

PLANNING PERMISSION

Name and address of Applicant

BIFFA WASTE SERVICES
LTD
RIXTON OLD HALL
MANCHESTER ROAD
RIXTON
WARRINGTON
WA3 6EW

Name and address of Agent (if any)

BIFFA WASTE SERVICES
LTD
RIXTON OLD HALL
MANCHESTER ROAD
RIXTON
WARRINGTON
WA3 6EW

Part I – Particulars of application

Date of application: **15 April 2014** Application No. **LCC/2014/0054**

Particulars and location of development:

VARIATION OF CONDITION 6 OF PLANNING PERMISSION 9/89/897 TO ALLOW RETENTION OF THE LANDFILL GAS POWERED ELECTRICITY GENERATING STATION UNTIL 31 DECEMBER 2030 AT WITHNELL LANDFILL SITE, BOLTON ROAD, WITHNELL

Part II – Particulars of Decision

The **Lancashire 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:

Time Limits

1. Not later than 31 December 2030, all buildings, plant, hardstandings and fencing shall be removed, the access road downgraded, and the site restored in accordance with the conditions of this permission.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 12 March 2014

- b) Submitted Plans and documents:

Drawing ref.W4035800 - Location Plan, layout plan and elevations.
Drawing ref. W4035900 - Gas compound layout
- c) All details approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Restoration

- 3. By 31 December 2020 details for the final restoration and aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The details for the final restoration and aftercare of the site shall include the following:
 - a) the afteruses to which the site is to be restored including the layout of any water areas, forestry areas or land to be restored to agricultural land;
 - b) a contour plan showing the final levels and landform of the site at not less than one metre intervals
 - c) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;
 - d) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application.
 - e) the measures to be taken to secure normal plant growth;
 - f) Protection measures, replacement of planting failures and maintenance of planting throughout the aftercare period;
 - g) details of surface water drainage to ensure that the site will be free draining including identification of discharge points and measures to control run off and prevent erosion;
 - h) details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features;
 - i) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal roadways and hardstanding areas;
 - j) Details of the downgrading of the access road from the landfill gas electricity generating station compound to the public highway at the A675 (Bolton Road).

- k) details for the creation of any wildlife habitat areas.
- l) a timescale for the implementation of the above restoration works.

The site shall be restored in accordance with the details, measures and timetable set out as approved.

Reason: To provide for the completion and final restoration of the site within the approved timescale in the interests of the visual amenities of the area and to secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Aftercare

- 4. Upon certification in writing by the County Planning Authority of the completion of restoration, aftercare of the site to promote the agricultural/amenity afteruse of the site shall be carried out for a period of five years in accordance with the approved details required by condition 3.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed satisfactorily.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/permits from the Environment Agency.

Date: 5 June 2014

LANCASHIRE COUNTY COUNCIL



**STEVE BROWNE
INTERIM EXECUTIVE DIRECTOR
FOR THE ENVIRONMENT**

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTE:

1. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room, 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the 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 for Communities and Local Government and the Regions 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.

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.