Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant     Name and address of agent

Biffa Waste Services Limited  
c/o Severn Trent Limited  
Park Lane  
Minworth  
Sutton Coldfield  
West Midlands  
B76 9BL

Part I - Particulars of application

Date of Application  
6th August 2008

Application No.:  
08/00064/WAS and DA/2008/0845

Particulars and location of development
Variation of condition 21 of planning permission DA/00/56C to extend the date by which development should cease to 31st March 2009, Kilsby Landfill Site, Grove Farm, Daventry Road, Kilsby

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 3 years beginning with the date of this permission.

Area of Site

2. The development hereby permitted is restricted to the area outlined in red on drawing number P3/341/3 as received by the Waste Planning Authority on 7th

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January 2000.

Scope of Planning Permission

3. The materials to be tipped shall be confined to household, commercial, industrial wastes excluding hazardous waste.

Access

4. The sole vehicular access to the site for the development hereby permitted shall be limited to the existing access from the A361. This access shall be maintained in accordance with the present standards and specifications.

Hours of Working

5. Except as may otherwise be agreed in writing by the Waste Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and 7.00am and 1.00pm on Saturdays with no such operations taking place on site on Sundays or Public Holidays.

Wheel Cleaning

6. No vehicle shall enter the public highway unless its wheels and chassis are clean to avoid mud or other deleterious material being deposited.

Phasing

7. Except as may otherwise be approved in writing by the Waste Planning Authority, the infilling operations hereby permitted shall be carried out progressively and in a phased and orderly manner in accordance with plans reference P3/341/12 drawings 1-10 received by the Waste Planning Authority on 7th January 2000, as amended by the submitted letter dated 23rd November 2005.

Soil Stripping and Handling

8a. Prior to the commencement of tipping operations and clay extraction operations on undisturbed land all available topsoil and subsoil shall be stripped and stored separately and retained on site for site restoration.

b. Soils shall only be handled when in a dry and friable condition and, except as may be otherwise agreed in writing by the Waste Planning Authority, only between the months of May to September inclusive.

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Site Maintenance

9. All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from agricultural weeds such as thistle, dock and ragwort. Cutting, grazing or spraying shall be undertaken, as necessary, to control plant growth and prevent the production of seed and subsequent spread of agricultural weeds onto adjoining land.

Noise

10. Noise level monitoring and control shall be undertaken in accordance with the scheme as approved by the County Planning Authority on 19th July 1993.

Dust

11. Suitable measures shall be adopted to ensure that dust generation on site is kept to a minimum including the use of water spray facilities in periods of dry weather.

County Wildlife Site

12a. Material temporarily stockpiled in Phase VI shall be placed so as to maintain a 15 metre stand off with the adjacent pond.

b. Prior to the commencement of the development in phase VI, a drainage ditch and settlement pond shall be dug between the ditch and the stockpiling area in accordance with the approved details contained in the letter dated 13th August 2001 and accompanying drawing dated May 2001.

c. Prior to the commencement of the development in phase VI, a buffering strip between the stockpiling area and the pond shall be fenced off in a location to be agreed in writing by the Waste Planning Authority.

d. Within 12 months of the commencement of the development in phase VI, a restoration and aftercare scheme for the fenced off buffering strip referred to in condition 12c above shall be submitted for approval by the Waste Planning Authority. The agreed scheme shall be implemented. Following its approval in accordance with the approved timescales.

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Badgers

13. Unless otherwise agreed in writing, a survey of badgers within and around the site, and a scheme of protection measures as detailed in the letter dated 1st February 2002 (Reference DBW/KIL03) shall be implemented throughout the life of this development.

Hedgerows

14. No working shall take place within 3 metres of any hedgerow on the boundary of the site.

Streams

15. No operations shall take place within a 10 metres wide safeguarded zone either side of the stream between fields B and C and prior to the commencement of the development hereby permitted the area to be safeguarded shall be fenced off or otherwise protected to prevent encroachment within this zone.

