



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant	Name and address of agent (if any)
Barton Plant Ltd Cranford Road Burton Latimer Kettering Northants NN15 5TB	GP Planning The Stables Long Lane East Haddon Northampton NN6 8DU

Part I - Particulars of application

Date of Application	Application No.
20 September 2012	NCC Ref: 12/00068/WASVOC KBC Ref: KET/2012/0604

Particulars and location of development

Variation of condition 21 of planning permission 08/00081/WAS to extend the time limit for restoration at Long Drowpits, The Boughton, Estate, Weekley, 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:-

1. Commencement

The development hereby permitted shall be deemed to be commenced from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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.

2. **Scope of the Permission**

Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

- (a) Application Forms dated 7th September 2012;
- (b) Supporting Statement prepared by GP Planning Ltd Version 1, dated September 2012;
- (c) Site Location Plan Ref. GPP/CW/EN/08/11 (Scale 1:25,000);
- (d) Site Plan Ref. GPP/BP/LD/08/04 Rev 1 (Scale 1:2,000);
- (e) Site Plan 2 Ref. GPP/BP/LD/12/02 Rev 1 (Scale 1:1,250); and
- (f) Photograph Panel A Ref. B007-07/GPP/BP/LD2/12/09 Rev 1.

Reason: To specify the approved documents in the interests of amenity with regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

3. **Type of Waste**

No materials shall be deposited on the site other than soils and those of a dry inert non-special nature, comprising topsoil, subsoil, rubble, hardcore, concrete, clay and the like.

Reason: To restrict the waste types to those specified in the application in the interests of amenity and the environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

4. **Hours of Working**

Except as may otherwise be agreed in writing by the Waste Planning Authority on a temporary, short term (not exceeding four weeks) basis, site preparation, tipping, levelling and restoration operations and any associated activities shall be restricted to between the hours of 7.00am and 6.00pm Mondays and Fridays and 7.00am and 1.00pm on Saturdays, with no such operations being carried out on site on Sundays or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

5. **Access and Highway Safety**

The sole vehicular access to the site shall be gained via the A6003 and via the route indicated on Site Plan 2 Ref. GPP/BP/LD/12/02 Rev 1.

- 6. The highway safety measures (road signs and markings) required pursuant to conditions contained in planning permission KE/97/405C, as listed in Schedule 1 of that consent and attached to this permission shall be maintained and/or replaced as necessary during the period of this permission.

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7. Any damage to the verges around the entrance to the site during the life of the development shall be made good.
8. Upon completion of the restoration operations or the date referred to in Condition 21 of this permission, whichever is the sooner, the vehicular access and haul route shall be reinstated in accordance with a scheme to be submitted to and agreed in writing by the Waste Planning Authority.

Reason for conditions 5 to 8: In the interests of highway safety and safeguarding local amenity, to ensure the access is satisfactorily restored, having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

9. **Wheel Cleaning**

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 safeguarding local amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

10. **Prevention of Pollution**

Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tanks overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent contamination of the site, in the interests of the amenities of the area as a whole, and having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

11. **Noise and Dust**

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.

12. All equipment and machinery shall be fitted with silencers where appropriate or have baffles and be maintained so as to reduce noise to a minimum.

Reason for conditions 11 and 12: In the interests of the amenities of the area as a whole having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

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13. Ecological Management Plan

A revised and updated Ecological Management Plan (Long Drowpits Inert Landfill (Phases 2 and 3) Condition 13 Ecological Management Plan, August 2010, Bioscan Report No. E1297R4/V4 approved 13th October 2010) shall be submitted to the Waste Planning Authority within three months of the date of this planning permission for approval in writing. The development shall be implemented in accordance with the approved plan including monitoring, aftercare and long term management.

Reason: To make appropriate provision for the management of natural habitat relating to the approved development in the interests of biodiversity having regard to Policy CMD7 of the Northamptonshire MWDF Control and Management of Development DPD (2011).

14. Survey and Restoration

Except as may be otherwise agreed in writing by the Waste Planning Authority, the finished ground levels shall be in accordance with the submitted plan titles '9017/PHASE3-2FL – Long Drowpits Phase 2 Proposed Finish Contours and Section Lines'.

15. A revised restoration scheme amending the submitted scheme (Plan Ref. 9017/PHASE3-2FL, 9017/PHASE3-2LAA and 9017/PHASE3-2LBB) shall be submitted to the Waste Planning Authority within three months of the date of this planning permission for agreement in writing. The revised scheme incorporating any alterations the Waste Planning Authority may require shall be implemented and completed by the end date referred to in condition 21 of this permission.
16. The area filled in accordance with Condition 2 of the permission, shall be restored and progressively covered with soils as tipping proceeds to a depth of not less than one metre. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent re-vegetation and shall be ripped (rooted) as necessary to relieve compaction. Any stones or other materials which would impede subsequent re-vegetation operations shall be removed or buried on site to a depth of at least one metre.
17. Not less than the top 300mm of the surface covering shall be composed of topsoil, subsoil or other suitable soil-like material suitable for tree planting, as may be available on site or imported from other sources and spread in their correct sequence.
18. The tipped areas shall be restored to conform with the contours of the surrounding land (Plan Reference 9017/PHASE3-2D14 and 9017/PHASE3-2FL), with natural drainage to the perimeter of the site without ponding or backfalls; and any ditches, fences, hedges, gates, field drains and water supplies disturbed during operations shall be provided on re-soiling.
19. The land shall be restored in a suitable condition to facilitate the establishment of the Mitigation/Planting Plan Reference GPP/BP/LD/08/10.

