Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant  Name and address of agent
Barton Plant Ltd.  GP Planning Ltd
Cranford Road  Mill House
Burton Latimer  Long Lane
Kettering  East Haddon
NN15 5TB  Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application  Application No.: 7th May 2008  08/00038/WAS / DA/2008/0535

Particulars and location of development

Variation of condition 17 of planning permission 07/00018/WAS to allow the removal of imported inert waste at Harlestone Quarry, Harlestone Road, Harlestone

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:-

Commencement

1. The development must be begun not later than the expiration of one year beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory

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Scope of Planning Permission

2. Minerals to be extracted from the site shall be restricted to previously imported clay soils and the depth of the working shall not exceed 10.0 metres below existing ground levels.

   **Reason:** To specify the mineral to be extracted and the depth of working in accordance with policy 28 of the Minerals Local Plan (2006).

3. The area for clay extraction shall be confined to the proposed extraction area identified on Plan 9010/EXTRACTAREA and as shown on Section drawings 9010/extract/x and 9010/extract/l, submitted with the planning application.

   **Reason:** To specify the area for clay extraction within the existing landfill site.

Site Stability

4. Prior to the commencement of development a method statement for the operations (including any measures necessary to ensure the stability of the remaining waste) shall be submitted to the Mineral Planning Authority for agreement in writing. The development and operations shall proceed fully in accordance with the approved details.

   **Reason:** To safeguard the stability of the adjacent landfill areas site in accordance with policy 29 of the Minerals Local Plan (2006).

Hours of Working

5. Except as may be otherwise be approved in writing by the Mineral Planning Authority, the extraction of clay materials at the site shall be restricted to between the hours of 7.00 am and 6.00 pm on Mondays to Fridays and 7.00 am and 1.00 pm on Saturdays, with no such operations on the site on Sundays or Public Holidays.

   **Reason:** To protect the amenities of local residents in accordance with policy 28 of the Minerals Local Plan (2006).

Access and Highway Safety

6. The sole vehicular access for the development hereby permitted shall be by way of the existing access with the A428 Northampton to Rugby Road. This access shall be maintained to the standard stipulated in Planning Permission DA/81/373C for the duration of the life of this planning permission.

   **Reason:** In the interests of highway safety in accordance with policy 18 of the

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7. Prior to the commencement of the removal of clay a scheme for additional warning signage to warn of Heavy Goods Vehicle movements at the access on to the A428 Road shall be submitted to the Waste Planning Authority and agreed in writing. The scheme as agreed shall be implemented prior to the removal of clay from site commencing.

**Reason:** In the interests of highway safety in accordance with policy 18 of the Minerals Local Plan (2006).

**Traffic Routing**

8. All Heavy Goods Vehicles associated with the development hereby permitted shall be routed to and from the site via Sandy Lane and the A4500 Road in accordance with the submitted “Lorry Routing Plan BP/HQ/07/01.

**Reason:** In the interests of highway safety in accordance with policy 18 of the Minerals Local Plan (2006).

**Vehicle Cleaning/Mud on the Road**

9. Prior to the commencement of the removal of clay soils from the site works to hard pave the haul road from the new wheel wash to the site entrance shall be undertaken and all vehicles utilizing the wheel wash shall travel via the paved haul road direct to the site exit.

**Reason:** In the interests of highway safety in accordance with policy 18 of the Minerals Local Plan (2006).

10. The new wheel cleaning facilities on the site shall be utilized by all vehicles transporting clay from the site and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris by the use of such facilities to the fullest extent reasonably practicable, and a road sweeping vehicle shall be employed to clean the access and internal paved haul road, to prevent mud and dust being carried onto the highway.

**Reason:** In the interests of highway safety in accordance with policy 18 of the Minerals Local Plan (2006).

**Noise/Amenity Protection**

11. All vehicles, permanent plant and machinery controlled by the applicant and operated within the site shall be maintained in accordance with the manufacturer’s specification at all times, and shall be fitted with and use effective silencers and “White noise or broadband audible warning signals shall be used by all mobile plant including lorries.”

