment site, as the contamination risk associated with the landfill site is identified within the RUDP as being a constraint to developing the employment site. Therefore, on balance, it is considered that the small loss of employment land the proposal will bring about will be more than compensated for by the improvement in the viability of the employment land to the east of Manywells Industrial Estate brought about by the remediation of the landfill site. Consequently, although there is an apparent conflict with policy E1, it is considered that the proposal is consistent with the employment objectives underlying the policy.

6.0 Impact on landscape, ecology and recreational amenity

6.1 Policy ENV8 of the RSS sets out the aim of safeguarding and enhancing biodiversity, restoring and enhancing priority habitats and encouraging networks of green

infrastructure. Policy ENV10 of the RSS sets out the aim of safeguarding and enhancing landscapes that contribute to the distinctive character of Yorkshire and the Humber including degraded rural landscapes. Policy NE3 of the RUDP indicates that development proposals should not adversely affect the character of the landscape and policy NE12 of the RUDP indicates that development proposals should include landscape and wildlife enhancement schemes.

6.2 Manywells Landfill Site in its current condition is described as an eyesore in the Wilsden Landscape Character Assessment. In addition to its negative impact on the character of the landscape Manywells Landfill site presents significant pollutant risks to the natural environment in terms of leachate contamination. The proposed landfill in the fields to the south of Manywells Landfill Site would result in the destruction of the existing habitat within these fields. The construction of the access road would result in the loss of a number of trees and some habitat disturbance. The remediation and restoration of Manywells Landfill Site would result in the disturbance of recently established vegetative cover and potential disturbance of established trees, bilberry and heather in the area to the northeast of the landfill site.

6.3 The applicant has submitted a number of Ecological and Arboricultural Surveys assessing the current ecological baseline at the site. The proposed restoration of the site includes substantial tree planting and seeding with the objective of creating a range of habitats including deciduous woodland, upland pasture/ moorland and meadow. Existing vegetation, including areas of heather/ bilberry are proposed to be retained where feasible. Dry stone walls along the bridleway boundary and within the agricultural fields to the south are proposed to be reinstated. Public access is proposed to be provided into the restored site through the formation of footpaths. Details have been provided of a 5 year aftercare scheme and long term habitat management proposals.

6.4 Both Natural England and the Council's Countryside Officer have raised some concerns about the detail of the restoration scheme in terms of the necessity of further survey work to inform restoration details and the appropriateness of some of the proposed seeding mixes/ planting. However it is considered that a condition could be imposed requiring restoration details to be confirmed and approved following the submission of further surveys to inform the restoration proposals.

6.5 It is considered that, although the proposal will involve some habitat loss in the short term, ultimately there will be a major improvement to biodiversity in respect of habitat enhancement/ diversity and significant contributions towards regional biodiversity targets. Some short term harm to visual amenity may be caused by the imposition of operation plant and machinery, and the disturbance of the agricultural fields, particularly in terms of the views from Bridleway Bingley 212. However the restoration of the landfill site will have a positive impact on the character of the landscape in the long term and remove a landscape detractor identified in the Landscape Character Assessment of Wilsden.

7.0 Impact upon the rights of way network

7.1 Policy T5 of the RSS sets out the aim of improving access to all the main tourist destinations within the Region by more sustainable modes of Transport and requires the identification, protection and development of facilities for walking, cycling and horse trails, including the Pennine Bridleway, and the provision of high quality local routes. Policy TM2 of the RUDP indicated that planning permission will not be granted if the development would adversely affect existing and proposed transport infrastructure, including walking and cycling facilities. The proposal will involve the operation of heavy plant and machinery adjacent to public bridleway Bingley 212 and a HGV crossing over the bridleway is proposed to access the field hollows to the south of Manywells Landfill site. This public

bridleway forms part of the Calder Aire Link which provides a local access route onto the Pennine Bridleway.

7.2 Extensive negotiations have taken place between the applicants and the area Rights of Way Officer regarding the design of the proposed bridleway crossing. Revised proposals have been submitted which include warning signage erected at intervals along the bridleway, a narrowing of the bridleway at the proposed crossing point and the provision of high visibility posts. The applicants have also provided an assessment of alternative access options which have been considered and the reasons why they were discounted. Revised proposals also include the provision of a soil bund between the main field filling area and the bridleway to provide some screening.