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Reason for condition 14 to 19: To enable monitoring of the site, and to ensure restoration to an appropriate standard, and to enable flexibility in restoration levels and timescale for completion of the activity, while ensuring the amenity of the surrounding area is maintained having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

20. Buildings, Plant and Machinery

All fixed and mobile buildings, plant, machinery and foundations shall be removed at such time or times as the Waste Planning Authority may determine that they are no longer required either for the purpose for which they were installed or for the rehabilitation of the worked out site.

Reason: In the interests of the amenity of the local area having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010).

21. End Date

The development hereby permitted shall cease not later than 1st December 2014 and the land shall be restored or reinstated by this date in accordance with the conditions of this permission. If within this period the tipping operations cease for a period in excess of six months or the use is otherwise discontinued for a similar period, the restoration conditions of this permission shall be carried out forthwith.

Reason: To ensure the restoration of the subject site is carried out within an appropriate time period having regard to Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (2011).

22. Catchment Area

All waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site, unless expressly approved in writing by the Waste Planning Authority.

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 Policies CS9 of the Northamptonshire MWDF Core Strategy DPD (2010) and CMD1 and 4 of the Northamptonshire MWDF Control and Management of Development DPD (2011).

23. Monitoring

The operating company 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 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. The annual report shall also incorporate records that

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demonstrate compliance with the catchment area condition 22. 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 Northamptonshire MWDF Core Strategy DPD (2010) and to ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (2010) and Policy CMD1 and 14 of the Northamptonshire MWDF Control and Management of Development DPD (2011).

24. 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 persons 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 Northamptonshire MWDF Core Strategy DPD (2010).

REASONS FOR APPROVAL

The proposal is for an extension of time limit for the restoration of the inert waste landfill in the Phase 2 area of Long Drowpits gullet as required by planning permission 08/00081/WAS, from 1st December 2011 for a further three years. The development was considered acceptable in 2008 and it is again considered acceptable in 2012 in the context of the current policy framework. In particular the principle of the development is acceptable in accordance with Policy CS3 of the Northamptonshire Minerals and Waste Development Framework Core Strategy Development Plan Document (DPD) (2010) and Policy CMD3 of the Control and Management of Development DPD (2011). The potential local amenity impacts were considered in detail when planning permission 08/00081/WAS was determined, and as no new issues have been raised the proposal is considered acceptable in accordance with Policy CD14 of the Core Strategy DPD (2010) and permission should therefore be granted subject to the recommended conditions.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and County Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012.

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INFORMATIVES

1. This development will require the variation of the existing Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency. The applicant is advised to telephone 01536 385194 to discuss the issues likely to be raised.

2. The Northamptonshire County Council Highways Division have made the following comments regarding Public Rights of Way:
 In the event that any construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:-
 - (a) The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times.
 - (b) There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office.
 - (c) If as a result of the development, ie hedgerow planting, the Right of Way needs to be closed a Temporary Traffic Regulation Order will be required. An Application form for such an order is available from Northamptonshire County Council, a fee is payable for this service and a period of six weeks notice is required.
 - (d) Any new path furniture (e.g. gates preferred over stile) needs to be approved in advanced with the Access Development Officer, standard examples can be provided.

Date.....19th December 2012..... Signed .....

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.*

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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Schedule 1

**HIGHWAY SAFETY MEASURES. PLANNING PERMISSION KE/97/405C.
EXTENSION IN AREA TO WEEKLEY WOOD LANE LANDFILL SITE FOR THE DISPOSAL OF
INERT WASTE, LAND AT LONG DROWPITS, WEEKLEY WOOD LANE, KETTERING**

1. New plate to Weekley Wood, "Slow lorries for ½ mile" under existing "Works Access" plate for southbound vehicles. (Uphill).
2. New "Slows" on carriageway - one next to the signs outlined in item 1 and one nearer to junction. (Large size).
3. Move existing junction sign for northbound vehicles (downhill) further away from junction.
4. Supply and erect extra junction sign for northbound vehicles, for fast lane which should be situated even further away from junction.
5. New plates under both signs 4, or 5, stating "Lorries turning" (553.2 VAR).
6. New "Slows" on carriageway under both signs outlined above.
7. Grass verge (including scrub) to be cut back to highway boundary several times during each growing season.
8. Trees/bushes overhanging highway to be cut back initially and at intervals as required during growing season.

