



BENTINCK TIP AND VOID



**DESIGN AND ACCESS STATEMENT TO  
ACCOMPANY PLANNING APPLICATION**

**SLR REF: 403/0197/00299**

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## 1.0 INTRODUCTION

Section 42 of the Planning and Compulsory Purchase Act 2004 substitutes a new section 62 of the Town and Country Planning Act 1990 (the 1990 Act) and amends section 10 of the Listed Buildings Act so as to provide that a statement covering design concepts and principles and access issues is submitted with an application for planning permission and listed building consent. Section 42 also inserts a new section 327A into the 1990 Act, which prohibits, among other things, a local planning authority from entertaining an application unless it is accompanied by a design statement and an access statement, where required.

This report constitutes a Design and Access Statement to accompany a planning application for the reclamation of Bentinck Tip and Void. Referring to DCLG Circular 01/2006:

*“A design and access statement must accompany planning applications for both outline and full planning permissions. The elements to be described in design and access statements will be the same regardless of whether the application is for outline or full planning permission, but their scope will differ. What is required in both outline and detailed statements is explained below.*

*As set out in the GDPO design and access statements will be required for all planning applications except for:*

- *a material change in the use of land or buildings, unless it also involves operational development.*
- *engineering or mining operations.*
- *development of an existing dwelling house, or development within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house, where no part of that dwelling house or curtilage is within a designated area. “Designated area” means a National Park, site of special scientific interest, conservation area, area of outstanding natural beauty, World Heritage Site and the Broads.*

*Design and access statements are not required for applications relating to advertisement control, tree preservation orders or storage of hazardous substances.*

*Once satisfied that the design and access statement meets the requirements of the GDPO, the local planning authority should place the design and access statement on the public register with the application to which it relates. Design and access statements should also be sent to consultees along with individual planning applications. “*

This report has been prepared having regard to Section 3 of DCLG Circular 01/2006<sup>1</sup> and guidance issued by Commission for Architecture and the Built Environment<sup>2</sup>. Whilst both sets of guidance are equally applicable to full and outline planning applications, it is noted that there is a bias towards development within an urban setting, and in particular, housing and retail. The application at Bentinck is to reclaim a derelict colliery tip and opencast void through the infilling with inert and non-hazardous wastes respectively. The development proposals also make provision for a number of items of built development, all of which are ancillary to the main infilling operations. The planning application is accompanied by an Environmental Statement (ES), which presents the findings of a detailed Environmental Impact Assessment. As such, information which is required within a Design and Access

<sup>1</sup> Guidance on Changes to the Development Control System. DCLG June 2006

<sup>2</sup> Design and Access Statements. How to write, read and use them. CABE 2006.

Statement is already included within the ES. For completeness, this report draws from the ES, providing suitable cross references where appropriate.

The remainder of this report will address:

- The context of the application site and proposed development
- Land use within and surrounding the application site
- The amount of development
- the layout of the development
- the scale of the development
- landscaping works
- Appearance
- Vehicular access to the proposed facility
- Inclusive access

## **2.0 CONTEXT**

Section 2 of the ES identifies the location of the application site and goes on to provide a detailed description of the application site and its immediate environs. This is also supplemented by base line assessments in subsequent sections of the ES. In this respect, paragraph 2.1 of the ES should be referred to.

### **2.1 Site Location**

The Bentinck Site is located around 18km north of Nottingham, 9km south-west of the centre of Mansfield, and some 2km south-west of Kirkby in Ashfield, within the administrative areas of the District of Ashfield and the County of Nottinghamshire. More specifically, it is situated between the settlements of Selston to the west and Annesley Woodhouse/Kirkby Woodhouse to the east, with the B6018 Park Lane lying to the north and Salmon Lane to the south. Between the Bentinck site and the settlement of Selston is the M1 Motorway, Junction 27 of which lies some 2km km to the south. For identification purposes, the application site is centred on National Grid Reference SK 481539 (to centre of the Tip). Drawing BC 2/1 within section 2 of the ES, being an extract from the OS 1:25,000 scale Explorer Sheet, shows the location of the site in relation to nearby settlements.

