

## SCHEDULE 1

Article 2

### AUTHORISED PROJECT

A nationally significant infrastructure project as defined in Sections 14(1)(p) and 30 of the 2008 Act comprising:

(1) The construction of a new hazardous waste landfill facility for the disposal at a direct input rate of up to 150,000 tonnes per annum of hazardous waste in the area and phases identified on the works plan including the operation of a landfill gas collection and flare system, the operation of a leachate collection, treatment and lagoon system, the extraction, stockpiling and exportation of clay, mudstones, coal and other suitable materials including general fill materials and all other associated engineering works to construct the landfill phases.

(2) And in connection with such works and to the extent that they do not otherwise form part of any such work, further associated development and/or ancillary works shown on the plans referred to in the requirements at Schedule 2 including the:

- (a) continuation of the filling with hazardous waste as shown on the works plan;
- (b) operation of the interceptor waste treatment facility for the treatment of waste;
- (c) site compound;
- (d) wheel cleaning facilities;
- (e) weighbridge and weighbridge office;
- (f) offices and laboratory;
- (g) mess facilities;
- (h) garage facility;
- (i) electrical switchroom;
- (j) leachate storage tanks;
- (k) fuel storage tank;
- (l) monitoring boreholes;
- (m) security cameras;
- (n) boundary fencing;
- (o) security/operational lighting;
- (p) car parking area;
- (q) internal site roads;
- (r) bunding;
- (s) surface and foul water management system;
- (t) the restoration of the land; and
- (u) aftercare.

## SCHEDULE 2

Article 3

### REQUIREMENTS

### CONTENTS

1. Interpretation
  2. Time limits for commencement
  3. Commencement
  4. Detailed approval
  5. Time limits for cessation and restoration
  6. Phasing of landfill and restoration activities
  7. Restoration and aftercare
  8. Japanese Knotweed
  9. Ecology
  10. European protected species
  11. Archaeology
  12. Treatment of mine shafts and depths of excavation
  13. Water management and monitoring
  14. Trans-Pennine Ethylene Pipe
  15. Rainford Drain
  16. External lighting and control of artificial light emissions
  17. Temporary stockpiles
  18. Soil audit
  19. Control of noise and dust emissions during construction and operation
  20. Blasting
  21. Crushing and screening of aggregate
  22. Disposal of waste
  23. Quantities and types of waste
  24. Topographical survey
  25. Demolition
  26. Vehicular access
  27. Control of vehicular movements
  28. Fencing
  29. Wheel cleaning
  30. Hours of operation
  31. Display of Order on-site
  32. Review of void consumption
  33. Removal of plant and machinery
  34. Requirement for written approval and amendments to approved details
  35. Community Liaison Committee
- Signature  
Explanatory Note

## **Interpretation**

### **1. In this Schedule—**

“aftercare” means the steps necessary to manage the application land following the completion of restoration so that the quality of the land is at a satisfactory standard for the afteruse;

“afteruse” means the ultimate use of the application land as species-rich grassland/meadow, scrub pockets and broadleaf woodland with peripheral marshland/moss habitats including ponds, scrapes and ditches and the retention of the environmental management infrastructure until necessary;

“commence” means the carrying out of a material operation (as defined in section 56(4) of the 1990 Act) excluding any operations relating to soil investigations or works in respect of land contamination, archaeological investigations, site clearance, diversion of services, receipt and erection of construction plant and equipment, erection of temporary fencing hoardings

and erection of site compound buildings and “commencement” and “commenced” are to be construed accordingly;

“community liaison committee” a forum for representatives of the undertaker and the local community for the purposes of discussion of any matters relating to the carrying out of the authorised project under the Order in accordance with requirement 35

“completion of restoration” means the date that the county planning authority certifies in writing that the restoration of any phase of the application land has been completed;

“landscaping” means the works necessary to improve the aesthetic appearance of the application land;

“restoration” means the process which will return the completed landfill or any completed phase of the landfill to a condition suitable for its proposed aftercare, and includes design, initial landscaping works and soil spreading;

“western landfill area” means the landfill void created as part of phases A, B, C and D as shown on the works plan.

