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DECISION NOTICE

Application No: **19/1376N**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Particulars of Development

Development and operation of a temporary soil treatment facility at the maw green landfill site.

Location

**FCC ENVIRONMENT , MAW GREEN LANDFILL SITE, MAW GREEN ROAD,
CREWE, CW1 5NG**

for **FCC Enviroment Ltd Maw Green Landfill Site**

In pursuance of its powers under the above Act, the Council hereby GRANTS planning permission for the above development in accordance with the application and accompanying plans submitted by you subject to compliance with the conditions specified hereunder, for the reasons indicated:

1. The development hereby approved shall commence within three years of the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Seven days prior written notification shall be given to the Waste Planning Authority (WPA) of the date of the commencement of the development. For

the purposes of this permission commencement of the permission shall be taken to be the commencement of any material operations as referred to in S.56 of the Town and Country Planning Act 1990.

Reason: To enable the Waste Planning Authority to monitor the development and to ensure compliance with this permission in the interests of the environment and the amenities of the surrounding area

3. The soil treatment operations hereby approved shall cease no later than 31st December 2027.

Reason: To define the life of this permission

4. The soil treatment facility including all associated buildings, hardstanding, plant and machinery; shall be removed from the site and the site restored in accordance with the restoration scheme approved under application number 18/1091D, reference 1351-01-08 Rev A within 12 months following the permanent cessation of all soil treatment operations, or by 31st December 2028 whichever is sooner.

Reason: To define the life of this permission and ensure satisfactory restoration of the site.

5. The development hereby approved shall be carried out in strict accordance with the following documents, except where these may be modified in the conditions below:
 - a) Application Site Location - 2465-01-01 Rev A
 - b) Proposed General Arrangement - 2465-01-02
 - c) Proposed Elevations - 2465-01-03
 - d) Flood Risk and Drainage Assessment Final Report v1.4
 - e) Noise Impact Assessment - R19.0202/DRK
 - f) Air Quality Assessment - R2598-R01-v3
 - g) Odour management plan 3695-CAU-XX-XX-RP-V-0308-A0-C1

Reason: For the avoidance of doubt to specify the plans to which the permission relates.

6. No waste material other than "contaminated soils" shall be imported on to the Site. Any non-conforming wastes shall be stored in a sealed container or skip (maximum of 2) and removed from the Site within 7 days of container/skip becoming full.

Reason: To ensure the permission is implemented in accordance with the submitted details and in the interests of the environment and visual and

general amenity

7. No waste or recycled materials shall be burned on the Site at any time

Reason: In the interests of the environment and visual and general amenity

8. No more than 50,000 tonnes of waste materials shall be imported on to the Site in any 12 month period.

Reason: in order to control the scale of development

9. The following records shall be kept and provided to the Waste Planning Authority (WPA) within 7 days of a request made in writing by the WPA. In making a request, the WPA shall specify the dates between which the records shall be provided.

- a) The total number of vehicle movements bringing waste materials to the Site per day;

- b) The total number of vehicle movements removing waste or recyclable materials from the Site per day.

- c) The total quantity of waste materials delivered to the Site per day and the total quantity of material removed from the site per day ; and

- d) The time of day that waste was delivered to the Site and waste or recycled materials exported from the Site.

Reasons: To ensure the permission is implemented in accordance with the submitted details and in the interests of the highway safety and in the interests of the environment and amenity

10. From the commencement of development to its completion, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available at the site office for inspection during normal working hours

Reason: For the avoidance of doubt.

11. The mitigation recommended in the Acoustic Report R.19.0202/DRK shall be implemented in full for the duration of the development. The mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

Reason: In accordance with paragraph 180a of the National Planning Policy Framework to avoid noise from giving rise to significant adverse impacts on

health and quality of life.

12. The odour control methods as detailed in the Air Quality Assessment, R2598-R01-v3 section 9.2 and odour management plan 3695-CAU-XX-XX-RP-V-0308-A0-C1 dated October 2019 sections 4 to 7 shall be implemented in full and retained during the operational life of the soil treatment facility.

Reason: In accordance with paragraph 170e of the National Planning Policy Framework to ensure that residential amenity is not significantly impacted due to the proposed use.

13. The development hereby approved shall be used only for the purpose of soil reception, storage, screening and treatment and shall not be used for any other activities.