### **2.2 Description of the Application site and its Surroundings**

The application site extends to some 158 Ha, and predominantly comprises the former Bentinck Tip situated to the south of Park Lane, and the Bentinck Void, located to the north of Salmon Lane. It also comprises a corridor of land, running parallel to the M1, linking the Bentinck Tip and Void with the A608 to the south. The Tip area comprises a series of settlement lagoons located within a plateau at an elevation of between 145m AOD (along the northern edge of the Tip) and 155m AOD (along the southern edge): the levels of the lagoon surfaces are generally in the order of 150mAOD. Three of the lagoons, situated on the western half of the site, are in varying stages of dryness. The eastern half of the site comprises a capped lagoon. From the northern edge of the Tip, the levels fall away towards Park Lane, which is at an elevation of around 120m AOD. The majority of the northern and western slopes of the Tip have been restored to large pasture fields without dividing hedgerows.

In contrast, the topography falls away more steeply from the southern edge of the Tip. The upper reaches of the southern flank is predominantly exposed colliery shale, whilst land adjacent to the central and eastern parts of the southern boundary comprise naturally re-vegetating slopes of the former opencast workings within the Bentinck Void.

To the south of the Tip is a small plateau at an elevation of around 130m AOD and measuring some 120m by 80m. This area is some 300m from the nearest properties, and generally 700m from the edge of Kirkby Woodhouse. Within this area are located three small settlement lagoons. Immediately to the west of this area is a restored section of the former open cast coal operation.

Finally, to the south of the application site is the Bentinck Void, which was created through the open cast extraction of coal. The slopes of the Bentinck Void have naturally re-vegetated through natural recolonisation. The northern slopes of the Bentinck Void merge into the colliery Tip, the upper reaches of which remain exposed colliery shale. Water has collected within the base of the excavation to depths of between 2m and 9.6m. To the west of the Bentinck Void lies a further area of former opencast working, which has been backfilled with

overburden and waste material from the excavation of coal. A soil storage mound has been placed on this area.

### **2.3 Socio Economic Considerations**

Section 16 of the ES sets identifies the potential impacts upon human beings. Previous sections of the ES consider the potential impacts upon the environment, including the amenity and well being of the local community. Paragraph 16.1 of the ES identifies the sections which should also be referred to. For each of the environmental assessments carried out it has been found that there would be no significant impact, and the development would accord with relevant standards and guidance issued at national and local levels. In view of this, not significant movement of population in or out of the area is envisaged.

The proposals would lead to a small increase in employment.

### **2.4 Planning Policy**

Section 4 of the ES provides a detailed consideration of the various policy considerations from national guidance, issued in Planning Policy Statements, Planning Policy Guidance notes and Minerals Policy Statements, through to the Local Development Framework (formerly known as the "*Development Plan*"). The application site is not affected by any national landscape, ecological or cultural designations, however, two Sites of Special Scientific Interest (SSSI) lie in close proximity. Similarly, the application site is not affected by any local designations for landscape or cultural heritage, but is affected by a Site of Importance for Nature Conservation (SINC). The application site is also located within the Nottingham – Derby Green Belt. In view of these designations, consideration has been given to Planning Policy Guidance Note 2 "*Green Belts*" and Planning Policy Statement 9 "*Biodiversity and Geological Conservation*".

As set out in the Minerals and Waste Development Scheme (refer to paragraph 4.70 of the ES) the Development Plan (now termed "*saved Development Documents*") currently comprises:

- The Regional Spatial Strategy for the East Midlands (RSS 8 – March 2005)
- Nottinghamshire and Nottingham Joint Structure Plan (Adopted Version – February 2006);
- Nottinghamshire and Nottingham Waste Local Plan (Adopted Version - January 2002)
- Ashfield District Local Plan Review (Adopted Version – November 2002)

Of particular importance to the proposals is the Waste Local Plan (WLP). This Plan allocates land within the application site for landfill as part of an overall reclamation scheme for the area. The issues at Bentinck are covered in paragraphs 10.39 to 10.56, together with Policy W10.4 of the WLP. Through the WLP policy, the Council has indicated that the way forward for the Bentinck Site is to produce a comprehensive scheme addressing the overall reclamation of both the Tip and the Void. (This is set out in more detail in paragraph 4.82 of the ES). Of note is Paragraph 10.45, which sets out the main planning considerations to be taken into account in considering an application at Bentinck Void:

- (a) A new purpose built access is required which avoids the use of Salmon Lane for HGV traffic and allows direct access onto the main highway network;

- (b) Measures are taken to minimise the visual impact on the nearest isolated properties, and the more distant views from Kirkby Woodhouse;
- (c) Surface water resources are protected;
- (d) The two adjacent SSSIs i.e. Boggs Farm Quarry and Annesley Woodhouse Quarries are protected;
- (e) Protected species and their habitats are conserved or translocated;
- (f) Areas of other significant wildlife habitat are retained where feasible and steps are taken to mitigate those which cannot be retained, for example by translocation;
- (g) Measures are taken to safeguard the viability of the Mushroom Farm;
- (h) The stability of buried or surface slurry lagoons must not be compromised.

## **2.5 Consultation**

### *2.5.1 Scoping of Environmental Impact Assessment*

In accordance with the provisions of Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended), SLR Consulting Limited, on behalf of the applicant, sought a “*scoping opinion*” from Nottinghamshire County Council. The opinion received from the County Council largely concurred with SLRs conclusions on the precise detail to be studied within the EIA. The EIA has been conducted in accordance with this scoping opinion.

### *2.5.2 Public Engagement Programme*

#### **i. Introduction**

In preparing its planning application for the Bentinck Tip and Void, the applicant undertook a thorough programme of pre-application public engagement with the local communities and stakeholders. A Statement of Public Engagement has been produced, which provides a more detailed record of the engagement work undertaken. This report is available at [www.wrg.co.uk/bentinck](http://www.wrg.co.uk/bentinck) and on request from the applicant.

#### **ii. Methodology and Programme Design**

The planning regime in England is clear about the need for, and the importance of, involving the community in the planning process. Planning Policy Statement 1 (PPS1) identifies more effective community engagement is a key element of the Government’s planning reforms. The Companion Guide to Planning Policy Statement 10 (PPS10) also makes clear the need for active stakeholder engagement on waste planning applications. The applicant’s public engagement programme for the Bentinck Tip and Void followed this national policy guidance.

The applicant appointed a specialist community relations consultancy, PPS Group, to assist with the design and delivery of the public engagement programme. This programme was designed in accordance with the guidance set out in Nottinghamshire County Council’s Statement of Community Involvement. It was also presented in draft form to the Council’s Planning & Licensing Committee and revised in accordance with the Committee’s comments.

iii. Public Engagement Programme

The different components of the applicant's public engagement programme are summarised below:

- Project Website – the applicant launched a website containing information on the proposals and contact details. The website address is [www.wrg.co.uk/bentinck](http://www.wrg.co.uk/bentinck).
- Contact WRG - the applicant set up an email address ([info.bentinck@wrg.co.uk](mailto:info.bentinck@wrg.co.uk)), postal address (FREEPOST STAKEHOLDER VIEWS) and telephone line (0845 601 5432) for anyone wanting to get in touch to discuss the proposals.
- Newsletter - A newsletter was sent to stakeholders and approximately 8,500 local households with details of the applicant's proposals, including the exhibition arrangements.
- Public Exhibitions - the applicant held public exhibitions on Wednesday 13th September in Selston and Thursday 14th September in Annesley Woodhouse from 12 noon to 8.00pm on both days. The exhibitions were fully staffed by the applicant's project team and included a series of display boards explaining the proposals for Bentinck Tip & Void. Over the two days, approximately 300 people visited the public exhibitions.
- Community Liaison Committee - the applicant has established a Community Liaison Committee. The membership includes local councillors and community groups. The first meeting was held on 9th October and it will continue to meet regularly.
- Political Liaison - the applicant has kept local councillors and the local MP informed through the process to date. A meeting has been held with Geoff Hoon MP.
- Press - The local press is a vital mechanism for keeping local people informed and the applicant has provided information to the press on its proposals.
- Statement of Public Engagement - A Statement of Public Engagement has been produced as a record of the public engagement programme undertaken by the applicant.

iv. Findings

There was considerable public concern over the proposals for Bentinck Tip and Void. Many respondents understood the need to restore the site, but were concerned about the proposed landfill operations. Most of these concerns revolved around the perceived impact on public health, public amenity (i.e. vermin, noise, smell, visual appearance) and the local environment. Traffic impact and site access arrangements were also a concern for some respondents.

