PLANNING PERMISSION

Name and address of applicant
BIFFA Waste Services
c/o Severn Trent Water Ltd
Park Lane
Minworth
Sutton Coldfield
West Midlands
B76 9BL

Name and address of agent
Mary Tappenden
BIFFA Waste Services
c/o Severn Trent Water Ltd
Park Lane
Minworth
Sutton Coldfield
West Midlands
B76 9BL

Part I - Particulars of application

Date of Application
6th September 2005

Application No.:
DA/05/0978C

Particulars and location of development
Amendment to Condition No.21 of Planning Permission DA/92/1138C to extend life of part of the site site to 31st October 2007, Kilsby Landfill Site, Grove Farm, Daventry Road, Kilsby, Rugby CV23 8XF

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:-

CONDITION 21 OF PLANNING PERMISSION DA/92/1138C NOW READS AS FOLLOWS:

The development hereby permitted shall cease no later than 31st December 2006 and the site shall be restored in accordance with the conditions of this permission no later than 31st October 2007 provided that, if within this period the tipping of materials is completed, the conditions of this permission shall be carried out forthwith.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
THE ORIGINAL PLANNING CONDITIONS OF PLANNING PERMISSION DA/92/1138C STILL APPLY AND ARE REPEATED AS FOLLOWS:

Commencement

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

Scope of Planning Permission

2. The materials to be tipped shall be confined to household, commercial, industrial, difficult and special wastes.

Access and Highway Safety

4. a) The sole vehicular access to the site for the development hereby permitted shall be limited to the existing access from the A361 as shown on the application plan received on 19\textsuperscript{th} November 1992. This access shall be maintained in accordance with present standards to the satisfaction of the County Planning Authority.

b) Prior to the commencement of tipping operations at the site wheel cleaning facilities shall be provided on site and thereafter maintained to the satisfaction of the County Planning Authority, and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris by the use of such facilities to the fullest extent reasonably practicable.

Soil Handling, Storage and Bunding

4. a) Prior to tipping operations taking place all suitable topsoil shall be stripped from the tipping area and stored separately for re-use.

b) Prior to tipping operations taking place all suitable subsoil shall be stripped from the tipping area 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.

5. a) All topsoil and subsoil stripped and stored in accordance with Condition 4 of this permission or previous planning permissions at this site shall be placed at locations to be agreed in writing by the County Planning Authority.

b) Topsoil storage shall be confined to bunds not exceeding two metres in height.

c) Subsoil storage shall be confined to bunds not exceeding five metres in height. See Note 1 attached to this permission.

d) The stored materials shall be sown with grass seed or sprayed with herbicides to prevent weed accumulation.
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 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 or Public Holidays.

Dust

7. Suitable measures shall be adopted to ensure that dust generation on site is kept to a minimum including the use of water spray facilities in periods of dry weather, to the satisfaction of the County Planning Authority.

Noise Suppression

8. a) Prior to the commencement of the development, a scheme for the monitoring of noise levels at the noise sensitive property (Pavilion Lodge) adjacent to the site shall be submitted to the County Planning Authority for approval. This scheme, as may be amended by and incorporating any modifications or additions the County Planning Authority may require, shall be implemented on commencement of tipping Authority may require, shall be implemented on commencement of tipping operations on site. Except as may otherwise be agreed in writing by the County Planning Authority, this scheme shall inter alia provide for the following:-

i) The ambient noise levels (LAeq 30 minutes) at the noise sensitive property measured 3 metres from the façade of the property on the side of the property facing the waste disposal site.

ii) The monitoring of noise levels at intervals and by equipment which must be agreed in writing by the County Planning Authority.

iii) The results of the noise monitoring to be submitted to the County Planning Authority in accordance with details to be agreed in writing by the County Planning Authority.

The LAeq (30 minutes) noise levels at the noise sensitive property shall not exceed an increase in 5 dBA above ambient noise levels during working hours. Should the agreed maximum specified level be exceeded the operator shall immediately implement remedial measures to rectify the situation and the County Planning Authority shall be notified in writing of the remedial measures undertaken.

If the levels continue to exceed the maximum specified noise level and subsequent written notice is given by the County Planning Authority then all operations on site shall cease within two days of such a written notice. No operations shall re-commence on site until a programme of remedial action has been agreed in writing by the County Planning Authority.
8. b) 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.

Protection of Trees, Hedgerow, Stream and Pond

9. a) 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 and extending north from the pond adjacent to the access road. Accordingly, no tipping operations or other associated activities shall take place within three metres of any such hedgerow or seven metres of the bole of any such tree.

b) No tipping or associated activities shall take place within a nine metre safeguarding strip either side of the stream which passes through the site adjacent to the access road or within three metres of the pond associated with this stream.