7.3 Some disturbance in the usage of public bridleway Bingley 212 will be caused by the proposed development, both due to the temporary installation of a HGV crossing over the bridleway and due to potential disturbance through noise, dust and loss of visual amenity caused by HGVs, plant and machinery conducting earth moving operations to the north and south of the bridleway. However it is not considered that this impact will render the route unsafe to horse riders or other users and the disturbance to the route will only take place for a total duration of 3 years and 3 months. The proposed bridleway crossing has been assessed to be the best feasible option for accessing the field hollows, which are required to be infilled for health and safety reasons. In the long term the amenity value of the bridleway will be enhanced through the provision of a linked access route to the restored Manywells Landfill Site, allowing bridleway users access to an additional recreation space. Therefore it is considered that the temporary disturbance to the bridleway is offset by the long term benefit of remediating and restoring Manywells Landfill site and that the proposal is consistent with policy T5 of the RSS and policy TM2 of the RUDP in terms of disturbance to the rights of way network.

8.0 *Highways Impacts*

8.1 As discussed above, policy TM2 of the RUDP indicates that planning permission will not be granted where it is considered that the proposal would adversely affect existing transport infrastructure, policy TM19A indicates that traffic management and road safety impacts will be considered in determining planning applications. Policy P13 of the RUDP indicates that inert landfill sites should be safely accessible from the Primary Road Network. The remediation, restoration and inert waste landfill operations would give rise to a total of approximately 18,500 HGV movements on the highway network over an approximately 3 year period.

8.2 In order to attain safe access to the public highway this application includes a new access road onto Manywells Brow. The existing access route through a stone yard within Manywells Industrial Estate was not considered suitable to accommodate the level of HGV movements required. The proposal also includes the provision of a wheel wash and advisory and warning signage both along Manywells Brow and the proposed access road. Through public consultation the applicants identified that a significant public concern related to the passage of HGVs through the village of Cullingworth. They have therefore indicated that they will require all HGV traffic to take the most direct route to the Primary Road Network (Halifax Road) and not to traverse the northern section of Manywells Brow and route through Cullingworth.

8.3 The applicant has indicated that this routing requirement will be worded into their agreements with suppliers and that advisory signage and road markings along the access road will state that HGVs should only make a left turn up Manywells Brow (towards Halifax Road). The landfilling of the field hollows to the south will be undertaken by an operator appointed by the owner of the farm. However the applicant (the Council's Environmental Protection Service) has indicated that they will draw up a legal agreement with the land

owner with a similar requirement for HGV traffic to travel on the primary road network and not traverse the section of Manywells Brow north of the access road. The only exception to this would be if suitable inert fill material arose within Cullingworth. These routing arrangements can not be directly controlled through planning conditions or agreements under Section 106 of the Act, however a condition can be legitimately imposed which prohibits HGVs turning left into or right out of the site access onto Manywells Brow, unless otherwise agreed in writing by the Local Planning Authority.

8.4 The Highways Development Control Team initially raised some concerns primarily relating to the control of routing and the impact of HGV traffic associated with the proposed works on the residents of Denholme. Following discussions and requests for further information the applicant provided a revised project programme showing the field hollow landfill operation phased to follow behind the landfill remediation phase and amended and additional plans showing revised signage and additional details in relation to the access road. It is considered that the proposal does provide for safe access to the primary road network and, subject to appropriate conditions being imposed, would not significantly adversely affect existing transport infrastructure. Any disturbance which is caused by HGV traffic associated with the proposal would be limited to a 3 year period. It is therefore considered that the proposal would not lead to unacceptable adverse highways impacts and accords with policies TM2, TM19A and P13 of the RUDP.