Concerns were also expressed about the principle of landfill as a waste management technique; whether this was the right site for a new landfill facility; and whether the facility would be dealing with local waste or waste brought in from further afield.

Exhibition visitors generally recognised that the site was allocated for this use in the Waste Local Plan. There was also a reasonably widespread recognition that the restoration of the Tip was a longstanding problem. There was some support for the restoration plans presented and a number of suggestions made by respondents about the public uses of the site following restoration and the landscape features that they would welcome. This included the suggestion that a local education/visitor facility be provided.

v. The Applicant's Response

The applicant has reviewed and considered all of the public feedback that it has received on its proposals. The applicant is very mindful of existing public concerns over the proposed landfill operations on the site and will continue to work hard to try to alleviate these concerns through its ongoing public engagement activity. As it works up its detailed plans for the restoration of the site, the applicant will also be seeking to incorporate the comments and suggestions made regarding the restoration scheme and future uses of the site.

vi. Next Steps

The applicant is committed to an ongoing public engagement programme on its proposals for Bentinck Tip and Void. A second community newsletter will be prepared and circulated to residents and other stakeholders in the coming weeks. The telephone number, email address and postal address will be maintained and publicised. The website will be updated regularly, the local press will be briefed as required and the applicant will write directly to councillors and stakeholders when appropriate. The Community Liaison Committee will also meet on a regular basis.

### **3.0 DESIGN STATEMENT**

Details of the proposed development are set out in Section 5 of the ES, and illustrated on Drawings BC 3/1 and BC 3/16.

#### **3.1 Use**

The application site is currently subject to two predominant uses. Firstly, the main body of the application site (lying to the north of Salmon Lane) comprises land used in connection with the former Annesley Bentinck Mine. The northern part of this area has been used for the disposal of colliery waste, whilst the southern part is an unrestored void resultant from the open cast extraction of coal. With the closure of the mine in c. 2000, the whole of this area has not been in active use and can be classed as derelict/degraded land. Part of the application site has been designated as a Site of Nature Conservation Interest (SINC).

The second part of the application site comprises the corridor within which the access road would be constructed. This land comprises undisturbed agricultural land.

Approximately 80ha of the application site has planning consent for the disposal of colliery wastes, whilst a further 27ha has been subject to open cast coal extraction, with planning permission for infilling with colliery wastes. The corridor within which the access road would be constructed amounts to around 12.5 ha, be it that the actual road (and associated earthworks) would cover around 4.2 ha. The remainder of the application site comprises marginal areas, some of which comprise restored flanks of the Tip, or restored sections of open cast workings associated with the Void. These areas are predominantly in agricultural use, and would not be developed, other than for "off site" planting.

The land uses of the area surrounding the application site generally comprise:

- Urban areas, principally Annesley Woodhouse, Kirkby Woodhouse, Selston Common and Selston
- Industrial and commercial uses associated with Sherwood Park business park (Enterprise Zone)
- Transportation links and corridors
- Woodlands and other protected ecological areas (Boggs Farm Quarry and Annesley Quarry SSSIs).

Section 15 of the ES should be referred to for further information on land use, both within, and surrounding the application site, and consideration of how the proposals interact with these uses.

#### **3.2 Amount**

The planning application seeks permission for:

- The reclamation of around 50 hectares (ha) associated with the Bentinck Tip through the deposit of around 1.5 million cubic metres (Mm<sup>3</sup>) of soils and other inert wastes;
- The reclamation of a further 18 ha associated with the Bentinck Void through the landfilling of around 4 Mm<sup>3</sup> of non-hazardous municipal, commercial and industrial wastes;
- Reclamation and management of peripheral areas land within the Tip and Void through the regrading of materials and spreading of soils and/or compost;

- The establishment of a compost maturation facility to handle up to 22,000 tonnes per annum of imported compost;
- The recycling (through crushing and screening) of imported inert wastes and the export off site of recyclable products; and
- The construction of a temporary access road linking the reclamation site to the A608, to the east of Junction 27 of the M1.