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 the phasing scheme received on 19th November 1992.

11. a) Details of any ancillary buildings showing their location, colouring and any screening shall be submitted to and approved in writing by the County Planning Authority prior to their erection.

b) Except as may otherwise be agreed in writing by the County Planning Authority, the proposed container storage area for the site shall be located as shown on the plan received on 11th January 1993.

Protection of Badgers

12. The badgers and their sett shall be properly protected and safeguarded throughout the duration of the development in accordance with the scheme outlined in the Environmental Statement accompanying this application and received on 19th November 1992. (The relevant extract from this statement is attached to this permission).

Landscaping and Restoration

13. The site shall be landscaped in accordance with the submitted scheme received on 8th February 1993 to the satisfaction of the County Planning Authority during the life of the site and in the first planting season following the completion of the development. The scheme shall be implemented progressively commencing in the first planting season following the commencement of development and thereafter in accordance with the phasing of the scheme.

14. 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, all to the satisfaction of the County Planning Authority.

15. Following the completion of tipping operations the surface of the tipped area shall be sealed with an impermeable engineered clay cap to a thickness of not less than 1 metre 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.

16. The area tipped shall be progressively restored and the final layer of the tipped area 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 with the exception of the area shown cross-hatched on attached plan DA/92/1138CA 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 previous planning permissions at this site or other suitable soil-like material. In the case of the cross-hatched area on attached plan DA/92/1138ca the top 100 mm of this covering shall be composed of topsoil stripped and stored in accordance with Condition 4A of this permission or previous planning permissions at this site or other suitable soil like material.

Over the whole of the site the remaining covering materials shall comprise the subsoil stripped and stored in accordance with Condition 4 (b) of this permission or previous planning permissions at this site and other suitable material as necessary, spread in their correct sequence all to the satisfaction of the County Planning Authority.

17. Except as may otherwise be agreed in writing by the County Planning Authority, the final levels of the tipped area shall be in accordance with the contour plan and cross-sections received on the 19th November 1992, shall be evenly profiled and shall conform with the contours of the surrounding land, with natural drainage to the perimeter of the site without backfalls or ponding, all to the satisfaction of the County Planning Authority. Upon the completion of the tipping 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.

18. Upon the completion of the works referred to in Condition 17 above the site shall be left in a clean and tidy condition and with the exception of the area shown cross-hatched on plan DA/92/1138CA attached shall be sown with a suitable grass seed mixture upon completion of the tipping operations, to establish a long term ley all to the satisfaction of the County Planning Authority. The area shown cross-hatched on attached plan DA/92/1138CA shall be sown and treated in accordance with the schedule received on 8th February 1993 (a copy of which is attached to this permission) 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 to the satisfaction of the County Planning Authority.
20. Except as may otherwise be agreed in writing by the County Planning Authority, within six months after the completion of the tipping operations or the date referred to in Condition 21 of this 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 all to the satisfaction of the County Planning Authority.

b) All fixed and mobile plant, machinery, structures, containers, buildings, foundations and internal haul roads on the application site shall be removed at the land reinstated in accordance with the restoration conditions of this planning permission to the satisfaction of the County Planning Authority.

Aftercare

22. Except as may otherwise be agreed in writing by the County Planning Authority not later than the completion of the tipping 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.

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.

Reason for conditions

Revised Condition No.21:

To enable the County Planning Authority to reconsider the situation in the light of circumstances prevailing at the end of the period stated.

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.

3. To safeguard the interests of users of the highway. (Northamptonshire County Structure Plan Policy T3).

4-10. To safeguard the amenities and environment of the area. (Northamptonshire County Structure Plan Policy W3).

11. To ensure that the County Planning Authority retains control of the location, erection, appearance and removal of ancillary buildings, foundations and containers in the interests of amenity.
12. To safeguard the habitat of protected species

13-20 To ensure that the land is properly restored within a reasonable time and
& 22. and is capable of agricultural use and to ensure that proper aftercare
provisions for the site are made and undertaken in the interests of
agriculture.

Summary of Reasons for Approval

The current proposal does not result in any additional tipping or an extension to the
overall life of an existing landfill site and does not conflict with the approved
Northamptonshire County Structure Plan and is therefore considered acceptable in
accordance with Structure Plan Policies W1 and W3 and the emerging Waste Local
Plan.

