



Northamptonshire County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Nene Valley Waste Ltd
c/o Sita
Sidegate Lane Landfill Site
Sidegate Lane
Wellingborough
NN8 1RN

Name and address of agent (if any)

Part I - Particulars of application

Date of Application

31st May 2002
(Valid 26th June 2002)

Application No.:

KE/02/ 547C

Particulars and location of development

Continuation of use of existing landfill site for a further period until the end of October 2009, the revision of the previously approved restoration contours and the siting of a gas flare stack. Land off former A604 (Thrapston) Road, Cranford St. John.

Note This consent supersedes, consolidates and updates the previous planning permissions for the site which were granted under KE/90/369C (now lapsed) and KE/92/496C which expires on the 31st October 2004.

Part II - Particulars of decision:

The Northamptonshire County Council

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:-

Commencement

1. The development must be begun not later than the expiration of ONE YEAR beginning with the date of this permission.

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Scope of Planning Permission

- 2a) The materials to be deposited in the northern extension (Area A on submitted plan no 3) shall be restricted to domestic, commercial and industrial wastes.
- b) No further tipping shall take place in the southern extension (Area B on submitted plan no 3) which is largely restored, except to correct deficiencies in the final landform or to prevent ponding.
- c) The materials to be deposited in the northern and southern gulleys (Areas C & D on submitted plan no 3) shall be confined to the area approved under KE/92/496C and shall be of an inert nature. Except as may otherwise be agreed in writing by the County Planning Authority these materials shall originate solely from the proposed excavations in connection with the site's northern extension area referred to in Condition 2(a) above. Prior to the commencement of the development, the areas concerned shall be defined with fencing and no tipping or associated activities shall take place outside the marked areas. (See Condition 17a).
- d) Any clays extracted in connection with this development shall be used solely for on-site engineering operations.

Access and Highway Safety

- 3a) Except as may otherwise be agreed in writing the sole vehicular access to the site for the development hereby permitted shall be limited to the existing access from the old Thrapston road. This access shall be maintained in accordance with present standards for the duration of the development.
- b) Wheel cleaning facilities shall continue to be provided and maintained and the wheels of all vehicles leaving the site shall be cleaned of mud and other debris.

Soil Handling, Soil Storage, and Bunding

- 4a) Prior to waste disposal operations taking place all available topsoil shall be stripped from the tipping areas and stored separately for re-use.
 - b) Prior to waste disposal operations taking place all available subsoil shall be stripped from the tipping areas and stored separately for re-use.
 - c) All operations referred to in (a) and (b) of this condition shall be undertaken during suitable, dry weather conditions. During periods of uncertain weather conditions, operations shall be undertaken in stages with breaks during wet spells.
 - d) The stored materials shall be sown with grass seed or suitably treated to prevent weed accumulation.
- 5a) The topsoil and subsoil stripped and stored in accordance with Condition 4 of this permission shall include provision for a bund adjacent to the north west

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corner of the site as indicated on the submitted plan received on 25th August 1992.

- b) Topsoil storage shall be confined to bunds not exceeding three metres in height.
- c) Subsoil storage shall be confined to bunds not exceeding five metres in height.

Hours of Working

- 6. Except as may otherwise be agreed in writing by the County Planning Authority, the development hereby permitted and all operations relating thereto (with the exception of the receipt of civic amenity waste) shall be restricted to between the hours of 7.00 am and 6.00 pm Mondays to Fridays and 7.00 am and 1.00 pm on Saturdays with no such operations taking place on the site on Sundays and Bank Holidays. The use of the site for the receipt of civic amenity waste shall be permitted between the hours of 07.00 am and 6.00 pm Mondays to Fridays and 08.00 am and 4.00 pm on Saturdays, Sundays and Bank Holidays.

Dust

- 7. Suitable measures shall be adopted to ensure dust is kept to a minimum including the use of water spray facilities in periods of dry weather.

Noise

- 8. Except as may otherwise be agreed in writing by the County Planning Authority all equipment and machinery shall be fitted with silencers where appropriate or have baffles or be maintained so as to reduce noise to a minimum.

Trees and Hedgerows

- 9. Operations at the site shall be controlled to ensure no disturbance to, and the retention of all existing trees, hedgerows, shrubs and other vegetation on the boundaries of the site. Accordingly, no tipping operations or other associated activities shall take place within three metres of any hedgerow or unless otherwise agreed in writing by the County Planning Authority, seven metres of the bole of any tree adjacent to the site.

