



Northamptonshire
County Council

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Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Cook, Lubbock and Co
Storefield Lodge Farm
Oakley Road
Rushton
NN14 1QT

Name and address of agent

John Gough
Consultant Planning Manager
Mick George Limited
Second Drove
Meadow Lane
St. Ives
Cambridgeshire
PE27 4YQ

Part I - Particulars of application

Date of Application

5th December 2008

Application No.:

NCC Ref: 08/00101/WAS and
District Ref: KET/2008/1038

Particulars and location of development

Proposal to vary condition nos.12 and 21 of planning permission KE/89/0714 to facilitate a revision to the approved contours, Rushton Quarry, Oakley Road, Rushton,

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 3 years beginning with the date of this permission.

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Waste Disposal and Clay Extraction

2. Except as may otherwise be agreed in writing by the Waste Disposal Authority:
 - (a) Materials to be deposited shall be restricted to industrial, commercial and domestic wastes
 - (b) Waste disposal operations shall be confined to the areas for infilling and phasing in accordance with submitted plan No.1006 dated June 1989 titled "Phased restoration scheme."
 - (c) Clay extracted shall be used solely for on-site engineering operations. Accordingly, no clay shall be removed from the application site.

Site Access and Lorry Routeing

3. The sole vehicular access in association with the development hereby permitted shall be the existing access onto the Oakley Road and this access shall be maintained to the satisfaction of the Waste Planning Authority, and all lorry traffic shall arrive at and leave the site to and from the A6003 Road only and shall not travel through the village of Rushton. (See note 1 at end of this planning permission).

Wheel Cleaning Facilities

- 4(a) Wheel cleaning facilities shall be provided on site and thereafter maintained, and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris by use of such facilities to the fullest extent reasonably practicable, all to the satisfaction of the Waste Planning Authority.
- 4(b) All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

Hours of Working

5. Except as may otherwise be agreed in writing by the Waste Planning Authority, site preparation, tipping, clay extraction, levelling and restoration operations and any associated activities shall be restricted to between the hours of 7.00am and 6.00pm on Mondays to Fridays and 7.00am and 1.00pm on Saturdays, with no such operations being carried out on site on Sundays or Public Holidays.

Noise

6. All plant and machinery shall be noise attenuated and noise generated from operations on the site shall not exceed 55dB(A) Leq 1 hr free field at the nearest noise sensitive properties.

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Dust

7. Tipping and restoration operations on site, including the movement of vehicles, shall be controlled to minimize the creation of dust from these operations and measures to reduce dust emissions during dry weather periods, including the use of water spray facilities, shall be undertaken.

Stripping and Storage of Soils

- 8.(a) All available topsoil shall be stripped and stored on site for re-use, or placed direct, in accordance with the agreed restoration scheme.
 - (b) All available subsoil and overburden shall be stripped and stored separately for re-use, or replaced direct, in accordance with the agreed restoration scheme.
 - (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 the operations shall be undertaken in stages with breaks during wet spells.
- 9.(a) No stockpiling of topsoil, subsoil, overburden or clay shall take place on site except in such locations and to such heights and extent as may be approved in writing by the Waste Planning Authority.
 - (b) All stockpiles of topsoil, subsoil, overburden or clay shall be removed by the last date referred to in Condition 21 of this permission and the land reinstated to agricultural use in accordance with the conditions of this permission.

Phasing of Restoration, Capping and Soils Re-instatement

10. Except as may otherwise be agreed in writing by the Waste Planning Authority, the areas filled in accordance with the conditions of this permission shall be progressively restored and the final layer of the tipped area in each phase shall be progressively covered as tipping proceeds to a depth of not less than two metres. This two metre cover shall comprise the following:
 - (a) An impermeable engineered clay cap to a thickness of not less than one metre, covered by;
 - (b) An agricultural cap of not less than one metre depth. The agricultural cap shall be kept free of materials likely to interfere with final restoration or subsequent cultivation, and not less than the top 300mm depth of this covering shall be composed of the topsoil previously stripped and stored and any other suitable imported topsoil. The remaining covering material shall comprise the subsoil and overburden previously stripped and stored on site together with any other imported subsoil and overburden as may be necessary. This topsoil, subsoil and overburden shall be placed and spread

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in their correct sequence.

- (c) Prior to the spreading of the topsoil in each phase the subsoil and overburden shall be ripped (rooted) to reduce compaction and all stones or other objects which would impede subsequent cultivation shall be removed and buried on site to a depth of not less than two metres. These operations shall be repeated following the spreading of topsoil.

Final Landform Profile/Contours

- 11. The final landform/contours following the completion of tipping and restoration, including the engineered clay cap and replaced soil profile within the area subject to this planning permission, shall be as shown on Drawing R14/3823/03/B and R14/D/05b and with the eastern slope in accordance with Cross Section R14/D/04.

