



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Name and address of agent (if any)

Suez Recycling & Recovery UK Ltd
Packington House
Packington Lane
Meriden
Warwickshire
CV7 7HN

Part I - Particulars of application

Date of Application

Application No.

25th July 2016

NCC Ref: 16/00030/WASVOC

KBC Ref: KET/2016/0570

Particulars and location of development

Variation of Condition 28 of planning permission 09/00016/WAS to amend the final levels of the northern and southern extension (Areas A & B) at Cranford Landfill Site, Thrapston Road, Cranford, Kettering, Northamptonshire, NN14 4AW

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:-

Note: This consent supersedes, consolidates, and updates the previously granted planning permission for the site; reference KE/02/547C (granted 22 June 2004) and 09/00016/WAS (granted 18 June 2009).

Commencement

1. The development must be begun not later than the expiration of 3 years beginning with the date of this permission.

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Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Planning Permission

2. This planning permission shall relate to the area outlined in red on the plan of SITA Holdings UK Ltd, titled 'Application Area: Plan No2A, Ref Crf-0502' dated May 2002, hereafter referred to as "the site". The development hereby permitted shall only be carried out within "the site" in accordance with the details set out in the submitted application forms and supporting information.
3. The materials to be deposited in the northern extension (Area A on submitted Plan No 3 dated May 2002) shall be restricted to domestic, commercial and industrial wastes.
4. The materials to be deposited in the southern extension (Area B) shall be restricted to inert materials and in accordance with the contour plan ref. CR998-D6 prepared by Bright & Associates dated July 2016.
5. The materials to be deposited in the northern and southern gulleys (Areas C and D on submitted Plan No 3 dated May 2002) 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 Waste Planning Authority these materials shall originate solely from the proposed excavations in connection with the site's northern extension area referred to in the conditions of this permission. 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.
6. Any clays extracted in connection with this development shall be used solely for on-site engineering operations.

Reason for conditions 2 - 5: To define the area of the site and in the interest of clarity.

Waste Source

7. Except as may otherwise be expressly agreed in writing by the Waste Planning Authority, the importation of waste from London shall be restricted to the annual input tonnages as follows:

2010 – 100,000 tonnes
2011 – 98,000 tonnes
2012 – 94,000 tonnes
2013 – 91,000 tonnes
2014 – 88,000 tonnes.
2015 onwards – No waste from London

Reason: In the interests of sustainable waste management and to ensure that the volumes of London Waste entering the Cranford Landfill are reduced in accordance

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with figures supplied by the applicant having regard to Policy 11 of the Minerals and Waste Local Plan (2014).

Access and Highway Safety

8. 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.
9. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.
10. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and odour nuisance.

Reasons for conditions 8 - 10: In the interests of highway safety and local amenity having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Soil Handling, Soil Storage, and Bunding

11. Prior to waste disposal operations taking place all available topsoil shall be stripped from the tipping areas and stored separately for re-use.
12. Prior to waste disposal operations taking place all available subsoil shall be stripped from the tipping areas and stored separately for re-use.
13. All operations referred to in the two conditions above 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.
14. The stored materials shall be sown with grass seed or suitably treated to prevent weed accumulation.
15. The topsoil and subsoil stripped and stored in accordance with the Soil Handling, Soil Storage, and Bunding conditions listed in this permission shall include provision for a bund adjacent to the north-west corner of the site as indicated on the submitted plan received on 25th August 1992.
16. Topsoil storage shall be confined to bunds not exceeding three metres in height.
17. Subsoil storage shall be confined to bunds not exceeding five metres in height.

Reasons for conditions 11 - 17: To ensure appropriate quality soil materials are retained for re-use within the site, in the interests of visual amenity and restoration of the site having regard to Policies 22 and 28 of the Minerals and Waste Local Plan (2014).

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Hours of Working

18. Except as may otherwise be agreed in writing by the Waste 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 0700 hours and 1800 hours Mondays to Fridays and 0700 hours and 1300 hours 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 0700 hours and 1800 hours Monday to Friday and 0800 hours and 1600 hours on Saturdays, Sundays and Bank Holidays.

Reason: To ensure that the operation of the site is carried out within reasonable hours in the interests of the amenities of the area as a whole having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Dust

19. 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.

Reason: In the interests of the amenities of the area as a whole having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Noise

20. Except as may otherwise be agreed in writing by the Waste Planning Authority all equipment, plant and machinery exclusively used on site shall be fitted with silencers where appropriate or have baffles or be maintained so as to reduce noise to a minimum.

Reason: In the interests of the amenities of the area as a whole having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Trees and Hedgerows

21. 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 Waste Planning Authority, seven metres of the bole of any tree adjacent to the site.

Reason: In the interests of the local landscape character and amenities of the area as a whole having regard to Policies 22 and 25 of the Minerals and Waste Local Plan (2014).

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Phasing of Works

22. Except as may otherwise be agreed in writing by the Waste Planning Authority, tipping operations shall be phased in accordance with Plan No 6 (The revised working plan) received on 31st May 2002 with the exclusion of Phase 9.

Buildings

23. Details of any new ancillary buildings, showing their location, colouring and any screening shall be submitted to and approved in writing by the Waste Planning Authority prior to their construction.

