Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant          Name and address of agent
Peter Bennie Ltd                      GP Planning Ltd
Oxwich Close                           The Stables
Brackmills Industrial Estate         Long Lane
Northampton                           East Haddon
NN4 7BH                                Northampton, NN6 8DU

Part I - Particulars of application

Date of Application                   Application No.:
18th November 2010                     NCC Ref: 10/00078/WAS

                     DDC Ref: DA/2010/0974/NCC

Particulars and location of development

Variation of condition 2 of planning permission 08/00014/WAS to allow the recycling of K-Lime (cement production waste) until 30/11/2013 at BOUGHTON QUARRY, BRAMPTON LANE, NORTHAMPTON

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:-

Note: This consent supersedes, consolidates, and updates the previous planning permissions for the site which were granted, reference DA/95/441C, DA/96/251C, DA/00/818C, DA/99/110C, DA/03/1466C, 07/00024/WAS, and 08/00014/WAS.

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.
Commencement

1. The development must be begun not later than the expiration of ONE year beginning with the date of this permission, and written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

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 Planning Permission

2. The development hereby permitted is restricted to the extension of the recycling building and its continued use for the recycling of non hazardous wastes (excluding food wastes), construction of the yard area, importation and processing of minerals for bagged aggregates and loam, the continued recycling of inert waste materials and infilling with inert waste and K-Lime (cement production waste) processing within the recycling shed (see condition 22 of this permission).

REASON: To define this permission.

3. No materials shall be permanently deposited on the site as part of the landfill operations other than soils and those of a dry inert non hazardous nature comprising soils, clays and other inert materials that are unsuitable for recycling.

REASON: To define this permission.

4. Production and sales of bagged materials and K-Lime shall be for wholesale purposes only and no retail sales shall take place at the site.

REASON: The site is not allocated for retail purposes and such sales would generate additional traffic and activity to the detriment of the amenities of the area in accordance with Policy CS2 of the MWDF Core Strategy (2010).

Access and Highway Safety

5. a) The sole vehicular access for the development hereby permitted shall be by way of the existing access to Brampton Lane (see condition 20 of this permission). The site entrance and internal haul road shall be maintained in a condition free from potholes while in use and unless otherwise agreed in writing by the Waste Planning Authority, shall be removed when no longer required in connection with the development hereby permitted or by the date in condition 18, whichever is the sooner.

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b) A wheel washing facility shall be provided and maintained on site and the wheels and chassis of all vehicles leaving the site shall be cleansed of mud and other debris and no such materials shall be deposited on the public highway.

REASON: In the interests of highway safety in accordance with Policy CS14 of the MWDF Core Strategy (2010) and Policy 8 of the Northamptonshire Waste Local Plan (2006).

Lorry Routing

6. All heavy goods vehicles visiting and leaving the site shall be directed via Brampton Lane onto the A508 Harborough Road or A5199 Welford Road and no such vehicles shall enter Boughton or Church Brampton villages or travel on other minor roads in the area except for making deliveries or collections to/from nearby villages.

REASON: In the interest of local amenity and to ensure that all heavy goods vehicles visiting and leaving the site are routed via the principal road network and do not enter nearby villages in accordance with Policy CS14 of the MWDF Core Strategy (2010) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

Phasing and Tipping Operations

7. Except as may otherwise be agreed in writing by the Waste Planning Authority the phasing of tipping operations shall be carried out in accordance with the approved Drawing GPP/PBL/BQ 0801 submitted on 4th April 2008.

REASON: To ensure that the site is restored in an orderly manner in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

Hours of Working

8. The development hereby permitted shall be restricted as follows:

Except as may otherwise be agreed by the Waste Planning Authority, the development hereby permitted and all operations relating thereto, including all deliveries and collections shall be restricted to between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday with no working on Sundays and Bank or Public Holidays.

REASON: To safeguard the amenities of the area as a whole and Boughton village in particular in accordance with Policy CS14 of the MWDF Core Strategy (2010) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

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Noise

9. Except as may otherwise be agreed by the Waste Planning Authority all buildings, plant, equipment and machinery used on site; including vehicular traffic shall be designed and maintained to reduce noise levels to a minimum. All plant, equipment and machinery shall be fitted with appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained. All plant shall be fitted with non-tonal, 'white noise' reversing alarms and no tonal reversing alarms shall be used.

REASON: To safeguard the amenities of the area as a whole and Boughton village in particular in accordance with Policy CS14 of the MWDF Core Strategy (2010) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

Dust

10. Prior to the commencement of the K-Lime importation and processing a scheme for dust management, suppression and monitoring for all waste processing and disposal at the site shall be submitted to the Waste Planning Authority for agreement in writing. Except as may otherwise be agreed by the Waste Planning authority, the scheme shall include the use of water spray facilities around the entrances to the building and at locations where imported K-Lime is temporarily stored. The scheme as approved shall be implemented and thereafter maintained throughout the life of the development.

REASON: To safeguard the amenities of the area as a whole and Boughton village residents in particular having regard to Policy CS14 of the MWDF Core Strategy (2010) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

Visual Amenities

11. The walls and roof of the recycling building extension shall be faced in materials to match those of the existing building.


12. Stockpiles of waste materials shall be confined to the base of the former quarry and shall not exceed 5 metres in height for inert waste and shall not exceed 3 metres in height for K-Lime or other recycled materials.


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13. No additional external lighting shall be installed until a scheme for such lighting has been submitted to the Waste Planning Authority and agreed in writing. The external lighting shall be implemented in accordance with the approved details.


