

:INNOV8PLANNING:

By email

28 November 2023

Dear Claire

Re: Proposed MRF ref: 69956: Pilsworth Quarry

At: Pilsworth South Landfill

The proposed development involves the front-end processing of waste already heading to the landfill – a landfill which already lies within the north Manchester Green Belt.

The linkage between the MRF and the landfill and the overwhelming need to locate the MRF immediately adjacent to landfill can be considered a very special circumstance that would help justify the development.

Permanence, Purposes and Precedence

One key characteristic of Green Belt is its permanence and this is reflected both in physical terms and policy terms. Firstly, the purposes of the Green Belt have remain unchanged since its inception.

In 1995 The Bury MBC Development Plan policy OL1 - GREEN BELT stated that:

'The Council will maintain a Green Belt, ensuring that it fulfils the following strategic purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns from merging into one another;*
- *to assist in safeguarding the countryside from further encroachment;*
- *to preserve the setting and special character of historic towns;*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'.*

And it's clear that, despite its age, the UDP policy on Green Belt hasn't changed as the 2021 NPPF, in paragraph 138, states that Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

To this end it is clear that the strategic aims of Green Belt remain unaltered, to the let All of the above demonstrates that the permanence of Green Belt also includes it's own policies and that Green Policy has barely altered since PPG2 which was published in 1995. The previous application (47617 dated 21/05/2007) for a virtually identical 'Waste reception, Transfer, Recycling and Pre-treatment facility' was approved with a virtually identical policy background and the application was granted for the following reason(s):

'Permission should be granted having regard to the policies and proposals listed and the reason(s) for granting permissions can be summarised as follows;-

Although the application involves inappropriate development in the Green Belt, it includes a satisfactory case for 'very special circumstances' to justify the development. The visual impact of this temporary development would be mitigated sufficiently by existing and additional screen planting and through the design of the building. Given its temporary status, the development would not prevent the restoration of the site to informal recreational uses for the benefit of the wider community in accordance with the approved scheme. There are no other material considerations that outweigh this finding'.

To this end a precedence has been set and there has been no material (or otherwise) change in policy or circumstances since this approval was made.

In addition to the above the proposed development does not affect the purposes for including land in the Green Belt. The proposed development doesn't create sprawl as the proposal does result in the development of a building that could be located in a non-Green Belt location. The development does not create coalescence – in this instance the merging of Bury and Rochdale. The proposed development is located on previously developed and currently-operating land so does not encroach into the countryside and the development will not affect the setting of any historic towns and cities.

Very Special Circumstances

It is also clear that the presumption against development in the Green Belt remains unaltered since its inception. The policy position on the green belt remained largely unchanged when the National Planning Policy Framework (NPPF) was revised in July 2018 and again in 2021. It says local planning authorities should regard the construction of new buildings as inappropriate in the green belt, with a few specific exceptions. Beyond that, it states that *"inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances"*.

The NPPF confirms what that means in practice: *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

Where the potential harm is *"clearly outweighed by other considerations"* this can justify inappropriate development in the Green Belt (Para 144 NPPF) and represent *"very special circumstances"*. There is no definite list for what will constitute very special circumstances, but the threshold can be high and will turn on the facts and circumstances of the individual application.

'Stricter test' than para 83/136 re: exceptional circumstances – see R (Luton BC) v Central Bedfordshire Council [2015] EWCA Civ 537, para 54, Sales LJ; • All factors which tell in favour of the grant can go to making up 'vsc', which may or may not suffice. It is not necessary to go through the process of considering whether a factor is or is not a very special circumstance: R (Lee Valley Regional Park Authority) v. Broxbourne BC [2015] EWHC 185 (Admin); SSCLG v. Redhill Aerodrome Ltd [2014] EWCA Civ 1386.

It is also clear that inappropriate development should not be located in Green Belt if there are suitable non-Green Belt locations available.

National Planning Policy Framework states in paragraph 6 that:

Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan.

Whilst the abovementioned paragraph primarily relates to plan-making, as opposed to development management decisions, it is clear that any waste development should be

cognisant to opportunities for located waste development outside Green Belt sequentially in advance of locating facilities which Green Belt locations.

Other very special circumstances include:

- 1) Pilsworth Landfill is a key strategic waste facility and Greater Manchester residual waste would need to travel long distances if Pilsworth was not available – thus increasing the carbon impact of Greater Manchester's waste disposal.
- 2) Greater Manchester's waste would have to travel even further to find a suitable landfill with front-end recycling facilities which extracts recyclables from the residual waste stream.
- 3) The proposed development is temporary in nature and therefore does not impact on the permanence of the Green Belt. Prior to the cessation of landfilling the building/machinery will be removed and the land restored to a green-field site.
- 4) Precedence – a front end processing building has already been approved at the site.

I couldn't find any relevant planning appeal decisions but this may be due to most similar applications being approved, for example, other MRF buildings and validation buildings linked with landfills have been approved in the Green Belt – this includes Valencia's Rigmuir Landfill to the south of Glasgow. A copy of the decision notice is appended to this letter.

We trust that this provides the necessary clarification if you require any further information please do not hesitate to contact the undersigned.

Yours sincerely

GW Scott

Grant Scott
Director/Principal
INNOV8PLANNING LTD

For and on behalf of:



Valencia Waste Management Ltd

APPENDIX
South Lanarkshire Decision

Valencia Waste Management Limited
Ardley Cottage, Ardley Fields, Ardley, Oxon OX27 7PH
T: 07740 805628
grant.scott@valencia.co.uk

Further
application



Application No
EK/15/0397

**Town and Country Planning (Scotland) Act 1997 as amended
by the Planning etc (Scotland) Act 2006**

To :	Viridor Waste Management Limited Pitsworth South Landfill Pitsworth Road Bury BL9 8QZ	Per :	Wardell Armstrong LLP 2 The Avenue Leigh WN7 1ES
------	--	-------	---

With reference to your application dated 02 December 2015 for a further application under the above mentioned Act :

Description of Proposed Development :

Proposed re-phasing of landfill operations; amend restoration levels and aftercare scheme, provision of a new waste reception building with associated infrastructure works (Section 42 application to amend conditions 4, 6 and 7 of EK/09/0121 to allow waste transfer station to operate following cessation of landfill operations)

Site Location :

Rigmuir Landfill
Strathaven Road
East Kilbride
G75 0QZ

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

GRANT FURTHER APPLICATION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, subject to the condition(s) listed overleaf in the paper apart. The condition(s) are imposed by the Council for the reasons detailed.

Date: 09/03/16

Valencia Waste Management Limited
Ardley Cottage, Ardley Fields, Ardley, Oxon OX27 7PH
T: 07740 805628
grant.scott@valencia.co.uk