9.0 Local Impact of Development

9.1 The movement of HGVs and the operation of heavy plant has the potential to adversely affect the occupants of surrounding land through dust, noise and visual intrusion. Policy P13 of the RUDP indicates that proposals relating to landfill sites should not give rise to unacceptable adverse impacts on people or the environment in terms of visual amenity, noise, dust, air, ground or water pollution. The main potential receptors for adverse impacts from the proposed development are local residents, in particular the '5 flags' residential development to the south of the proposed inert landfill area, and users of public Bridleway Bingley 212. In response to initial consultation comments from the Environmental Health and Rights of Way teams the applicant provided modelling data to quantify the level of noise impact likely to be experienced by residents at the '5 flags' and reduced the proposed operating hours of the landfill operation to exclude Saturday working. A soil bund has also been proposed to be formed adjacent to the bridleway to provide some screening of the landfill operation. It is not considered that the proposed development would lead to unacceptable adverse impacts on users of the bridleway or local residents, any disturbance which is caused will be limited to a 3 year period. The long term remediation and restoration of Manywells landfill site should serve to improve the residential amenity experienced by the community of Cullingworth in terms of odour and visual intrusion. It is therefore considered that the proposal accords with policy P13 of the RUDP in terms of the local impact of development.

10.0 Conclusion

10.1 The remediation and restoration of Manywells Landfill site will mitigate a potential pollution hazard to people and the environment and provide for long term ecological, landscape and amenity benefit for the local community. The landfilling of quarry hollows in adjacent agricultural fields is necessary to address an identified potential risk to human health and will provide for agricultural improvement of that land. Although the development may result in some short term impact on the openness of the Green Belt it is not considered that this impact is significant. A small part of an allocated employment site would be lost to surface water balancing ponds associated with the proposed development; however the proposal will remove a significant constraint to the viability of the employment site.

10.2 A safe means of access to the primary road network has been proposed and, although the development will result in an increase in the level of HGV traffic on the road network, it is not considered that this will lead to significant adverse effects or road safety problems. The proposed bridleway crossing is considered to be the most appropriate available option for accessing the field hollows and it is considered that the short term disturbance to bridleway Bingley 212 is justified and will be compensated for by the long term benefit brought about by the remediation and restoration of the landfill site. It is not considered that the proposal will give rise to unacceptable adverse impacts on people or the environment in terms of visual amenity, noise, dust, air, ground or water pollution. The proposal is considered to be consistent with Planning Policy Statement 10, policies ENV8, ENV10, ENV12 and T5 of the RSS and policies UDP9, GB1, TM2, TM19A, NR17, NR17A, P13, NE3 and NE12 of the RUDP.

Community Safety Implications:

The proposal involves the remediation of a contaminated site which has the potential to cause harm to people and the environment.

Reason for Granting Planning Permission

- 1) The proposal will mitigate a potential pollution hazard to people and the environment and provide for long term ecological, landscape and amenity benefit for the local community. The proposal is consistent with the principles of sustainable waste management set out in Planning Policy Statement 10 and Policy ENV12 of the Regional Spatial Strategy and accords with policies UDP9, NE3 and NE12 of the Replacement Unitary development Plan.
- 2) Although the development may result in some short term impact on the openness of the Green Belt it is not considered that this impact is significant or that the proposal would be inappropriate development within the Green Belt, as defined by Planning Policy Guidance Note 2. The proposal is consistent with policy GB1 of the Replacement Unitary Development Plan.
- 3) A small part of an allocated employment site would be lost to surface water balancing ponds associated with the proposed development; however the proposal will remove a significant constraint to the viability of the employment site. Therefore, although there is an apparent conflict with policy E1 of the Replacement Unitary Development Plan, it is considered that the proposal is consistent with the employment objectives underlying the policy.
- 4) The proposal provides for a safe means of access onto the primary road network and would not result in unacceptable adverse impacts on the highways or public rights of way network. The proposal accords with policies TM2, TM19A and P13 of the Replacement Unitary Development Plan and policy T5 of the Regional Spatial Strategy.
- 5) It is not considered that the proposal will give rise to unacceptable adverse impacts on people or the environment in terms of visual amenity, noise, dust, air, ground or water pollution. The proposal accords with policies NR17, NR17A and P13 of the Replacement Unitary Development Plan.