Date: 3rd November 2005

Signed [Signature]

Authorised to sign on behalf of the
Head of Sustainable Development
Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

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.
Kilsby Landfill Site

Proposed Meadow Mixture for fields to the north of the access road.

\[
\begin{array}{l}
\% \quad \text{Flower species} \\
2.0 \quad \text{Achillea millefolium} \\
1.5 \quad \text{Centaurea nigra} \\
2.0 \quad \text{Galium verum} \\
2.0 \quad \text{Leucanthemum vulgare} \\
2.5 \quad \text{Plantago lanceolata} \\
1.0 \quad \text{Primula veris} \\
1.5 \quad \text{Prunella vulgaris} \\
3.0 \quad \text{Ranunculus acris} \\
1.5 \quad \text{Rhinanthus minor} \\
1.5 \quad \text{Rumex acetosa} \\
1.5 \quad \text{Silene alba} \\
\end{array}
\]

\[
\begin{array}{l}
\% \quad \text{Grass species} \\
10.0 \quad \text{Agrostis capillaris} \\
10.0 \quad \text{Alopecurus pratensis} \\
2.0 \quad \text{Briza media} \\
30.0 \quad \text{Cynodon cristatus} \\
10.0 \quad \text{Festuca rubra ssp commutata} \\
10.0 \quad \text{Festuca rubra ssp purinosa} \\
5.0 \quad \text{Festuca rubra ssp rubra} \\
3.0 \quad \text{Hordeum secalinum} \\
\end{array}
\]

100% Total

Reduce top soil depth to 100mm and treat with Roundup before sowing. Sow in late summer during dry conditions, broadcast sowing of equal size compartments, and lightly roll with a Cambridge type agricultural roller before and after sowing at right angles.
NOTES

1 The treatment of soils shall be in accordance with the attached letter from the Ministry of Agriculture dated 23rd December 1992.

2 The development shall be undertaken in accordance with the agreement under the 1990 Town and Country Planning Act between Hall Aggregates (Eastern Counties) Ltd, Hales Waste Control Ltd and the Northamptonshire County Council and dated 18th March 1993 on the matter of landfill gas and leachate monitoring.

3 The applicant's attention is drawn to the requirements contained within the National Rivers Authority's letter dated 10th February 1993, a copy of which is attached to this Permission.
Schedule 1

Requirements to be included in the five year aftercare programme. Planning Permission DA/92/1138C.

Extension to existing landfill site, Grove Farm, Kilsby.

(A) As soon as is practicable after the completion of restoration operations referred to in the permission, the area to be restored to agriculture (with the exception of the area shown cross-hatched on attached plan DA/92/1138CA) shall be:-

1. Cultivated to establish a seedbed suitable for sowing of grass seed.

2. Fertilised with an appropriate type and quantity of fertilizer in accordance with the requirements of the land as determined by soil analysis.

3. Sown with grass seed of a suitable mixture and adequate quantity to establish permanent grass.

and

4. Provided with a piped water supply for livestock drinking purposes.

5. Provided with any ditches or piped drains necessary for the satisfactory drainage of the land.

6. In the first months of January or February following the initial sowing of grass seeds and in each subsequent January or February during the five year aftercare period, samples of the soil shall be taken and analysed to assess fertilizer and other nutrients required to promote normal plant growth during the year in which the analysis is taken.

7. During the months of March or April following the initial sowing to grass and in each subsequent month of March or April during the five year period, the land shall be fertilised in accordance with the requirements indicated by the soil analysis previously taken.

8. Except as may otherwise be agreed in writing the land shall not be grazed by livestock during the months of January, February, March, October, November or December, in any year during the five year aftercare period.

9. In respect of the areas to be restored for amenity use, provisions shall be made to incorporate the requirements as set out in the restoration and landscaping Conditions of this permission.

(8) The area shown cross-hatched on attached plan DA/92/1138CA shall be treated as follows:-

1. Sown with the seed mix indicated in the schedule received on 8th February 1993 in the first autumn following the completion of restoration operations.

2. During the April of the following spring the area of land concerned shall be mown to a height of 2 to 3 inches. If at this point growth is very dense cuttings should be removed from site. Alternatively, if growth is sparse the cuttings should be left.
3. The procedure outlined in (2) above should be repeated in July and October of the same year.

4. In year two, the response monitored during year one should give guidelines but generally the site should be mown to 2 to 3 inches in April/May with cuttings being removed if growth is vigorous. This should be repeated in October but the site should only be mown to a height of 3 to 4 inches.

5. In years three, four and five the site shall be treated generally along the lines of year two but the merits of the specific site must be considered accordingly.
Northamptonshire Planning and Transportation

PLAN DA/92/1138CA REFERRED TO IN PLANNING PERMISSION DA/92/1138C, KILSBY.