Reasons for conditions 22 and 23: In the interests of the amenity of the area as a whole, and phased working and restoration of the site having regard to Policies 22 and 28 of the Minerals and Waste Local Plan (2014).

Landscaping

24. Not later than six months prior to the end date specified in condition 34 of this permission, or of the disposal operations otherwise ceasing, a landscaping scheme shall have been submitted and approved in writing by the Waste 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 and maintenance for a 5 year period.
25. The scheme as may be approved by the Waste Planning Authority shall be implemented in the first planting season following the completion of the development. Any trees or shrubs which die or for any reason otherwise 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 Waste Planning Authority.

Reasons for conditions 24 and 25: In the interests of local landscape character and the amenity of the area as a whole having regard to Policies 22 and 25 of the Minerals and Waste Local Plan (2014).

Restoration

26. Following the completion of tipping operations the surface of the tipped area in the northern extension (Area A on Plan No 3 dated May 2002) 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 the Soil Handling, Soil Storage, and Bunding conditions of this permission, with provision to be made for gas venting as required.
27. The northern extension (Area A on Plan No 3 dated May 2002) 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

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covering shall be kept free of materials likely to interfere with final restoration and subsequent cultivation and not less than the top 300mm of this covering shall be composed of topsoil stripped and stored in accordance with the Soil Handling, Soil Storage, and Bunding conditions of this permission, or other suitable material as necessary, which shall be spread in their correct sequence.

28. The final levels of the northern and southern extension (Areas A and B on Plan No 3 dated May 2002) shall be in accordance with the contour plan ref. CR998-D6 prepared by Bright & Associates dated July 2016, 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 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.
29. The northern and southern gulleets (Areas C and D on Plan No 3 dated May 2002), 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 Waste 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 re-spread 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.
30. Upon the completion of the works referred to in these restoration conditions, 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 Waste Planning Authority.
31. 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.
32. Except as may otherwise be agreed in writing by the Waste Planning Authority, six months after the completion of the waste disposal operations or the end date referred to in the conditions of this planning permission, 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;

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- 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.

Aftercare

33. Except as may otherwise be agreed in writing by the Waste Planning Authority not later than the completion of the waste disposal operation or by the end date referred to in condition 34 of this permission, whichever date is the sooner, a five year programme of aftercare shall be submitted to the Waste Planning Authority for approval in writing. The five year aftercare programme approved by the Waste Planning Authority shall be implemented to the Authority's satisfaction during the five year period following its approval.

Reasons for conditions 26 – 33: To ensure the site is adequately restored and appropriate aftercare provisions are adopted having regard to Policy 28 of the Minerals and Waste Local Plan (2014).

End Date

34. The development hereby permitted shall cease no later than **31st October 2017** (two thousand and seventeen) 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.

Reason: To enable the Waste Planning Authority to reconsider the position at the end of the period stated in the light of circumstances prevailing at the time, and to ensure restoration and aftercare requirements are implemented having regard to Policy 28 of the Minerals and Waste Local Plan (2014).

Monitoring

35. The operators of the site shall at a minimum of 12 monthly intervals provide in writing to, and upon request by, the Waste Planning Authority detailed information on the quantities of waste materials brought on to the site for disposal. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.
36. The operating company shall keep records of the quantity of waste received by weight and its source and these records shall be provided to the Waste Planning Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.

Reasons for conditions 35 and 36: To enable the Waste Planning Authority to monitor the progress towards achieving the principles having regard to Policy 11 of the Minerals and Waste Local Plan (2014) and the objectives of the National Waste Strategy for England 2007.

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37. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

Reason: To ensure that the site manager can monitor the implementation of the conditions having regard to Policy 29 of the Minerals and Waste Local Plan (2014).

Noise

38. No vehicles or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms or other non-tonal alarm as may be agreed in writing with the Waste Planning Authority.

Reason: In the interests of amenity protection having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Informative(s)

1. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows:
 - Application Forms dated 21 July 2016
 - Planning Statement dated July 2016
 - Planning Plan No. CR998-D6v2 Proposed Post Settlement Contours Plan (Bright & Associates) dated July 2016
 - Plan No.2a Red Line Plan dated May 2002
 - Plan No.3 indicating Areas A, B, C and D dated May 2002
 - Plan No.5 referred to Condition 28 dated May 2002
2. The applicant's attention is drawn to the terms of an agreement under Section 106 of the Town and Country Planning Act 1990, dated 4th August 1995, between Northamptonshire County Council and Nene Valley Waste Limited in the matter of landfill gas and leachate monitoring.
3. The applicant has agreed to a unilateral undertaking regarding the payment of monies for the purposes of highway works.
4. 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.
5. The applicant's attention is drawn to correspondence dated 28th August 1992 and 18th May 1995 from the Ministry of Agriculture, Fisheries and Food, relating to the development of this site.

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6. The attention of the applicant is drawn to the fact that there may be species within the application site (for example badgers and bats) that are protected by legislation outside the Planning Acts.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date 21st October 2016 Signed G.P. Watson

For Assistant Director of Environment,
Planning and Transport

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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.*
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:*

http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf

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