In addition, the planning application includes proposals for ancillary development necessary to support the landfill activities, including weighbridge, garage/workshop, office accommodation and environmental management facilities (for the management of landfill gas and leachate). Details of these developments are set out in Section 3 of the ES.

As stated above, the amount of development is governed by policies contained in the WLP. The proposals seek to reclaim the Tip and Void at the earliest opportunity, having regard to the likely arisings of waste materials.

### **3.3 Layout**

Drawing BC 3/1 within the ES shows the overall layout of the proposed development at Bentinck, illustrating where inert waste materials would be deposited, the area to be infilled with non-hazardous wastes and the location of the ancillary developments. Further drawings in the ES provide details of the phased infilling of the Tip and Void and the layout and design of the proposed access road. The location of the inert and non-hazardous infilling areas are dictated by physical conditions on the ground (*i.e.* past mineral activities) together with policy contained in the WLP. Ancillary development has been sited in locations best for operational efficiency, and minimising environmental impacts. In this respect, the compost maturation facility and landfill gas management infrastructure has been sited away from residential properties within an area that is reasonably well screened from views. As the final landform of the void is created, the screening of these facilities increases. This is especially important for the landfill gas management infrastructure, which would need to remain on the site for many years.

### **3.4 Scale**

Section 3.2 above has set out the amount of land to be developed. In relation to the ancillary developments, the compost maturation facility would comprise a reinforced concrete pad, measuring approximately 80m by 140m upon which would be a “dutch barn” type building (*i.e.* an open sided structure). The concrete pad would be bunded at the edges with concrete kerbs and positively drained to control the flow of rain water.

The building would measure 60m by 40m in plan and would have a standard apex pitch roof with an eaves elevation of 6m, and 8m to the ridge. The building would be of a steel framed construction with the roof clad with plastic coated profiled galvanised steel sheeting. The sides of the building would generally be open, however, a 1m high reinforced concrete push walls would be formed around three of the edges of the building: the walls being keyed into the concrete floor, with the remaining edge either kerbed or surrounded by a “sleeping policeman” type bund to prevent material migrating off site and to ensure that all drainage remains within the building. The concrete floor of the building would be positively drained, being separate from the drainage system installed for the external section of the slab. Liquid would be collected within a tank and would either be used to “irrigate” the compost windrow, or transferred to the landfill leachate treatment facility.

The facility has therefore been designed with the Green Belt designation in mind, with its appearance resembling an agricultural building. At the same time, suitable measures have been introduced to protect the environment, particularly through the control of surface water.

The Weighbridge and Site Control Office would be located adjacent to the access road, some 100m from the Salmon Lane underpass. The access road in this area would be in cutting, and thus effectively screen the facilities. The weighbridge would be of a standard surface mounted type, with in situ cast concrete approach ramps, with an adjacent office building for the weighbridge operator who would also control access to the site by visitors. The office building would be a prefabricated structure, not exceeding 3m in height.

In addition to the Site Control Office detailed above, further office accommodation would be provided for the Site Manager and foreman, together with amenities sufficient for all site personnel including toilet and shower facilities, canteen area, a site laboratory and locker rooms. This accommodation would again be a prefabricated structure with a maximum height of 3m. This building would be sited to the north of the screen mound which bounds two properties located off Salmon Lane. As such, it would be reasonable screened from view.

To the north of the site offices would be a garage/workshop building. This would be a steel portal framed building, clad with profiled plastic coated steel sheeting. The building would be approximately 20m by 10m in plan and up to 8m high at the ridgeline. The building would have a reinforced concrete floor, with appropriate drainage. Outside of the building would be a reinforced concrete pad. Within this area would also be sited a bunded fuel tank.

Finally, the electricity generation plant would be installed in ISO containers. It has been calculated that four engines (such as the Jenbacher Type 320), each housed within an acoustically insulated steel container measuring approximately 12m x 3m x 3m high would be installed. An exhaust/silencer canopy and radiator/cooling fan unit would be situated on top of the container, which would add about another 2m to the overall height of the unit. The engines would be situated on a concrete pad measuring approximately 19m by 60m, bounded by an acoustic fence, and located between the compost maturation facility and the landfill. Ancillary to the four engines would be two enclosed high temperature flares (being 10m in height), transformers and electrical switchgear, blower units, compressors and bunded oil storage tanks, all of which would be situated within the compound. This facility would be sited adjacent to the compost maturation facility. Earlier proposals showed the facility adjacent to the weighbridge, within a cutting. Whilst technical assessments showed that this location would be acceptable it has been decided to locate the facility further away from sensitive receptors to keep impacts to a minimum.