Phasing of Works

- 10. Except as may otherwise be agreed in writing by the County Planning Authority, tipping operations shall be phased in accordance with plan no. 6 (The revised phased working plan) received on 31st May 2002.

Buildings

- 11. Details of any new ancillary buildings showing their location, colouring and any screening shall be submitted to and approved in writing by the County

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Planning Authority prior to their erection.

Landscaping

12. Six months prior of the date in condition 21 of this permission or of the disposal operations otherwise ceasing a landscaping scheme shall be submitted to the County Planning Authority for approval. The scheme shall incorporate the details indicated in the applicant's plan first received on 28th July 1992 and shall show the locations of tree and hedgerow planting and incorporate details of their numbers, size and species.

The scheme as may be approved by the County Planning Authority shall be implemented in the first planting season following the completion of the development.

13. Any trees or shrubs which die or for any reason fail to become established within five years of planting shall be replaced during the following planting season with trees or shrubs of a similar size and species to those originally required, as may be further agreed by the County Planning Authority.

Restoration

14. Following the completion of tipping operations the surface of the tipped area in the northern extension (Area A) shall be sealed with an impermeable engineered clay cap to a thickness of not less than one metre or alternative agreed capping materials, prior to the replacement of the subsoil and topsoil, stripped and stored in accordance with Condition 4 of this permission and provision shall be made for gas venting as required.
15. The northern extension (Area A) shall be progressively restored and the final layer of the tipped areas shall be covered as tipping proceeds to a depth of not less than one metre. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent cultivation and not less than the top 300 mm of this covering shall be composed of topsoil stripped and stored in accordance with Condition 4a of this permission or other suitable soil-like material. The remaining covering materials shall comprise the subsoil stripped and stored in accordance with Condition 4b of this permission and other suitable material as necessary, which shall be spread in their correct sequence.
16. The final levels of the northern and southern extension (Areas A & B) shall be in accordance with the contour plan (Plan 5) received on 31st May 2002, and shall be evenly profiled to gradients not steeper than 1 in 8, and shall conform with the contours of the surrounding land, with natural drainage to the perimeter of the site without backfalls or ponding. Upon the completion of the waste disposal and grading operations the area shall be ripped (rooted) to relieve compaction and any stones or other materials which would impede subsequent agricultural cultivation, shall be removed or buried on site to a depth of not less than one metre.
17. The northern and southern gulleets (Areas C & D), which are designated as a County Wildlife Site, shall be restored and managed for nature conservation purposes in accordance with a scheme to be submitted for approval by the

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County Planning Authority, in consultation with the Wildlife Trust, within one year of the date of this permission. The scheme shall include details of:-

- a) the modification of the proposed restoration levels and profiles for the southern gullet (Area D) in order to retain the species-rich grassland on the upper south west facing valley slopes,
 - b) mitigation works to replace lost areas of grassland habitat,
 - c) the materials (type, depth etc.) to be respread on the restored gullet floors to re-create a calcareous grassland habitat,
 - d) any other works, including the cutting back of scrub, necessary for the longer term management of the nature conservation interests.
18. Upon the completion of the works referred to in Condition 16 above the site shall be left in a clean and tidy condition and sown with a suitable grass seed mixture upon completion of the waste disposal operations, to establish a long term ley to the satisfaction of the County Planning Authority.
19. Any ditches, fences, gates, field drains or water supplies disturbed during the operations, shall be made good where necessary, and any further ditches, fences, gates, field drains or water supplies shall be provided on reinstatement for good husbandry.
20. Except as may otherwise be agreed in writing by the County Planning Authority, six months after the completion of the waste disposal operations or the date referred to in Condition 21, whichever is the sooner:-
- a) The vehicular access route shall be reinstated to that of a normal agricultural access incorporating such modifications to the fencing and hedging as may be required.
 - b) Except for the Gas Flare and its associated equipment and infrastructure all fixed and mobile plant, machinery, structures, buildings, foundations and internal haul roads on the application site shall be removed and the land reinstated in accordance with the restoration conditions of this planning permission.