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Reason: To safeguard the amenities of local residents and the occupiers of “The Quarries” in particular in accordance with policy 28 of the Minerals Local Plan (2006).

12. Noise from all operations at the Harlestone Quarry site shall be controlled in accordance with the noise monitoring scheme submitted and agreed under the requirements of condition 10 of Planning Permission DA/05/876C. Accordingly the noise levels at the noise sensitive properties shall not exceed 45 dB(A) LAeq 1 hour (free field) at the Quarries and 55 dB(A) LAeq (free field) at the Lodge and 51 Rugby Road, during working hours, other than those during initial stripping and bund formation which shall be no greater than 70 dB(A) LAeq 1 hour (free field). Should the agreed maximum specified level be exceeded the operator shall immediately implement remedial measures to rectify the situation and the Mineral Planning Authority shall be notified in writing of the remedial measures undertaken.

Reason: To safeguard the amenities of local residents and the occupiers of “The Quarries” in particular in accordance with policy 28 of the Minerals Local Plan (2006).

13. If the levels continue to exceed the maximum specified noise level and subsequent written notice is given by the Mineral Planning Authority then all operations on site shall cease within 2 days of such a written notice. No operations shall re-commence on site until a programme of remedial action has been agreed in writing by the Mineral Planning Authority.

Reason: To safeguard the amenities of local residents and the occupiers of “The Quarries” in particular in accordance with policy 28 of the Minerals Local Plan (2006).

Dust

14. Dust shall be controlled in accordance with the scheme of measures for the suppression of dust and the monitoring of such operations which been submitted to and approved by the Mineral Planning Authority in connection with condition 14 of Planning Permission DA/05/876C.

Reason: To protect the amenities of the locality from the effects of any dust arising from the development in accordance with policy 28 of the Minerals Local Plan (2006).

Sheeting of Lorries

15. All loaded HGV vehicles leaving the site shall be sheeted.

Reason: In the interests of highway safety in accordance with policy 18 of the

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Lorry Movements

16. Except as may otherwise be agreed in writing by the Minerals Planning Authority, following the submission of a Transport Assessment and Route Safety Study for the A428 Road, the maximum number of Heavy Goods Vehicle movements per day at the Harlestone Quarry in connection with all mineral extraction, waste disposal, and materials recycling operations at the Harlestone Quarry site shall not exceed 150 movements (75 in and 75 out). The operator shall keep written records of all daily HGV movements and shall submit these on a weekly basis to the Minerals Planning Authority.

Reason: In the interests of highway safety in accordance with policy 18 of the Minerals Local Plan (2006).

End Date

17. The development hereby permitted shall cease not later than 31st December 2008.

Reason: To specify the date when the development shall be completed and to enable the Minerals Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period in accordance with policy 28 of the Minerals Local Plan (2006).

Informative(s)

1. The applicant has agreed to enter into a unilateral obligation under Section 106 of the Town and Country Planning Act 1990 to undertake to maintain the public footpath pavement on the east side of the A428 Road between the site entrance and Harlestone Firs in a clean condition during the life of operational activities at the Harlestone quarry/landfill site.

2. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows:


Summary of Reasons for Approval

Planning permission has been previously granted on 1st August 2007 for this development by the Northamptonshire County Council’s Development Control Committee at its meeting on 24th July 2007. However, the development was not fully implemented and the clay is still available at the site.

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The traffic and amenity implications of the development can be safeguarded by the imposition of planning conditions and it is considered that there are no justifiable grounds to refuse the application. The proposed development is considered to acceptable in accordance with policies 18, 28 and 29 of the Northamptonshire Minerals Local Plan (2006).

Date: 21st July 2008

Signed: [Signature]

On behalf of the 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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