Section 12 of the ES presents a Landscape and Visual Impact Assessment of the application site, which considers *inter alia* the scale of the proposed development on the surrounding landscape, both in terms of visual impact and landscape character.

### **3.5 Landscaping**

Proposals contained in the planning application include:

- Advanced tree planting around the periphery of the site to reinforce existing vegetation.
- Creation of new wetland habitats (which would be used as part of a great crested newt translocation scheme).

- Landscaping of severed parcels of agricultural land to the west of the access road. These areas would be planted with trees and shrubs, species rich grassland established and water bodies created.
- Forming landscaped screen mounds adjacent to the access road.

The infilling operations have been phased to provide peripheral screening at the earliest opportunity. In this respect, the first phase of development on the Tip would create the peripheral flanks to the north and west, which would then be seeded and planted. For the Void, landfilling would commence at the southern boundary and progress northwards, creating the nose of the landform. As the development proceeds, completed phases would be restored.

### **3.6 Appearance**

The final landform of the reclaimed site has been based on the conceptual scheme prepared by Bowman Planton Associates for Nottinghamshire County Council. Again, this was envisaged in the WLP. As set out above, a Landscape and Visual Assessment of the site is presented in Section 12 of the ES.

## **4.0 ACCESS STATEMENT**

### **4.1 Proposed Vehicular Access to the Application Site**

In order to avoid HGVs using unsuitable roads through residential areas the site would be accessed by a new, 1.6 km long, 7.3 metres wide, purpose-built, private haul road between the Bentinck site and the A608. The road would be hard surfaced and incorporate all necessary drainage measures. The line of the road is illustrated in Drawing BC 3/14 within the ES, together with cross sections, whilst drainage measures are shown on Drawing BC 3/15.

At its southern end, it would join the A608 at a lay-by some 200m east of Junction 27 of the M1. The proposed design is illustrated on Drawing BC 3/14, and reflects the design shown on Drawing 9194/003 (dated February 1998) prepared by JMP Consultants Limited for Viridor Waste Management Ltd. It incorporates separate slip roads for the ingress and egress of traffic on and off the east-bound carriageway of the A608 at opposite ends of the lay-by, thereby leaving the use of the lay-by unaffected by the access. The alignment of the road has been designed to closely follow the motorway corridor and minimise the “severance” of agricultural land. Where land has been severed, the landscaping proposals seek to enhance the ecological value through *inter alia* planting and creation of ponds and wetland areas.

At its northern end the access road would enter the Bentinck site in a cutting passing beneath Salmon Lane by underbridge, outline details of which are shown on Drawing BC 3/14.

The access road would be fenced on both sides by appropriate stock proof fencing. Soils stripped from the line of the road would be placed in screen mounds according to the soil type and located adjacent to the road. These mounds would typically be 2m in height and would not exceed 3m. New hedgerows would also be established along the eastern side of the road. Footpath No. 8 crosses the access road and appropriate stiles or “kissing gates” would be provided to maintain access, with appropriate signage installed to advise both drivers and pedestrians of the crossing point.

The access road would provide vehicular access to the Bentinck Site for the duration of landfill operations, restoration works and subsequent management and maintenance of the landfill gas and leachate infrastructure. On completion of the infilling operations, the access road would be downgraded to a single lane road with passing bays. Ultimately, once the landfill gas management infrastructure was removed from the Bentinck Site, the access road could be removed, and its line restored.

### **4.2 Inclusive Access**

Due to the movement within the site of heavy plant and machinery and HGVs and pedestrian access to any landfill site has to be carefully controlled and laid out.

The nature of the landfill operations is such that it is not possible to employ people with physical disabilities within the operational areas for health and safety reasons. The applicant does though operate an equal opportunities policy, with appropriate accommodation for disabled employees installed at its offices.