



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Barton Plant Ltd
Cranford Road
Burton Latimer
Kettering
NN15 5TB

Name and address of agent

GP Planning Ltd
Mill House
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application

10th November 2008

Application No.:

NCC Ref: 08/00093/WAS
KBC Ref: KET/2008/0963/NCC

Particulars and location of development

Restoration of previously quarried land to agriculture using imported soils at Land to the East of The Piggeries, Cranford Road, Burton Latimer, Kettering

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 three years beginning with the date of this permission.

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.

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 Permission

2. This planning permission shall only relate to the area edged in red on the submitted plan, PIG/EXISTING FIELD 2, 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, certificates, drawings and supporting information.

Reason: To define the scope of the permission and in the interest of clarity.

Tipping Operations

3. Materials to be deposited shall be confined to selected subsoils suitable for agricultural improvement works and subsequent cultivation.

Reason: To define the scope of the permission and in the interest of clarity.

Soil Stripping, Storage, Handling and Replacement

4. Soil stripping, storage, handling and replacement shall be carried in accordance with the submitted scheme in Appendix 3 of the Supporting Statement Resubmission dated 6th November 2008.

Reason: To ensure the availability and protection of important soils and clay resources for subsequent and progressive site restoration in accordance with policy 16 of the Northamptonshire Waste Local Plan (2006).

5. All available topsoil and subsoil from within the application site shall be separately stripped in a phased manner and separately stored and retained for subsequent use in restoration of the site.

Reason: To ensure the availability and protection of important soils and clay resources for subsequent and progressive site restoration in accordance with policy 16 of the Northamptonshire Waste Local Plan (2006).

6. The handling and movement of soils shall only take place when they are in a dry and friable condition and, in any event should not be undertaken during the months of October to April inclusive unless otherwise agreed in writing by the Waste Planning Authority.

Reason: To ensure the availability and protection of important soils and clay resources for subsequent and progressive site restoration in accordance with

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policy 16 of the Northamptonshire Waste Local Plan (2006).

7. Following the completion of landfilling operations in each phase, the stripped and stored topsoil and subsoil shall be replaced in separate layers and, if necessary, shall be supplemented by additional, imported topsoil and/or subsoil to ensure the reinstatement of the former soil profile to a minimum depth of one metre of soils which are suitable for cultivation.

Reason: To ensure the availability and protection of important soils and clay resources for subsequent and progressive site restoration in accordance with policy 16 of the Northamptonshire Waste Local Plan (2006).

Hours of Working

8. Except as may otherwise be agreed in writing by the Waste Planning Authority, waste deliveries, site preparation, tipping, levelling and restoration operations and any associated activities shall be restricted to between the hours of 0900 hours and 1800 hours on Mondays and Fridays with no such operations being carried out on the site on Saturdays, Sundays or Public 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, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Wheel Cleaning

9. All operational vehicles leaving the site shall be free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety, and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

Noise and Dust

10. 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: To safeguard the amenities of local residents in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

11. All plant, equipment and machinery, including vehicles shall, where capable, be fitted with silencers, baffles, cladding or rubber linings, and be maintained so as to reduce noise to a minimum and operated in accordance with manufacturer's instructions.

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Reason: To safeguard the amenities of local residents in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

Ecology

12. Within 3 months of the date of this permission, an ecological management scheme for the 20 metre wide field margin shall be submitted to the Waste Planning Authority for approval in writing. This shall include proposals for:

- a) Taking a hay cut from the bank along the southern strip and respreading on the 20 metre field margin and on newly formed banks and include provision for the use of seed mixes if necessary.
- b) Proposals for pursuing a Countryside/Environmental Stewardship Scheme for the areas to be managed for ecological and biodiversity benefits.

Reason: To safeguard protected species and to prevent a net loss of biodiversity in accordance with policy 28 of the Regional Spatial Strategy for the East Midlands (2005) and Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Protection of breeding birds

13. Operations that involve the destruction and removal of established scrub and ground vegetation shall not be undertaken during the months of March to August inclusive, unless an ecologist report is submitted to demonstrate that breeding birds will not be affected and this has been approved in writing by the Waste Planning Authority.

