Northamptonshire
County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant          Name and address of agent (if any)
Mrs J Handy                              Gill Pawson
Home Farm                               Mill House
Gumley                                   East Haddon
Market Harborough                       Northamptonshire
Leicestershire                           NN6 8DU
LE16 7RU

Part I - Particulars of application

Date of Application                      Application No.
27th October 2006                        DA/06/1246

Particulars and location of development

Change of use of disused lay-by back to agriculture through importation of inert waste at Former lay-by on west side of A508, 1km north of Great Oxenden.

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, Site Plan (Scale 1:2500), 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, Drawing Nos. GPP/WP/GO/01/06, C36/100806/1, C36/100806/2 and C36/100806/3, Protected Species survey dated September 2006 and agent's letter dated 18th October 2006.

Inert Waste

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. No materials shall be deposited on the site other than soils and those of a dry inert non-hazardous nature.

Tipping Soil Storage

3. a) Prior to tipping operations taking place all suitable topsoil shall be stripped from the tipping area and stored separately for re-use.

b) All operations referred to in a) of this condition shall be undertaken during suitable, dry weather conditions. During periods of uncertain weather conditions, operations shall be undertaken in stages with breaks during wet spells.

c) In any event no soil stripping operations should be undertaken during the months October to April inclusive unless otherwise agreed in writing by the Waste Planning Authority.

Access

4. Except as may otherwise be agreed in writing by the Waste Planning Authority, access to the site shall be via the southern entrance to the former lay-by and egress shall be via the northern entrance to the former lay-by.

Signs

5. Prior to the commencement of tipping operations the applicant shall provide and erect adequate warning signs to alert users of the Public Highway about the site access. The signs and their location shall be approved in writing by the Waste Planning Authority in consultation with the Highway Authority, prior to their installation.

Highway Safety

6. Operations shall be controlled to ensure that no mud or other debris is deposited on the public highway.

Hedgerows and Trees Protection Distances

7. Operations at the site shall be controlled to ensure the minimum disturbance to, and the retention of all existing trees, hedgerows, shrubs and other vegetation on the boundaries of the site. Accordingly, no tipping operations or other associated activities shall take place within three metres of any hedgerow or seven metres of the bole of any tree bordering the site.

Protection of breeding birds

8. Operations that involve the destruction and removal of established scrub and ground vegetation shall not be undertaken during the months of March to August inclusive, unless an ecologist report is submitted to demonstrate that breeding birds will not be affected and this has been approved in writing by the Waste Planning Authority.

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Restoration

9. The final levels at the site shall be in accordance with submitted drawing C36/100806/2.

10. All available topsoil stored in accordance with Condition 3 shall be respread in suitable dry weather conditions to an even depth following completion of leveling operations.

11. Prior to the replacement of topsoil the site shall be ripped to remove compaction and any stones or other debris above 200mm in size shall be collected and removed from site.

End Date

12. The development hereby permitted shall cease not later than 31st December 2008 by which time the land shall be restored or reinstated, in accordance with the conditions of this permission.

Aftercare

13. 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 12 of this permission, whichever date is the sooner, a five year outline strategy of aftercare shall be submitted to the Waste Planning Authority for approval to bring the land to the required standard for agricultural use.

The five year outline strategy of aftercare, as may be approved by the Waste Planning Authority, shall be implemented to the Authority's satisfaction during the five year period following its approval. The outline strategy and the detailed programme of aftercare shall, unless otherwise agreed in writing by the Waste Planning Authority, be subject to review at an annual site meeting.

Reasons for conditions and relevant Development Plan Policies

1. To define the scope of the permission and in the interest of clarity.
2. To specify the materials to be tipped in the interests of the general amenity of the area.
3. To enable the reinstatement of in situ soils once tipping has finished so as to return the land to its original agricultural characteristics.
4. In the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure the protection of trees and hedgerows in the interests of the environment.
8. To ensure that breeding birds are not adversely affected.
9. To safeguard the restoration of the site.
10. To safeguard the restoration of the site.
11. To safeguard the restoration of the site.

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12. To specify the date when the conditions of this permission shall have been fully implemented and to enable the Waste Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period.

13. To bring the land back to a standard required for agriculture, and ensure the proper aftercare provisions are made and reported to the Waste Planning Authority.

Informatives

1. The spreading of topsoil shown on the site plan may require a Schedule 3 exemption of the Waste Management Licensing regulations. The applicant is advised to contact the Regulatory Waste team on (01522) 785056.

REASONS FOR APPROVAL

The proposed development will not have adverse effect on the character and appearance of the surrounding landscape.

The application is considered to be acceptable in accordance with policies W2 and W3 of the Northamptonshire County Structure Plan (2001) and policies 1 (Principles for Waste Development), 8 (Traffic and Access), 23 (Agricultural Improvement and Engineering Works) of the Northamptonshire Waste Local Plan (2006).

Date: 22nd January 2007
Signed: [Signature]

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.

4. 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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