Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant          Name and address of agent
Peter Bennie Ltd
The Old Piggeries
Cranford Road
Burton Latimer
Northampton
NN15 5TB

GP Planning Ltd
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application Application No.:
1st March 2012 NCC Ref: 12/000151WAS

Particulars and location of development

Variation of conditions 14, 15, 16, 17, 18 and 19 of planning permission 10/00078/WAS to remove end dates for all waste activities including K-Lime processing and amend the approved restoration and aftercare scheme 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,

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08/000141/WAS and 10/00078/WAS.

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 (to the revised restoration contours on drawing GPP/PB/BQ/11/14) 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 to the revised restoration contours on drawing GPP/PB/BQ/11/14 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.

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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 having regard to Policy CS14 of the MWDF Core Strategy (2010).

Lorry Routing

6. No operation shall commence on site until the applicant has submitted to the Mineral Planning Authority and received written approval to a Transport Plan for the routing of HGVs to and from the site to exclude travelling through the nearby villages of Boughton, Pitsford, Church Brampton and Chapel Brampton except on the A Class roads. The Scheme shall identify the arrangements for:

i. Monitoring of the approved arrangements

ii. Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements, and

iii. The disciplinary steps that will be exercises in the event of default.

iv. Details of signage to be erected to instruct drivers in relation to the routing of HGVs to and from the site.

The approved Scheme should be implemented throughout the life of the permission

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 travel through nearby villages resulting in traffic amenity disturbance, having regard to Policy CS14 of the MWDF Core Strategy (2010).

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).

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Hours of Working

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

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 having regard to Policy CS14 of the MWDF Core Strategy (2010).

Noise

9. a. 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.

b. Noise from all operations at the former Boughton Quarry Site including waste management operations and the batching plant and bagging plant shall not exceed the measured ambient background at any residential premises when measured as a 15 minute LAeq. In the event of any complaints of noise, the operator shall engage a suitably qualified and experienced noise consultant to carry out ambient background and operational noise measurements and report the findings to the Waste Planning Authority. Should the ambient background noise level stated be exceeded, the operator shall submit to the Waste Planning Authority within 28 days of the measured breach of condition, a scheme for mitigation of the noise to be agreed in writing. The scheme, as agreed, shall thereafter be implemented.

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

Dust

10. Within 3 months of the date of this permission, a revised dust management scheme shall be submitted revising the scheme approved on 7th April 2011 to include the provision of monitoring on the south side of the site and incorporating the management requirements associated with the planning permission 12/000141/WAS for the concrete batching plant and bagging plant. The revised scheme as approved shall thereafter be implemented.

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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).

Visual Amenities

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

REASON: In the interests of visual amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

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 unprocessed K-Lime (see condition 22) or other recycled materials.

REASON: In the interests of visual amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

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.

REASON: In the interests of visual amenity having regard to Policy CS14 of the MWDF Core Strategy (2010).

Landscaping

14. Except as may otherwise be agreed in writing by the Waste Planning Authority the Landscaping Scheme submitted in connection with this application shall be carried out within the first available planting season following completion of the restoration works shown on the Revised Restoration Plan dated November 2011 by Katie Burfitt.

REASON: In the interests of visual amenity in accordance with Policy CS14 of the MWDF Core Strategy (2010).

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

15. All K-Lime processing operations shall cease by the 31 May 2014, and all K-Lime stockpiles shall be removed within 3 months of this date.

REASON: To enable further monitoring of the amenity impacts of any

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windblown dust to be undertaken, and assessed and to enable the Waste Planning Authority to reconsider the position in light of the outcome of the monitoring at the end of the period stated, having regard to Policy CS14 of the MWDF Core Strategy (2010).

**Restoration**

16. Restoration of the backfilled parts of the former quarry site shall comprise: the regrading and placement of soil to approved levels and contours in accordance with Drawing GPP/PB/BQ/11/14 and Revised Restoration Plan dated November 2011 by Katie Burfitt submitted in connection with the application, and the restoration of the backfilled areas of the site to a state suitable for woodland and shrub planting and this scheme shall be fully implemented not later than 31 March 2013.

**REASON:** To provide for the satisfactory restoration of the site having regard to Policy CS13 of the MWDF Core Strategy (2010).

**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).

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Aftercare

19. Within 3 months of the date of this permission, a revised 10-year aftercare scheme shall be submitted to manage the woodland and associated habitats in the restoration scheme referred to condition 16. The agreed scheme shall be implemented during the 10-year aftercare period and shall include the measures included in the Restoration and Aftercare statement submitted with this application.

Reason: To bring the land back to a standard required for amenity woodland, and to ensure that proper aftercare provisions are undertaken having regard to Policy CS13 of the MWDF Core Strategy (2010).

Access Improvements

20. Within 3 months of the date of this permission, 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 within 6 months of the development hereby permitted and thereafter maintained.

Reason: In the interests of highway safety having regard to Policy CS14 of the MWDF Core Strategy (2010).