#### **Time limits for commencement**

2. The authorised project must commence within 5 years of the date of this Order.

#### **Commencement**

3. Notice of commencement of the authorised project must be given to the county planning authority a minimum of 7 days before the date that the authorised project is commenced.

#### **Detailed approval**

4. The authorised project must be carried out in accordance with the sections of the environmental statement and the approved plans and schemes listed in this requirement (unless in respect of amendments as approved by the county planning authority in accordance with requirement 34)—

- (1) Sections 3 and 5 of the environmental statement, and Table ES1 amended October 2014;
- (2) The works plan (WS010003/WLL/PLANS/WORKS);
- (3) The application plan (WS010003/WLL/PLANS/APPLICATION BOUNDARY);
- (4) The land plan (WS010003/WLL/PLANS/LAND, drawing reference WL/WL/10-14/18186);
- (5) Proposed restoration contours (WS010003/WLL/PLANS/ELEVATION1);
- (6) Elevations of the stockpiles and bunds (WS010003/WLL/PLANS/ELEVATION2);
- (7) Elevations of the main infrastructure including buildings (WS010003/WLL/PLANS/ELEVATION3);
- (8) The site access from White Moss Road South (WS010003/WLL/PLANS/ELEVATION4);
- (9) The phasing drawings presented in the soils handling and management scheme; (Drawing references, LE00173-211, LE00173-212, LE00173-213, LE00173-214 & LE00173-215);
- (10) Restoration proposals (WS010003/WLL/PLANS/SITE1);
- (11) Landscaping, restoration, habitat management and aftercare scheme; (WS010003/WLL/LANDSCAPING, amended September 2014);
- (12) Soils handling and management scheme (WS010003/WLL/SOIL HANDLING, amended September 2014); and
- (13) Proposed basal levels (Drawing reference LE00173-222).

### **Time limits for cessation and restoration**

5. The landfilling of waste and the operation of the interceptor waste treatment facility must cease by not later than 31st December 2035 and the application land (with the exception of any facilities required for the long term management of landfill gas and leachate) must be finally restored in accordance with the Landscaping, restoration, habitat management and aftercare scheme listed under requirement 4(11) by not later than 31st December 2036.

### **Phasing of landfill and restoration activities**

6.—(1) No mineral extraction or landfill operations may be carried out except in accordance with the principles of phasing shown on the works plan and phasing plans presented in the soils handling and management scheme listed under requirement 4(9). Those operations must progress through phases A, B, C and D in accordance with those phasing plans. With the exception of the areas of the landfill which will be used for access, and areas of land that are to be used for temporary stockpiling, the landfill operations must progress from cell 3D through phases A, B, C and D, with the final phase of landfill being the access route and remaining areas of Cell 2.

(2) Capping and restoration of any phase must be completed in accordance with the Landscaping, restoration, habitat management and aftercare scheme listed under requirement 4(11) within 12 months of either:

- (a) The completion of landfilling operations in a phase reaching levels which will provide for the placement of capping and restoration materials (to ensure that the pre-settlement restoration contours shown on drawing reference WS0100003/WLL/PLANS/ELEVATION1 are not exceeded); or
- (b) On completion of the use of that phase for stockpiling (if it to be used as such) in accordance with requirement 17.

### **Restoration and aftercare**

7.—(1) Following certification in writing by the county planning authority of the completion of restoration in any phase on the application land, aftercare of that phase must be carried out for a period of 20 years in accordance with the landscaping, restoration, habitat management and aftercare scheme listed in requirement 4(11).

(2) By the end of October in each year until the end of the aftercare period in the final phase on the application land, a report must be submitted to the county planning authority recording in detail:

- (a) The operations carried out on the land during the previous 12 months in respect of landfilling;
- (b) The measures taken to implement the restoration and aftercare provisions;
- (c) The intended operations for the next 12 months which will be implemented on the application land; and
- (d) The report must contain the topographical survey specified under requirement 24 to this Order.