End Date

21. The development hereby permitted shall cease no later than 31st October 2009 (twenty hundred and nine) and the site shall be reinstated in accordance with the conditions of this permission provided that, if within this period the tipping of materials is completed, the conditions of this permission relating to restoration, landscaping and aftercare shall be carried out forthwith.

Aftercare

22. Except as may otherwise be agreed in writing by the County Planning Authority not later than the completion of the waste disposal operations or by the date referred to in Condition 21 of this permission, whichever date is the sooner, a five year programme of aftercare shall be submitted to the County Planning Authority for approval.

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The five year programme of aftercare as may be approved by the County Planning Authority shall be implemented to the Authority's satisfaction during the five year period following its approval. Items required to be included in the aftercare programme are set out in Schedule 1 attached to this permission.

Reasons for conditions and relevant Development Plan Policies.

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To specify the range of wastes permitted to be deposited and the scope of this planning permission and to safeguard the nature conservation interest in the southern gullet. (County Structure Plan (CSP) 1996-2016 – policies AR3 & W3).
3. To safeguard the interests of users of the highway. (CSP policy W3).
- 4.& 5. To ensure that suitable materials are retained for use in the restoration of the site and in the interests of visual amenity (CSP policy W3).
- 6-8. In the interests of the amenities of local residents (CSP policy W3).
9. To ensure that local landscape features are protected from the waste disposal activities (CSP policy W3).
10. To ensure that the waste disposal operations take place in a regulated manner. (CSP policy W3).
11. In the interests of visual amenity (CSP policy W3).
- 12&13. In the interests of the visual amenities of the area as a whole (CSP policy W3).
- 14-20. To ensure that the land is properly restored to use for agricultural purposes and that certain specific areas are retained, maintained and managed for nature conservation. (CSP policies AR3 & W3).
21. To specify the date upon which all waste disposal operations shall cease and to enable the County Planning Authority to reconsider the position at the end of the period stated. (CSP policy W3).
22. To ensure that the restored site is monitored in respect of its suitability for use for agricultural purposes. (CSP policy W3).

Informative

1. The development shall be undertaken and security sum payments shall continue to be made in accordance with the terms of the Agreement under Section 106 of the Town and Country Planning Act 1990, dated the 4th August 1995, between Northamptonshire County Council and Nene Valley Waste Limited in the matter of landfill gas and leachate monitoring.

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2. The attention of the applicant is drawn to the fact that a bridleway (GF17) is affected by the development. This route should be unobstructed before, during and after tipping operations and, where directly affected by the proposal, the route shall be formally diverted until such time as the land concerned is restored and the bridleway can be reinstated to its definitive route.
3. The development shall be undertaken in accordance with the letters dated 28th August 1992 and 18th May 1995 from the Ministry of Agriculture, Fisheries and Food copies of which are attached to this permission.
4. Please see attached letter setting out the requirements of the Environment Agency.
5. The attention of the applicant is drawn to the fact that there may be species within the application site (for example badgers or bats) that are protected by legislation outside the Planning Acts. Accordingly, prior to the commencement of the development, the applicant should contact English Nature (telephone 01733 391100) for further advice in this respect. Please see also attached letter from the North Northants Badger Group advising of the location of a large active badger sett.

REASON FOR APPROVAL OF THIS APPLICATION.

This application relates primarily to the revision of the previously approved contours and extension of the end date for tipping at Cranford Quarry. The revised restoration profile will result in a more prominent feature in the landscape but it is considered that the advantages to drainage of the restored site justify the increase in levels. No objections are raised by Cranford Parish Council or Kettering Borough Council, subject to the protection of badgers. A note from the North Northants Badger Group in this regard is attached as an informative. The Wildlife Trust objected to the development on the basis that it would result in the destruction of a wildlife site identified in the Kettering Borough Local Plan. However, the areas of interest, the Northern and Southern gulleys, are being restored for Nature Conservation and conditions imposed to this effect. The site is included in the Northamptonshire Waste Local Plan Revised Deposit Draft (November 2003) as a main receptor for waste. The application has been assessed having regard to Policies W1, W3 and AR3 of the Northamptonshire County Structure Plan and is considered acceptable.

Date... 22nd June 2004 Signed G.P. Watson

Authorised to sign on behalf of the
County Planning, Transportation and
Environment Officer

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
 - (a) The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.

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