Landscaping

- 12. Except as may otherwise be agreed in writing by the Waste Planning Authority, within 12 months of the date of this permission a landscaping scheme shall be submitted to the Waste Planning Authority for approval. The scheme shall incorporate proposals for the planting of hedgerows, trees and shrubs with details of their numbers, size and species. The scheme shall also indicate how landscaping will be phased in relation to the tipping phases.
- 13. The implementation of the landscaping scheme referred to in Condition 12 of this permission, as approved by the Waste Planning Authority and incorporating such modifications or additions as the Authority may require, shall be completed to the satisfaction of the Authority by the end of the first planting season following the completion of tipping and restoration of each phase of the development. Any trees or shrubs which die or for any other reason fail to become established within five years of planting shall be replaced during the following planting season with trees and shrubs of a similar size and species to those originally required, all to the satisfaction of the Waste Planning Authority.
- 14. Any ditches, fences, hedges gates field drains or water supplies disturbed during the operations or required for good husbandry shall be provided following restoration of the land and on its reinstatement to agricultural use.
- 15. Except as may otherwise be agreed in writing by the Waste Planning Authority, within three months of the completion of filling and covering of each phase in accordance with Conditions 2, 10 and 11 of this permission the area shall be prepared and sown with an appropriate grass seed mixture to establish a long term ley.

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Plant, Machinery and Buildings

16. No fixed plant, machinery structures or any building in connection with the development hereby permitted shall be erected, extended, installed, rearranged, repaired or altered in any way under the provisions of Class A of Part 4 or Class A of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995.
17. The construction and layout of site reception facilities, weighbridge, skip storage areas and internal haul roads shall remain as existing unless otherwise approved in writing by the Waste Planning Authority.
18. All fixed and mobile plant, machinery, structures, buildings, foundations and internal haul roads shall be removed not later than the date referred to in Condition 21 of this permission or at such earlier time or times as the Waste Planning Authority may determine that they are no longer required for the purpose for which they were installed or for the restoration or rehabilitation of the site.

Reinstatement of Agricultural Access

19. Except as may otherwise be agreed in writing by the Waste Planning Authority, within three months of the completion of the tipping and restoration operations, or the date referred to in Condition 21 of this permission whichever is the sooner the vehicular access shall be reinstated to an agricultural access in accordance with a scheme to be submitted to the Waste Planning Authority for its consideration and approval in writing.

Aftercare

20. Except as may otherwise be agreed in writing by the Waste Planning Authority, not later than the completion of the tipping operations or by the date referred to in Condition 21 of this permission, whichever is the sooner, a five year programme of aftercare shall be submitted to the Waste Planning Authority for approval to bring the land to the required standard for agricultural and amenity use.

End Date

21. The waste disposal and clay extraction development hereby permitted shall cease not later than 30th September 2017 (twenty hundred and seventeen) and the site shall be restored or reinstated in accordance with the conditions of this permission upon the cessation of tipping operation or by the date stated, whichever is the sooner, and the site shall be left in a clean and tidy condition.

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Proximity Principle

22. Unless otherwise expressly approved in writing by the Waste Planning Authority all inert waste materials to be deposited at the site shall originate from sources within a 20 mile radius of the site and all other waste materials to be deposited at the site shall originate from sources within a 30 mile radius.

Monitoring

23. 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 processed or brought on to the site. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.
24. 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 and relevant Development Plan Policies

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To define the scope of the permission and in the interest of clarity. (Northamptonshire Waste Local Plan (2006): Policy 15).
3. In the interests of highway safety and to protect local amenity. (Northamptonshire Waste Local Plan 2003-2016; Policy 15).
- 4-7 To safeguard the environment and the amenities of local residents. (Northamptonshire Waste Local Plan (2006): Policies 7 and 15).
- 8-10 To ensure the availability and protection of important soils and clay resources for subsequent and progressive site restoration. (Northamptonshire Waste Local Plan 2003-2016; Policy 16).
11. To retain control over the development and in the interests of visual amenity. (Northamptonshire Waste Local Plan 2003-2016, Policy 16).
- 12-15. To ensure that the site is adequately screened and in the long-term interests of local visual amenity. (Northamptonshire Waste Local Plan 2003-2016; Policy 15).
- 16-20. In order to protect local visual amenity and to ensure the restoration of the

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site to a satisfactory standard for agricultural use. (Northamptonshire Waste Local Plan 2003-2016; Policies 15 and 16).

21. To enable the Waste Planning Authority to consider the position in the light of circumstances and Development Plan policies at the end of the period stated and In the interests of visual amenity (Northamptonshire Waste Local Plan 2003-2016, Policies 1, 2, 16 and 22).
- 22-24 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

Informative

1. All vehicles in association with the development hereby permitted shall be routed in accordance with the legal agreement between Northamptonshire County Council, Cook Lubbock and Co and Cleansing Services (Rushton) Group; i.e. all lorry traffic shall arrive at and leave the site to and from the A6003 road only and shall not travel through the village of Rushton.
2. Operations on site to control and manage landfill gas and leachate on the site shall be in accordance with the requirements of the legal agreement relating to planning application KE/89/0714 and prepared and signed under the provisions of Section 106 of the Town and Country Planning Act 1990 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1992.

Summary of Reasons for Approval

No objections or issues have been raised during the consultation process and it is considered that the proposed variation in conditions would facilitate an acceptable improvement to the currently permitted landform at the eastern end of the site and would result in a better overall integration of the site into the wider landscape in accordance with the provisions of the development plan. In particular, in relation to Policy 22 of the Northamptonshire Waste Local Plan 2003-2016 it is considered that the proposal accords with the Best Practicable Environmental Option for residual wastes which are not recyclable or re-useable, will contribute towards regional self-sufficiency, and would, by means of a planning condition, comply with the 'proximity principle' and would not impact unacceptably upon the viability of other available non-hazardous waste landfill sites.

Date: 4th March 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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