### **Japanese Knotweed**

8. Prior to the commencement of the activities in Phase B of the authorised project (as shown on the works plan) a scheme for the eradication of any Japanese Knotweed identified in phase B must be submitted for approval by the county planning authority. The extent of the Japanese Knotweed in Phase B must be confirmed and detailed as part of the preparation of the scheme. The approved scheme must be implemented prior to the commencement of the activities of Phase B and thereafter the measures must be implemented throughout the period of the development if required.

## **Ecology**

9. No removal of trees or hedgerows may take place between 1st March and 31st August inclusive in any year unless otherwise agreed with the county planning authority.

## **European protected species**

10.—(1) Prior to the commencement of the operations in each of phases B, C and D of the application land, further survey work must be undertaken to establish whether any European protected species or Common Toad are present on any of the application land, in any land affected, or likely to be affected, by the authorised project, in any of the trees to be lopped or felled, or in any buildings to be demolished, during that phase of the authorised project. The scope of the further survey work must be agreed with, and the results of the survey work submitted to, the county planning authority.

(2) “European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010(1).

(3) If European protected species or Common Toad are identified during the further survey work, no works within that phase may commence until a mitigation scheme has been approved by the county planning authority. The mitigation measures contained in the approved scheme must be undertaken prior to the commencement of development in that phase.

## **Archaeology**

11.—(1) No soil stripping operations may commence until a written scheme for the investigation of areas of archaeological interest as identified in section 17 of the environmental statement has been submitted to and approved by the county planning authority.

(2) The scheme must identify areas where field work and or/a watching brief are required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any archaeological works or watching brief carried out under the scheme must be by a suitably qualified person or body approved by the county planning authority.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

## **Treatment of mine shafts and depths of excavation**

12.—(1) No excavation or dewatering may take place below 48 metres Above Ordnance Datum (AOD) without prior approval by the county planning authority (such approval only to be given where necessary to create a basal sub-grade suitable for the construction of the basal lining system). This permitted depth of excavation is to include the excavation of any sumps for drainage or dewatering and the capping of any mine shafts beneath the proposed waste containment facility.

(2) Below a level of 65 metres AOD, no abstraction of water or mineral excavation may take place within an agreed stand-off horizontal distance of any mine shaft until or unless those shafts have been adequately sealed in accordance with details approved by the county planning authority in consultation with the Environment Agency and Coal Authority. The stand-off distance must be approved by the county planning authority in consultation with the Environment Agency and Coal Authority.

(3) The sealing methods must prevent against the transmission of water between any mined voids below a depth of 48 metres AOD and the proposed mineral excavation and landfill formation.

---

(1) [SI. 2010/490](#) (as amended).

(4) The restriction on excavation and dewatering does not apply to the drilling of boreholes for ground investigation, monitoring or grouting. The restriction on abstraction of water does not preclude the taking of samples for water quality analysis or the execution of permeability tests where the latter are limited in scope and agreed by the Environment Agency in advance.

### **Water management and monitoring**

**13.**—(1) No development, including dewatering activity, may commence until a scheme for the management and monitoring of groundwater and surface water levels, water abstraction, groundwater quality and site drainage has, following consultation with the Environment Agency, been approved by the county planning authority. The scheme must include:

- (a) The size, location, method of construction and capacity of the attenuation lagoons;
- (b) The anticipated discharge rates to the highway drainage system and the means of controlling that discharge rate; and
- (c) Details for the monitoring of groundwater levels around the site during the period of active dewatering including locations and techniques of monitoring, data to be collected and means of reporting monitoring results to the county planning authority, including comparison with background pre-development levels.

(2) Any variation to the approved water management and monitoring scheme must be approved by the county planning authority in consultation with the Environment Agency.

(3) The approved scheme must be implemented and maintained throughout the authorised project until dewatering has ceased, the water table has recovered and restoration of the mineral void is complete in accordance with the plans listed in accordance with requirement 4.

