

Cannock Chase Council: Cannock Chase Local Plan Representation Form



Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Cannock Chase Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Biffa operates the Poplars site adjacent to the Lichfield Road in Cannock. The site is a major strategic resource management facility comprising anaerobic digestion (AD), energy recovery and residual waste disposal by landfill. The AD facility manages 120,000 tonnes of organic (primarily food) waste per annum generating 6MW of electricity. The landfill site is a major, long term strategic, non-hazardous site which handles waste from across the West Midlands region. The site which handles primarily industrial and commercial wastes and generates electricity from landfill gas, contributes to the economic wellbeing of the region.

Biffa commenced operations at the Poplars site when it acquired it from Premco in 1999. At that time the site was in a largely remote location with housing only on the western boundary on the opposite side of the A460 at Rumer Hill. Land adjacent to the remaining boundaries comprised open, Green Belt Land with sparse development. Over the past 24 years the site has been squeezed by further development including the Kingswood Industrial Estate to the south and large-scale housing to the north of the site on Lichfield Road.

Waste and resource management facilities are essential infrastructure and should be protected from encroachment by other development.

This principle is supported by the Waste Planning Authority through Policy 2.5 of the adopted Staffordshire and Stoke Joint Waste Local Plan which states:

“.....the WPA will not support proposals for non-waste related development on or in the vicinity of all permitted waste management facilities, as listed in the Schedule in Appendix 5.....which would:

- i. Unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility or;*
- ii. Restrict the future expansion and environmental improvement of existing operational waste management facilities...”*

and by paragraph 193 of the National Planning Policy Framework (NPPF) (December 2023) which states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

In our consultation response on the Issues and Options stage of the plan we commented that the provision of further housing (2580 units at that time) would unduly constrain the long term permitted activities at Poplars. We also requested, should the housing allocation be taken forward, that a buffer of 250m from the site should be included. We are pleased to note that the housing is

Cannock Chase Council: Cannock Chase Local Plan Representation Form



now further away from the Poplars site and that the number of houses proposed has been reduced from 2580 to 700. We remain concerned that housing close to the site on this boundary will constrain our ability to operate within our planning permission and Environmental Permit.

It should be noted that in 2023 Biffa secured permission to retain the Anaerobic Digestion Plant at the site permanently. Biffa also secured permission for a “void swap” whereby permitted non hazardous landfill void space has been relocated from the north of the site, close to housing on the north side of Lichfield Road to the south of the site away from housing. The relocated void is approximately 200m from the housing allocation at its nearest point.

We note that Policy SH1 states: “An odour assessment will be required to assess the impact of Poplars Landfill on the health and amenity of residents and determine any mitigation required.” Whilst this is helpful, it is not extensive enough. The policy should also include a requirement for an assessment of noise and mitigation measures to be implemented as part of the housing development to ensure there is no impact on the residents of the houses from the permitted operations at Poplars.

In conclusion, the Poplars site is a major strategic waste and resource facility and essential infrastructure. Biffa must be in a position to continue to operate the facility in compliance with the Environmental Permit and relevant planning permissions for the site without having any impact on its neighbours. It is for the housing developer to incorporate all necessary mitigation in their proposals to ensure there is no impact on future residents from the Biffa operation.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Ideally, we would prefer that this allocation is removed from the local plan for the reasons outlined.

If the allocation is taken forward, Policy SH1 should be amended to include a requirement for the developer of the site to carry out an assessment of the potential impact of noise from the permitted operations at the Poplars facility on any future residents and to implement all necessary mitigation measures.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make

Cannock Chase Council:
Cannock Chase Local Plan
Representation Form



submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<i>(Please continue on a separate sheet if necessary)</i>

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:	
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Date:	14.03.2024
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