Landscaping

14. Except as may otherwise be agreed in writing by the Waste Planning Authority the revised Landscaping Scheme dated 19th February 1996 prepared by J. A. Lockhart previously approved on the 8th March 1996 (in connection with permission DA/95/441C and DA/96/251C) shall be carried out within the first available planting season following the completion of the development hereby permitted or the date referred to in Condition 18 of this permission, whichever is the sooner.


Cessation of K-Lime Processing, Recycling Operations and Removal of Buildings, Plant and Machinery

15. All K-Lime processing operations, and waste recycling operations, other than the recycling of inert waste, shall cease by the 30th November 2013, and the recycling building and associated plant, machinery and foundations shall be removed by this date. All other buildings, moveable structures, hardstandings, works, plant or machinery shall also be removed by the 30th November 2013 unless otherwise expressly agreed in writing by the Waste Planning Authority as being required to remain or relocated in association with the final restoration works for the site.

REASON: To ensure that the lower part of the site is cleared to provide for its final restoration in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

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Restoration

16. Restoration of the site shall comprise: the removal of all machinery, plant, buildings hardstanding and other structures; and the haul road and vehicular access; the regrading and placement of soil to approved levels and contours in accordance with Drawings ASC/95/31 and ASC/95/32 submitted in connection with permission DA/95/441C, and the restoration of the site to a state suitable for agriculture. All such work shall be carried out prior to the end date in condition 18 below.

REASON: To provide for the satisfactory restoration of the site in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

Revised Restoration Scheme

17. In the event that inert waste disposal operations in all phases are not substantially completed by 30th November 2014 (two thousand and fourteen), a revised restoration scheme shall be submitted showing revised levels utilizing the materials already on site by that date. The revised scheme as may be agreed in writing by the Waste Planning Authority shall be implemented and completed by the end date in Condition 18.

REASON: To assist the Waste Planning Authority in monitoring the restoration of the site in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

End Date

18. The inert waste disposal hereby permitted shall cease not later than 30th November 2015 (two thousand and fifteen) and the site shall be restored in accordance with conditions of this permission by that date.

REASON: To specify the date when all operations at the site shall cease and restoration shall be completed in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

Aftercare

19. 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 18 of this permission, whichever date is the sooner the revised aftercare scheme dated 19th February 1996 prepared by J. A. Lockhart, previously approved on the 8th March 1996 (in connection with permission DA/95/441C and DA/96/251C) shall be implemented to bring the land to the required standard for agricultural use.

REASON: To bring the land back to a standard required for agriculture, and to

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ensure that proper aftercare provisions are undertaken in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

**Access Improvements**

20. Prior to the commencement of the development, a scheme detailing the improvements to the existing site access including kerbing of the splay radii shall be submitted to the Waste Planning Authority for approval in writing. The scheme as approved shall be implemented prior to the commencement of the development hereby permitted and thereafter maintained

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

**Vehicle Sheeting**

21. All operational vehicles delivering waste materials and K-Lime to the site or removing recycled/treated waste and K-Lime shall be appropriately sealed or covered so as to prevent material spillage, wind blow and odour nuisance.

**REASON:** In the interests of highway safety and local amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010) and Policies 8 and 15 of the Northamptonshire Waste Local Plan (2006).

**K-Lime Processing**

22. The processing of K-Lime shall be restricted to taking place only within the existing recycling building.

**REASON:** To safeguard the amenities of local residents having regard to Policy CS14 of the MWDF Core Strategy (2010) and Policy 15 of the Northamptonshire Waste Local Plan (2006) in respect of the potential for dust being generated from the outside processing of lime, and to take a precautionary approach to the risk of airborne contamination from this material which is classified as hazardous.

**Monitoring**

23. The operating company shall keep records of the quantity of waste received by weight, type and source as well as the number of traffic movements to and from the site. These records shall be provided to the Waste Planning Authority within seven days of a written request.

**REASON:** To control any additional pressure on the existing infrastructure, in the interests of highway safety and convenience, having regard to Policy 8 of the Northamptonshire Waste Local Plan (2006) and Policy CS9 of the MWDF Core Strategy (2010).

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24. The operators of the site shall submit an annual report in writing to the Waste Planning Authority within one month of the first anniversary of operations commencing and at 12 monthly intervals thereafter. The annual report shall incorporate the records required by the condition above. Information of commercial sensitivity will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.


25. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

REASON: To ensure that the site manager can monitor the implementation of the conditions in accordance with Policy 17 of the Northamptonshire Waste Local Plan (2006).

REASONS FOR APPROVAL

The objections and concerns raised by Boughton Parish Council, individual local residents and the prospective developer relating to the perceived health risk and the ongoing management of the site have been carefully assessed. There has been no objection raised by the Environment Agency or the Daventry District Council Environmental Protection Officer and it is considered that the processing and storage of K-Lime within the existing building is acceptable and this can be controlled by planning condition. However a precautionary approach should be taken to any outside processing of K-Lime having regard to the risk of any airborne contamination from this material which is classified as hazardous. This will enable the operator to demonstrate whether dust from the outside storage of delivered K-Lime prior to processing in the building can be properly controlled. In light of this approach, it is considered that there is no justifiable reason to refuse the application which is considered to be acceptable having regard to saved policies 8, 15 and 17 of the Northamptonshire Waste Local Plan (2006) and policies CS1, CS2 and CS14 of the Minerals and Waste Development Framework Core Strategy Development Plan Document (2010).

Date: 14th February 2011

Signed: [Signature]

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.


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