### **Trans-Pennine Ethylene Pipe**

**14.** No soil stripping operations may be carried out until the precise route of the Trans#Pennine ethylene pipeline adjacent to the south western site boundary has been identified. The south western perimeter bund must be located a minimum of 10m from the route of the pipeline and the south western boundary of the landfill must be located a minimum of 28m from the route of the pipeline. The route of the pipeline together with the standoffs must be clearly identified with markers prior to the commencement of the authorised project.

### **Rainford Drain**

**15.** No soil stripping operations may be carried out until a scheme setting out how the Rainford Drain will be diverted around the perimeter of the landfill has been approved by the county planning authority. The drain must be diverted in accordance with that scheme. The diverted pipeline must be constructed to a standard which provides for the effective management of water.

### **External lighting and control of artificial light emissions**

**16.**—(1) All floodlighting used as part of the authorised project (including mobile units) must be directed towards the ground to minimise light spillage from the application land and, except for in emergencies, must only be operational during the working hours specified in requirement 30.

(2) No additional permanent floodlighting may be installed on the application land until a written scheme for the management and mitigation of artificial light emissions has been submitted to and approved by the county planning authority.

### **Temporary stockpiles**

17.—(1) The temporary stockpiles as shown on the elevations of the stockpiles and bunds listed in requirement 4(6) must be managed in accordance with the details set out in Section 5 of the environmental statement and the soils handling and management scheme listed in requirement 4(9) during the operation of the authorised project.

(2) Prior to the commencement of excavation in any phase, proposals for the anticipated temporary stockpiling of peat materials excavated from within that phase (where such materials are stockpiled on capped landfill areas) must be approved by the county planning authority. The proposals must include information on the following details:

- (a) the types, quantities, locations and heights of storage of the peat materials;
- (b) the duration of stockpiling, including a timescale for the removal of the stockpiled peat materials; and
- (c) details for the grading and landscaping of the peat materials for the duration of the stockpile period.

(3) Thereafter, stockpiling of the peat materials must take place in accordance with the approved details for each phase.

### **Soil audit**

18.—(1) In accordance with the soils handling and management scheme, an annual audit of all soil materials is to be completed at the end of each soil moving season and submitted to the county planning authority.

(2) The audit is to include:

- (a) drawings and tables to identify clearly the origin, intermediate storage and final location of the different soil types. The drawings and tables are to be prepared as part of the first soil audit to a format to be agreed with the county planning authority and are to be updated as part of each subsequent audit to provide the most accurate ongoing summary of soil management at the application land; and
- (b) volumetric information which is to be included in the tables.

(3) Any recommendations resulting from each soil audit must be carried out in the timescale to be agreed with the county planning authority

### **Control of noise and dust emissions during construction and operation**

19.—(1) During the construction and removal of the perimeter bunds and material storage mounds (as shown on the works plan, WS10003/WLL/PLANS/WORKS) the noise levels must be controlled to meet the construction noise limits specified in Table ES7 of the environmental statement. During mineral extraction, landfilling, maintenance, restoration and aftercare operations the application land must be operated to control noise so that noise levels recorded in free field conditions as a result of the proposed development do not exceed 55dBLAeq, 1h when measured from any point on the site boundary.

(2) All reversing warning systems fitted to mobile plant used on the application land must be either non audible or white noise type systems.

(3) All plant, equipment and other machinery used in connection with the operation and maintenance of the authorised project must be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and must be maintained in accordance with the specification at all times.

(4) Throughout the operation of the authorised project, measures are to be taken to ensure that no dust or windblown materials are carried on to adjacent property and in particular are to include

the watering of all haul and access roads and the spraying of storage heaps or areas of the landfilling and restoration areas as necessary during dry weather conditions.

### **Blasting**

20. No blasting may be undertaken on the application land.

### **Crushing and screening of aggregate**

21. If crushing and screening of aggregate is undertaken on the application land all crushing and screening plant must be fitted with effective dust suppression measures including dust suppression on all conveyor outfall points.