Vehicle Sheeting

21. All operational vehicles delivering waste materials and K-Lime to the site or removing recycled/treated waste and K-Lime from the site shall be appropriately sealed or covered so as to prevent material spillage, wind blow and odour nuisance. Details of signage to be erected to instruct drivers to ensure this shall be submitted to the Waste Planning Authority within one month of the date of this permission for approval in writing. The agreed signage shall thereafter be erected within one month.

Reason: In the interests of highway safety and local amenity having regard to Policy CS14 of the MWDF Core Strategy (2010).

K-Lime Processing

22. The processing of K-Lime shall be restricted to taking place only within the existing recycling building, and all stockpiles of processed K-Lime shall be located within the building.

Reason: To safeguard the amenities of local residents having regard to Policy CS14 of the MWDF Core Strategy (2010) 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.

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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 CS9 and CS14 of the MWDF Core Strategy (2010).

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. The report shall include detailed information on the types, quantities and sources of all waste materials brought on to the site and taken off the site, including records of vehicle movements demonstrating compliance with condition 26. The information required by this condition shall also be supplied at any other time on request by the Waste Planning Authority. All such information will be treated on a confidential basis.

REASON: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Core Strategy DPD (May 2010) and to ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Core Strategy DPD (May 2010) and Policy CMD 14 and CMD 1 of the Control and Management of Development DPD (June 2011).

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 having regard to Policy CS14 of the MWDF Core Strategy (2010).

Catchment Area

26. Within one month of the date of this permission an indicative plan outlining the intended catchment area for waste sources for treatment at the facility, in line with the further information provided by the applicant to the Waste Planning Authority on 28 February 2012, shall be submitted to the Waste Planning Authority.

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Planning for approval in writing. All waste inputs shall be in accordance with the agreed indicative catchment plan.

REASON: To ensure that waste materials are dealt with as close to their source as possible in the interests of self-sufficiency and sustainability having regard to Policy CS9 of the Core Strategy DPD (May 2010) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Core Strategy DPD (May 2010) and Policies CMD1 and CMD14 of the Control and Management of Development DPD (June 2011).

Kerbing

27. Within 6 months of the date of this permission, full height kerbing shall be provided between the existing site access and the Harborough Road on the north side of Brampton Lane.

REASON: In the interests of highway safety having regard to Policy CS14 of MWDF Core Strategy DPD (May 2010).

Vehicle Restrictions

28. The total number of vehicle movements associated with the development hereby permitted and the concrete batching and minerals bagging operations (permitted under consent 12/00014IWAS) shall not exceed 132 movements per day. No vehicle movements shall take place outside of the hours of operations authorised in Condition 4 of this permission.

REASON: In the interests of highway safety and safeguarding local amenity having regard to Policy CS14 of MWDF Core Strategy DPD (May 2010).

Informative(s)

Dust Control

1. The applicant is advised that a dust control plan that considers the effects of dust in a Southerly direction should be undertaken as it proposed to build a residential property close to the southern entrance.

Highways

2. No works may commence within the existing highway without the express written permission of the Local Highway Authority. This planning permission does not give or infer such consent which may be forthcoming subject to the completion of a suitable licence or Agreement under the Highways Act 1980. Any works within the highway shall comply with the Local Highway Authority's standards and specifications.

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3. The Applicant's attention is drawn to the Traffic Management Act 2004 where three month notice periods to allocate road space (for works within the highway) is required prior to the commencement of works. Such notice can not be submitted or commence until the completion of a suitable license or Agreement with the Local Highway Authority.

4. Any new sewer connection required for this development within the highway will require a licence from the Local Highway Authority under Section 50 of the New Roads and Street Works Act 1991.

REASONS FOR APPROVAL

The Boughton Quarry site is identified in the Minerals & Waste Development Framework, Locations for Waste Development, Development Plan Document (March 2011) as a site for waste management uses and therefore the permanent use of the site for these uses is acceptable in principle. The amended restoration scheme which shows part of the former quarry backfilled and restored back to woodland and shrub planting is also considered acceptable. The amenity, environmental, and highway safety impacts of the continued recycling of inert waste and the permanent use of the recycling building are considered to be able to be adequately controlled by planning conditions.

The continuing concerns regarding the perceived health risk associated with the processing of K-Lime raised by Boughton Parish Council, individual local residents and the developer of the recently approved residential development to the south of the quarry have been carefully assessed and it is considered that the processing of K-Lime within the existing building, and storage of unprocessed material outside, is still acceptable. However, it considered that a precautionary approach should still be taken to enable more dust monitoring to further test the findings so far, and in order that it can be clearly demonstrated by operational practice that dust from the processing of K-Lime at the quarry site can be properly controlled and does not pose a significant amenity health threat to local residents. In light of this continued approach, it is considered that there is no justifiable reason to refuse the application which is considered to be acceptable having regard to policies CS1, CS2, CS13 and CS14 of the Minerals and Waste Development Framework Core Strategy Development Plan Document (2010).

Date: 28-5-2012
Signed: M.B. (Charnel)

For Assistant Director of Environment and Planning

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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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