Reason: For the avoidance of doubt to specify the operation to which the permission relates.

14. Stockpiles of waste or recycled materials shall not exceed a maximum height of 4 metres above the surface of the pad, Biopiles of soil shall not exceed a maximum of 6m height.

Reason: In the interests of visual amenity.

15. Operations authorised by this permission, including the operation of all plant and machinery and movement of Heavy Goods Vehicles shall only take place between the following hours:

0800 to 1800 hours Monday to Friday
0800 to 1300 Saturday

There shall be no operations or vehicle movements associated with this permission Sundays and public/bank holidays.

Reason: In the interest of the amenity of nearby residents and to prevent nuisance arising.

16. Best practicable means shall be taken at all times to ensure that all HGVs leaving the site are in a condition such as not to emit dust or deposit mud or other debris on the highway. Any deposits of dust, mud or other debris deposited or carried onto the public highway as a result of the development shall be removed as soon as practicable.

Reason: in the interests of highway safety, to avoid the deposit of mud on the

highway.

17. The wheel cleaning facilities on the landfill shall be used by all vehicles involved in the exportation of materials associated with this development for the duration of the development hereby approved.

Reason: in the interests of highway safety, to avoid the deposit of mud on the highway.

18. From the period of commencement of the development until the cessation of restoration activities* of the Maw Green Landfill, there shall be no more than 400 heavy goods vehicle movements (200 in and 200 out) in any one working day arising from the operation of both Maw Green Landfill site and the soil treatment facility hereby approved.

Reason: in the interests of highway safety and to protect residential amenity.

19. All loads of open topped vehicles involved in the transport of soil from the development hereby approved shall be securely sheeted in such a manner that no material may at any time be spilled or blown onto the public highway or adjoining land.

Reason: In the interest of highway safety and local amenity.

20. Any facilities for the storage of oils, fuels or chemicals on the site shall be sited on impervious base and surrounded by impervious bund walls or in proprietary double skinned tanks. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the compound capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

21. Prior to its installation details of the location, height, design, timings and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and

operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area).

22. No waste shall be imported to the site in connection with this development hereby approved until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be fully implemented prior to the first receipt of waste associated with this permission and shall be retained thereafter during the operational life of the development.

Reason: To ensure a satisfactory means of drainage

Informatives:

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

In order to minimise dust emissions arising during the development, including: site preparations / demolition/ construction activities at the site.

A copy of a 'site specific DMP' shall be retained at the development site; and made available for inspection upon request by Cheshire East Borough Council Officers.

The site specific DMP shall identify the fugitive dust sources at the development site and describe in detail the dust mitigation measures to be employed.

The DMP shall include details:

- of all dust suppression measures
- the methods to monitor emissions of dust arising for the duration of the project

The demolition / construction phase of the development, shall be completed in full compliance with the site specific DMP.

The dust suppression measures shall be maintained and fully operational for the duration of the demolition / construction phase of the development.

The Dust Management Plan shall contain the records of inspections and visual assessments. Records shall be:

- kept on site and
- made available for examination upon request by a Cheshire East Borough Council Officer.

Where visible airborne emissions are brought to the attention of the contractor by:

- pro-active dust monitoring of the site or
- upon receipt of a dust complaint from a member of the public

The contractor shall:

- identify the cause and extent of the dust emission
- detail the remedial dust corrective course of action
- inform Cheshire East Borough Council, Environmental Protection

Department of the corrective action and proposed monitoring to assess compliance and prevent a recurrence. For this purpose contact:

0300 123 5015

environmentalprotection@cheshireeast.gov.uk

- Any corrective action shall be recorded in the site log/ DMP retained on site. Under the Control of Pollution Act 1974, Environmental Health recommend that the hours of noise generative* demolition / groundworks / construction works taking place during the development (and associated deliveries to and from the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

Noise generative* works outside of these hours may result in action by the Environmental Protection Team to serve a legal notice on the property or construction site under the Control of Pollution Act 1974.

**"Noise Generative" is defined as any works of a construction / demolition nature (including ancillary works such as deliveries) which are likely to generate noise beyond the boundary of the site.

The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than

Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of conditions. Please see our Website for details.**

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

This permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

Dated: 30-Oct-2019



Signed

**Authorised Officer for
Cheshire East Borough Council**