### **Disposal of waste**

22. No waste materials may be disposed of or placed on the application land in such a way as would prejudice the restoration of the land in accordance with the proposed restoration contours listed in requirement 4(5).

### **Quantities and types of waste**

23. The maximum quantity of waste that is to be imported to the interceptor treatment facility per annum will be 20,000 tonnes and the maximum quantity of waste that is to be imported to the landfill per annum will be 150,000 tonnes. No waste materials may be accepted on the application land other than hazardous wastes or suitable waste materials for engineering and restoration purposes.

### **Topographical survey**

24. A topographical survey must be submitted to the county planning authority on or before 31st October in every year until the end of the aftercare period referred to in requirement 7 of this Order. The survey must have been carried out within 2 months preceding the date of the submission and must consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features on the application land and is contoured at 1 metre intervals, relating to Ordnance Datum over all the application land where waste has been deposited.

### **Demolition**

25.—(1) Subject to the following provisions of this requirement, the undertaker may at its own expense carry out any demolition works to buildings on the application land as the undertaker considers necessary or expedient for the authorised project.

(2) The residential property in phase B must remain uninhabited from the commencement of the authorised project until the residential property is demolished prior to the commencement of the operations in phase B.

(3) No demolition may commence until a code of construction practice has been submitted to and approved by the county planning authority. The code of construction practice must have regard to the results of any further surveys for European protected species carried out pursuant to requirement 10.

(4) All construction works must be undertaken in accordance with the approved code, unless otherwise agreed by the county planning authority.

### **Vehicular access**

26. The sole vehicular access for the authorised project hereby permitted is to be by way of the existing access to the application land on to White Moss Road South and as shown on the site access

from White Moss Road South listed in requirement 4(8). The visibility splays must be maintained at the junction with White Moss Road South in accordance with the site access from White Moss Road South listed in requirement 4(8).

### **Control of vehicular movements**

**27.** Vehicular traffic associated with the authorised project must be controlled as follows—

(1) The undertaker must direct all heavy goods vehicles entering and leaving the application land to travel to and from the M58 motorway via White Moss Road South to the east of the application land with a direction that no such vehicles are to travel west along White Moss Road South towards Skelmersdale.

(2) Signs informing vehicle drivers of the requirements in paragraph (1) above must be maintained in a visible location near to the egress on application land throughout the term of the authorised project.

### **Fencing**

**28.** The fencing, including the gates at the site entrance, specified in section 5 of the environmental statement must be maintained and/or erected on the application land in accordance with the landscaping, restoration, habitat management and aftercare scheme listed in requirement 11 (4) prior to the commencement of the authorised project and must be maintained as necessary for the duration of the authorised project. Any temporary fencing is to be removed on completion of the authorised project.

### **Wheel cleaning**

**29.—**(1) Wheel cleaning facilities installed at the application land as specified in section 5 of the environmental statement (or wheel cleaning facilities of a similar design and function) must be available for use at all times during the operation of the authorised project.

(2) The wheels of all vehicles leaving the application land must be cleansed of mud and other debris to prevent mud being carried onto the public highway.

(3) The wheel cleaning facilities must be maintained in full working order at all times throughout the authorised project.

(4) All vehicles transporting materials with the potential to give rise to airborne dust or spillage of materials must be sheeted.

### **Hours of operation**

**30.** All mineral extraction and landfill construction operations, delivery of waste, waste treatment, waste disposal, levelling and restoration operations, and any associated activities must be restricted to between the hours of 07.30 and 18.30 on Mondays to Fridays and 08.00 and 12.00 on Saturdays, with no such operations being carried out on the application land on Sundays or public holidays.

(1) Essential repairs to plant and machinery may be carried out outside of the authorised times of operation.

(2) Environmental management infrastructure including infrastructure for the management of water, leachate and landfill gas may operate continuously.