March, 1993

Michael J Kendrick C Eng, MICE, FIHT
Director of Planning and Transportation
Mr J Kendrick C. Eng., M.I.C.E., F.I.H.T.,
The Director of Planning and Transportation
Northamptonshire County Council
Northampton House
Northampton
NN1 2HZ

10th February 1993

Dear Sirs

PLANNING APPLICATION NO DA/92/KILSBY
FOR PROPOSED EXTENSION TO LANDFILL SITE AT GROVE FARM, KILSBY,
FOR NORTHAMPTONSHIRE COUNTY COUNCIL

With regard to the above-mentioned application received on
24th November 1992, I would inform you that the NRA Anglian Region has the
following observations to make on the proposal:

We have no objections to raise, in principle, to the above-mentioned
application for planning permission provided:

a) site is operated as an engineered containment facility.

b) the leachate depth is no more than 2m above the base of the cell (see
paragraph 5.3.1.).

c) A wide undisturbed buffer zone is maintained along the stream side of
at least 9m.

d) The pond is retained and the proposed tree/shrub planting scheme, as
stated, is adhered to.

A section 106 agreement should be entered into with the developer to
ensure long term aftercare management of the site.

All oil or chemical storage tanks, buildings, ancillary handling
facilities and equipment including pumps and valves shall be contained
within an impervious bunded area of at least 110% of the tank capacity
designed and constructed to the satisfaction of the Local Planning
Authority.

Site operators should ensure there is no possibility of contaminated water
entering and polluting surface or underground waters.

Yours faithfully

Grainger Davies, B.Sc.,
C.Eng., F.I.C.E., F.I.W.E.M.
Regional General Manager

Northern Area
Aquatic House
Horsey Street
Lincoln
LN1 1IF
Tel: (0522) 513100
Telelex: (0522) 312927

R F Morgan
Planning Engineer

LMP
There are records of badgers, a protected species, in the area generally, although the records are now five years old. Field surveys for this project assessment confirmed that the species is still present in more or less the same area as previously recorded. There is an occupied sett located on the site boundary in an area of land previously filled and restored. It is considered that the species has probably continued to occupy the general area continuously during those operations. The proposed operations would be at least 50m away and of short duration. They would cause less disturbance than previous operations, which surrounded the sett on all sides, and would include a clearly defined "out of bounds" zone for levelling operations. The survey records of badgers have been notified to the Northamptonshire Wildlife Trust and English Nature, but are not published in this Statement. The mitigating measures to ensure that the existing nearby badger sett is not adversely affected by the proposals are to erect and maintain a conspicuous boundary demarcation throughout all soil stripping, levelling and restoration operations. The demarcation will be a brightly coloured, reflective strip of tape suspended between temporary supporting posts set at maximum 6m spacing and aligned approximately 3m into the site from the existing boundary fence for the 100m nearest to the sett (50m in both directions).
The Director of Planning & Transportation
Northamptonshire County Council
Northampton House
Northampton
NN1 2HZ

Dear Sir,

THE PROPOSED RESTORATION OF MINERAL WORKINGS TO AGRICULTURAL LAND BY CONTROLLED LANDFILLING AT GROVE FARM, KILSBY, NORTHANTS

I refer to your letter of 20 November 1992 consulting this Department in accordance with the Town and Country Planning Act 1990, Schedule 5, Part 1, paragraph 4, concerning a proposal by Haleswaste Control Ltd to continue the restoration of 24 ha of mineral workings to agricultural land by controlled landfilling at Grove Farm, Kilsby.

This Department has considered the proposal and, in accordance with Schedule 5, Part 1, paragraph 4(1) of the Town and Country Planning Act 1990, this Department confirms that unless there is an alternative beneficial after-use it would be appropriate to specify agriculture as the after-use. Subject to appropriate conditions as set out in the attached Appendix being imposed, the proposal should enable the land to be restored to agriculture to a standard that satisfies the requirements of paragraph 3(2) of Schedule 5 of the 1990 Act.

Should your Authority be unwilling to include conditions to meet these requirements, the Department would expect the matter to be discussed further with them.

Yours faithfully

P J Chillingworth
Regional Planning Adviser
APPENDIX

RESTORATION OF MINERAL WORKINGS TO AGRICULTURAL LAND
BY CONTROLLED LANDFILLING

GROVE FARM, KILSBY, NORTHANTS

APPROPRIATE AGRICULTURAL CONDITIONS

(1) To ensure the highest standard of restoration soil movement should not take place during the winter months or when weather conditions are unsuitable.

(2) When placing the segregated topsoil and subsoil every effort should be made to place the heavier soils at the bottom of the profile and to separate the heavier and lighter soils.

(3) Within the aftercare scheme provision should be made for the removal of stock from the land during the summer months when conditions are unsuitable to avoid compaction and poaching of the pasture.

(4) In addition to any necessary drainage provision should be made for subsoiling where appropriate to relieve compaction.