Reason: To ensure that breeding birds are not adversely affected in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Protection of Hedgerows and Trees

14. Operations at the site shall be controlled to ensure the minimum disturbance to, and the retention of all existing trees, hedgerows, shrubs and other vegetation on the boundaries of the site.

Reason: To ensure the enhancement of the development through the retention of existing natural features by safeguarding their health and stability in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

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Surface Water

15. Prior to the commencement of any development, a detailed surface water drainage scheme for the design, provision, implementation and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved flood risk assessment shall be submitted to and approved by the Waste Planning Authority. The development (including surface water drainage system) shall be constructed and completed in accordance with the approved scheme and prior to the occupancy of any part of the proposed development, and maintained thereafter in accordance with the approved details.

Reason: To prevent the increase in flood risk in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

End Date

16. The development hereby permitted shall cease not later than 30th September 2012 by which time the land shall be restored or reinstated, in accordance with the conditions of this permission.

Reason: To specify the date when the conditions of this permission shall have been fully implemented and to enable the Waste Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period.

Aftercare

17. Except as may otherwise be agreed in writing by the Waste Planning Authority, not later than the completion of the operations or by the date referred to in Condition 16 of this permission, whichever date is the sooner, a five year outline strategy of aftercare shall be submitted to the Waste Planning Authority for approval to bring the land to the required standard for agricultural use and to maintain the ecological and biodiversity benefits referred to in Condition 8 of this permission.

The five year outline strategy of aftercare, as may be approved by the Waste Planning Authority, shall be implemented to the Authority's satisfaction during the five year period following its approval. The outline strategy and the detailed programme of aftercare shall, unless otherwise agreed in writing by the Waste Planning Authority, be subject to review at an annual site meeting.

Reason: To bring the land back to a standard required for agriculture, and ensure the proper aftercare provisions are made and reported to the Waste Planning Authority in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

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Proximity Principle

18. All waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site.

Reason: In the interests of sustainable waste management, and in order to comply with the proximity principle in accordance with Policy 1 of the Northamptonshire Waste Local Plan (2006).

Consignment Note Records

19. Consignment note records and waste transfer note records relating to materials imported to the site shall be made available to the Waste Planning Authority within 5 working days upon request in writing.

Reason: In the interests of sustainable waste management, and in order to comply with the proximity principle in accordance with policies 4 and 23 of the Northamptonshire Waste Local Plan (2006).

Monitoring

20. 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 and types of all 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.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

21. The operating company shall keep records of the quantity of waste received by weight and its source and the number of traffic movements to and from the site 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.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

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Informative(s)

1. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows: -

GPP/BP/CR/08/01

PIG/EXISTING FIELD 2 Rev A

PIG/FIELDFILL2 Rev B

PIG/EXISTINGFIELD2WP Rev B

PIG/EXISTING FIELD2ISO

PIG/EXISTINGFIELD2LAAB Rev B

PIG/EXISTINGFIELD2LAAB Rev B

GPP/BP/CR/08/02

Supporting Statement and Appendices dated 6th November 2008

Agricultural Use, Soils & Fertility Report

Letter from Lockhart Garratt dated 9th January 2009

Summary of Reasons for Approval

The justification for the proposed agricultural improvement works has been clearly established and therefore it is considered to be acceptable having regard to Policy 1, 16 and 23 of the Northamptonshire Waste Local Plan (2006).

The objections raised by Burton Latimer Town Council relating to traffic, noise and ecology have been carefully considered. The development site is 350 metres away from the nearest residential dwellings, Windmill Cottages and this distance will mitigate noise and dust and the amenity implications of the development can be safeguarded by the imposition of planning conditions. The ecological and biodiversity implications of the development have been assessed and these can be adequately mitigated. Furthermore, the traffic amenity impacts are not considered to be a justifiable reason for refusal. Therefore, the proposed development is considered to be acceptable in accordance with Policies 1, 8, 15 and 23 of the Northamptonshire Waste Local Plan (2006), Policy 13 of the North Northamptonshire Core Spatial Strategy 2008 and Policy 28 of the Regional Spatial Strategy for the East Midlands (2005).

Date: 29th January 2009

Signed: 

For Chief Planning 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.*
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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