Summary of Conditions of Approval:

- 1) Commence within 3 years
- 2) Development implemented in accordance with approved plans
- 3) Plans and schemes on display in site offices during remediation, restoration and landfill operations
- 4) All operations shall cease by 30 September 2012 & restoration to be completed by 30 November 2012
- 5) Levels of the restored landform shall not exceed those shown on approved plans
- 6) Unless otherwise agreed in writing by the LPA no works involving the felling of

- trees or any other works to trees shall be undertaken between 1 March and 31 August in any year
- 7) Construction of access road not to commence until details of proposed access road soakaway are submitted for approval; soakaway constructed in accordance with approved details before access road brought into use
 - 8) Construction of access road not to commence until proposals for the tree friendly construction methods are submitted for approval; access road only constructed in accordance approved details
 - 9) Construction of access road not to commence until tree protective fencing erected
 - 10) Site access not to be brought into use until signage and road markings implemented
 - 11) Site access not to be brought into use until wheel wash details approved and implemented
 - 12) Site access not to be brought into use until details of visibility splays (including the relocation of the existing lamp post) approved and implemented
 - 13) Remediation, restoration and landfilling operations shall not commence until noise management plan submitted for approval; approved noise control measures to be implemented throughout remediation, restoration and landfill operations
 - 14) Remediation, restoration and landfilling operations shall not commence until the access road has been constructed in accordance with approved details.
 - 15) Details of the external colour of the gas flare structure submitted for approval before installation; facing colours applied accordance with approved details
 - 16) Details of soil bund adjacent to bridleway submitted for approval before soil stripping, soil bund to be formed before deposit of waste
 - 17) All available top and sub soils shall be separately stripped before inert waste deposit operations commence; stripping only to take place when dry; top and sub-soils to be retained on site and stored separately
 - 18) Details of site office cabin for field filling operation to be submitted and approved prior to placement on site
 - 19) No vehicles shall cross bridleway until bridleway crossing implemented in full; vehicles shall only cross bridleway via the approved crossing
 - 20) Written notification of the commencement of construction of the bridleway crossing to be submitted to LPA 7 days prior to commencement
 - 21) Bridleway crossing shall be removed and the bridleway reinstated not later than 2 years following the installation of the bridleway crossing
 - 22) Hours of operation remediation/ restoration: 07:30-18:00 Mon-Fri, 08:00-13:00 Sat (no Sundays or Bank Hols)
 - 23) Hours of operation inert landfill: Mon-Fri 07:30 – 18:00 (no Weekends or Bank Hols)
 - 24) No more than 200 HGV movements to or from the site in total per day
 - 25) No more than 60 HGV movements to or from the inert landfill area per day
 - 26) Only HGVs transporting material for deposit in the field filling area shall traverse the bridleway crossing
 - 27) No HGVs to leave the site unless cleaned sufficiently to prevent the deposit of mud on the highway
 - 28) Access road to be swept to prevent accumulation of mud
 - 29) Unless otherwise agreed in writing by the LPA, no HGVs to turn right out of the site access onto Manywells Brow or turn left into the site access from Manywells Brow
 - 30) No waste deposited other than inert, uncontaminated, non-putrescible, non-recyclable waste materials for the purposes of restoration. Not more than 14,500m³ of inert waste material deposited.
 - 31) All vehicles and plant shall be fitted with silencers
 - 32) The methods for the control of dust, odour, litter, pests and vermin outlined in section 8.5 of the Supporting Statement shall be implemented in full
 - 33) Any oil/ chemical storage containers to be bunded

- 34) No foul or contaminated drainage into ground or surface water
 - 35) Site closure plan/ remediation verification report to be submitted for approval within 12 months of decision notice
 - 36) Further ecological reports to be submitted for approval within 12 months of decision notice
 - 37) Final restoration details of landfill (including planting species and seed mixes) to be submitted for approval within 12 months and implemented in accordance within approved timescale.
 - 38) Details of restoration and aftercare of agricultural fields and access road area (including replacement tree planting) submitted for approval within 2 years of decision notice and implemented in accordance within approved timescale
 - 39) Details of arrangements for the long-term management of the restored site submitted for approval within 3 years of decision notice and implemented in accordance within approved timescale
 - 40) Details of the removal of any unnecessary signage submitted for approval within 3 years of decision notice and implemented in accordance within approved timescale
 - 41) Proposals for the decommissioning of the gas flare submitted for approval within 20 years of decision notice and implemented in accordance within approved timescale
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DECISIONS MADE BY SECRETARY OF STATE