### **Display of Order on-site**

**31.** A copy of the terms of this Order must be displayed on the application land, and all documents hereby permitted and any documents subsequently approved in accordance with this Order (or amendments approved pursuant to this Order) must be available at the site office throughout the development.

### **Review of void consumption**

**32.** No excavation in accordance with each of phases B, C and D (as set out in the phasing plans) of the authorised project may commence:

(1) unless and until the undertaker has provided a review of the disposal capacity and rate of consumption of the space available for waste at the landfill facility to the county planning authority; and

(2) if the county planning authority determines (such determination to be made within 6 weeks of the submission of the review) that there has been a material shortfall in the quantities of waste accepted on the application land, such that landfilling is unlikely to be completed by 31st December 2035, then no excavation of any phase may commence unless and until:

- (a) the undertaker has applied to the county planning authority for approval to vary the plans and schemes listed in subparagraphs (5), (9) and (13) of requirement 4 as necessary to meet the specified restoration date of 31st December 2036 in accordance with the restoration proposals set out in sub-paragraph (10) of requirement 4; and
- (b) the county planning authority has approved the application to vary the plans and schemes, such decision to be made within 8 weeks of the above application unless such other period is agreed in writing with the undertaker.

### **Removal of plant and machinery**

**33.** Except to the extent required for aftercare purposes (as approved pursuant to the scheme under requirement 4) and for any ongoing environmental management purposes, any building, plant, machinery, foundations, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the authorised project must be removed from the application land when they are no longer required for the purpose for which they were installed and in any case not later than 31st December 2056 upon completion of the aftercare of the land. The areas of the application land in which environmental management infrastructure are located must be restored in a manner consistent with the surrounding restoration.

### **Requirement for written approval and amendments to approved details**

**34.** Where under any requirement, details or a scheme or plan are to be submitted for the approval of the county planning authority, or where the county planning authority is authorised to approve changes to plans, schemes, drawings or other documents certified by the Secretary of State, then unless the requirement provides otherwise:

- (1) those details or scheme or plan and that approval must be in writing;
- (2) the details, scheme or plan must be implemented as approved;

(3) the approved details, scheme or plan are to be taken to include any amendments that may subsequently be approved in writing by the county planning authority, provided that no amendments may be approved by the county planning authority where such amendments may give rise to any significant adverse environmental effects that have not been assessed in the environmental statement or any supplementary information and updated environmental statement supplied pursuant to The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009; and

(4) where under any requirement there is an obligation to consult with a third party prior to the submission of any details, scheme or plan for approval to the county planning authority, then there is to be an obligation to consult with the same third party prior to the submission of any amendments.

### **Community liaison committee**

**35.—(1)** The undertaker must:

- (a) submit terms of reference for a community liaison committee to the county planning authority no later than eight weeks prior to the first community liaison committee meeting taking place;
- (b) convene the first meeting of the community liaison committee so as to take place on a date which is no earlier than six weeks and no later than four weeks prior to implementation of the development;
- (c) after the first meeting of the community liaison committee has taken place to convene meetings of the community liaison committee once every 12 months, unless otherwise agreed between the undertaker and the members of the community liaison committee, throughout the operation of the authorised development;
- (d) provide all practical administrative and secretarial facilities which may be necessary to enable the community liaison committee to function effectively including the provision of a suitable local venue for every meeting and the production and keeping of minutes for every meeting (which shall be available to the public);
- (e) appoint and ensure the regular attendance at the community liaison committee of an appropriate representative who shall participate fully in the activities of the community liaison committee.

(2) The county planning authority will notify the undertaker of its approval to the terms of reference, or provide its comments on those terms of reference within 14 days of receiving them. If no response is provided within 14 days then it will be deemed that the county planning authority has approved the terms of reference as submitted.

(3) This requirement shall be of no effect during any period in which the Order shall be subject to any legal challenge.

(4) In the event that no members of the public attend three consecutive community liaison committee meetings then this requirement shall cease to be of effect and the undertaker shall be released of its obligations under this requirement.