Buildings


Environmental Monitoring and Control Plant

17. Other than the plant and pipework and other equipment sown on the approved drawing P3/341/13 no additional equipment, plant, machinery or pipework shall be erected or installed unless and until detailed siting and elevations have been submitted and agreed in writing by the Waste Planning Authority.

Restoration and Landscaping

18. Except as may otherwise be agreed in writing by the Waste Planning Authority the progressive restoration scheme and planting scheme incorporated in the

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application shall be implemented upon the cessation of infilling operations in each phase of the development. Restoration of the last such phase shall then be completed no later than the date specified in Condition 20.

Finished Contours

19. The pre-settlement levels of the restored areas shall be in accordance with plan reference P3/341/17 received by the Waste Planning Authority on 7th January 2000.

Aftercare

20. Except as may otherwise be agreed in writing by the Waste Planning Authority, agricultural and/or amenity, aftercare shall be undertaken at the site. A detailed aftercare scheme shall be submitted not less than 3 months from the date of this permission (including the “dome area” and haul road extension) for approval in writing. The detailed scheme as approved shall be implemented following its approval and shall provide for the following:

i) Provide an outline strategy in accordance with Annex A of MPG 7 for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants, the Waste Planning Authority and MAFF.

ii) Provide for a detailed annual programme, in accordance with Annex A of MPG 7 to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.

End Date

21. The development hereby permitted shall cease no later than 31st March 2009 (Two thousand and nine) and the site shall be restored in accordance with the conditions of this permission within 18 months of this date.

Reasons for conditions and relevant Development Plan Policies

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

2 & 3 To avoid doubt as to the scope of this planning permission and to specify the type of waste which may be deposited in the interests of the environment an amenity. (Northamptonshire Waste Local Plan 2003-2016, Policy 1)

4. In the interests of highway safety. (Northamptonshire Waste Local Plan 2003-2016, Policy 8)

5. In the interests of the amenity of the local area. (Northamptonshire Waste Local Plan 2003-2016, Policy 1)

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7. To enable the Waste Planning Authority to control the development and to minimise its impacts on the amenities of the local area and to ensure the site is restored within the time scale envisaged in the application. (Northamptonshire Waste Local Plan 2003-2016, Policy 15)

8&9 To ensure that the site is restored in an orderly manner to a condition capable of beneficial after use and in the interests of the amenity of local residents. (Northamptonshire Waste Local Plan 2003-2016, Policy 16)

10. In the interests of the amenities of local residents. (Northamptonshire Waste Local Plan 2003-2016, Policy 15)

11. To safeguard the local environment and protect the amenities of local residents from unreasonable dust levels. (Northamptonshire Waste Local Plan 2003-2016, Policy 15)


13. To ensure the protection of badgers within the application site. (Northamptonshire Waste Local Plan 2003-2016, Policy 10)


15. To ensure the safeguarding of the stream crossing the site. (Northamptonshire Waste Local Plan 2003-2016, Policy 13)

16. To ensure that the Waste Planning Authority retains control of the location, erection, appearance and removal of buildings in the interests of amenity. (Northamptonshire Waste Local Plan 2003-2016, Policy 7)

17. In the interests of amenity, the environment and the agricultural afteruse of the site. (Northamptonshire Waste Local Plan 2003-2016, Policies 7 and 16).

18, 19, 20

To ensure that the site is restored to a condition capable of beneficial agricultural after use, to ensure the proper aftercare provisions are made and reported to the Waste Planning Authority and in the interests of amenity. (Northamptonshire Waste Local Plan 2003-2016, Policy 7 and 16)

21. To specify the date when the conditions of this permission shall have been fully implemented. (Northamptonshire Waste Local Plan 2003-2016, Policy 1)

Summary of Reasons for Approval

The application is for a very minor time extension to the life of the existing landfill site. No issues have been raised during the consultation process and having regard to Policy 22 (Landfill/Landraising) of the Northamptonshire Waste Local Plan it is considered that there are no justifiable planning reasons to refuse the planning application subject to the planning conditions as set out below.

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Date: 16th October 2008

Signed

For 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 of 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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