Item No	Ward	Location
APPEALS ALLOWED		
2	Wharfedale	21 Halstead Drive, Menston One and two storey side and rear extension with new roof. 08/04728/FUL
3	Wharfedale	Bankfield House, 16 Derry Hill, Menston Internal alterations and re-construction of a garage forming a utility room and cloakroom area. 08/07163/FUL
APPEALS DISMISSED		
4	Windhill/Wrose	60 Claremont Road, Wrose Retention of pergola, reduced in size, to front of property. 08/06859/FUL
5	Bingley	Clarke House, Keighley Road, Bingley Appeal against condition 2 attached to planning approval which restricts opening hours to 5pm to 11.30pm seven days per week. 08/03937/COU

6	Baildon	<p>8 Queen Street, Baildon</p> <p>Change of use from first floor flat to taxi office, including new staircase and 10m high radio aerial.</p> <p>NB The Inspector allowed the new staircase access, which has already been installed. Whilst he had no objection to the radio aerial, it was not permitted since the main proposed use was disallowed.</p> <p>08/07113/COU</p>
7	Baildon	<p>1A Bertram Drive, Baildon</p> <p>Construction of a new dwelling in side garden.</p> <p>08/03189/FUL</p>

**ENFORCEMENT ACTION AUTHORISED BY
PLANNING MANAGER (ENFORCEMENT & TREES)**

23 July 2009

Item Number: 8
Ward: BINGLEY (02)
Recommendation: THAT THE REPORT BE NOTED

Enforcement Reference:
08/00494/ENFADV

Site Location:
132 Main Street Bingley

Alleged Breach of Planning Control

Unauthorised installation of a silver coloured fascia board on the front elevation of the property

Circumstances:

In April 2008 the Council received an enquiry regarding the alleged unauthorised display of a sign at the property. The property stands within the Bingley Conservation Area.

An inspection was made and it was noted that a fascia board with a sign attached had been installed on the front elevation of the property. The occupier was subsequently advised that planning permission was required for the installation of the fascia board.

No action was taken within the given timescale, therefore on 21st April 2009 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to take Enforcement (Legal) Action as the unauthorised fascia board is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies BH8, UR3 and D1 of the Council's adopted Replacement Unitary Development Plan.

An Enforcement Notice was issued by the Council on 9th June 2009. The Notice requires that the unauthorised fascia board be removed from the property by 28th July 2009, unless an appeal is made beforehand.

**ENFORCEMENT COMPLAINTS CLOSED BY THE PLANNING MANAGER
(ENFORCEMENT & TREES) / SENIOR ENFORCMENT OFFICER AS NOT
EXPEDIENT TO PURSUE**

23 July 2009

Item Number: 9

Ward: Shipley 22

Complaint Ref No: 09/00134/ENFUNA

Recommendation: THAT THE REPORT BE NOTED

Description and Address:

Construction of timber fence on the boundary of 43 Wycliffe Road, Shipley.

Reason:

It is not considered that this breach of planning control would cause significant amenity or highway safety issues to warrant further enforcement action.

Date Enforcement File Closed: 1 July 2009

Ward: Shipley 22

Complaint Ref No: 09/00165/ENFUNA

Recommendation: THAT THE REPORT BE NOTED

Description and Address:

Construction of timber fence on the boundary of 1 Parkwood Road, Shipley.

Reason:

It is not considered that this breach of planning control would cause significant amenity or highway safety issues to warrant further enforcement action.

Date Enforcement File Closed: 1 July 2009

Ward: Bingley 02

Complaint Ref No: 08/01071/ENFUNA

Recommendation: THAT THE REPORT BE NOTED

Description and Address:

Construction of a car park extension at Royston Fold Farm, Saltaire Road, Eldwick.

Reason:

It is not considered that this breach of planning control would cause significant amenity or highway safety issues to warrant further enforcement action.

Date Enforcement File Closed: 23 December 2008

Ward: Shipley 02

Complaint Ref No: 09/00504/ENFUNA

Recommendation: THAT THE REPORT BE NOTED

Description and Address:

Construction of a fence on the boundary of 19 Lady Lane Bingley.

Reason:

It is not considered that this breach of planning control would cause significant amenity or highway safety issues to warrant further enforcement action.

Date Enforcement File Closed: 8 July 2009