Northamptonshire County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Biffa Waste Services Ltd
c/o Severn Trent Water Ltd
Park Lane
Minworth
Sutton Coldfield
West Midlands B76 9BL

Name and address of agent (if any)

Part I - Particulars of application

Date of Application
25th August 2006

Application No.:
DA/06/1052

Particulars and location of development
Storage of stripped materials for use in the restoration of phase 7 of Kilsby Landfill Site, Grove Farm, Daventry Road, Kilsby, Rugby.

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:-

Scope of Permission

1. This planning permission shall only relate to the area edged in red on the submitted plan, K3030200, 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 and certificates, applicants' letter dated 23rd August 2006 and accompanying plan.

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

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 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.
Soil Storage

2. The topsoil already stripped from the storage area and stored in a bund shall be sown with a grass seed mixture to prevent weed accumulation.

REASON: To safeguard the restoration of the site in accordance with Waste Local Plan policy 16.

Restoration

3. Following the completion of soil storage operations the land shall be ripped to relieve compaction and topsoil stored in accordance with condition 2 shall be respread to an even thickness.

REASON: To safeguard the restoration of the site in accordance with Waste Local Plan policy 16.

4. The reinstated land shall be sown with a suitable grass seed mix which shall be submitted to the Waste Planning Authority for agreement in writing.

REASON: To safeguard the restoration of the site in accordance with Waste Local Plan policy 16.

End Date

5. The development shall be completed not later than 31st October 2009 (two thousand and nine) by which time the land shall have been restored in accordance with the conditions of this permission.

REASON: To specify the date by when the development will have been completed and to enable the Waste Planning Authority to reconsider the position at the end of the period stated in accordance with Waste Local Plan policy 16.

Aftercare

6. Not later than the 31st October 2009 this land shall be brought into the aftercare strategy for the adjacent landfill site area to ensure that it is brought up to the required standard for the intended afteruse. The agreed aftercare of the site shall be thereafter be implemented during the five year approval following its approval.

REASON: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 and to ensure that the land is correctly husbanded to bring it to the required standard for the intended afteruse in accordance with Waste Local Plan policy 16.

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REASONS FOR APPROVAL

The proposed development will not have adverse effect on the amenity or appearance of the surrounding area and does not affect the area identified by the Wildlife Trust as having potential to be a site of nature conservation value.

The application is considered to be acceptable in accordance with policies W2 and W3 of the Northamptonshire County Structure Plan (2001) and policies 7, 11, 15 and 16 of the Northamptonshire Waste Local Plan (2006).

Date: 24th November 2006  Signed

[Signature]

Authorised to sign on behalf of the
Head of Sustainable Development

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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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