

**RESUBMISSION OF PLANNING APPLICATIONS**

**FOR**

**EXTENSION OF INERT WASTE LANDFILL SITE AND RETENTION OF  
RECYCLING AREA, WITH ASSOCIATED CLAY EXTRACTION**

**AT**

**PHASE 3 and consequent changes to PHASE 2  
LONG DROWPITS  
THE BOUGHTON ESTATE  
WEEKLEY  
KETTERING  
NORTHAMPTONSHIRE**

**FOR**

**BARTON PLANT LIMITED**

**SUPPORTING STATEMENT**

**September 2008**

---

**CONTENTS**

- 1 Introduction**
- 2 Proposals    Landfill Operations**  
**Mineral Operations**
- 3 Planning Policy**
- 4 Environmental Impacts**
  - Access and highway safety**
  - Residential amenity**
  - Public rights of way**
  - Surface and groundwater**
  - Landscape and visual impact**
  - Archaeology**
  - Nature conservation**
  - Soil quality**
  - Historic environment**
  - Compatibility with adjoining development**
  - Flood Risk Assessment**
- 5. Community Benefit and involvement**
- 6. Conclusions**

- Appendix 1 Representations on waste policy**
- Appendix 2 Surface and groundwater**
- Appendix 3 Landscape and visual impact**
- Appendix 4 Restoration and aftercare**
- Appendix 5 Ecological reports**
- Appendix 6 Flood Risk Assessment**

**PLANS – PHASE 3**

- GPP/BP/LD/08/01 Site Location**
- GPP/BP/LD/08/02 Site Plan**
- 9017/PHASE3D14 Existing site contours**

**Landfill plans:**

- 9017/PHASE3FL Proposed finished contours**
- 9017/PHASE3ISO Fill contours from existing (isopachyte contours)**
- 9017/PHASE3MINRLWP Working Plan**

**Mineral plans:**

- 9017/PHASE3MINRL Proposed mineral extraction**  
**Typical section**

**PLANS – PHASE 2**

**GPP/BP/LD/08/11 Site Location**  
**GPP/BP/LD/08/04 Site Plan**  
**9017/PHASE3-2D14 Existing contours and site limits**  
**9017/PHASE3-2FL Proposed contours and section lines**  
**9017/PHASE3-2LAA Section A-A**  
**9017/PHASE3-2LBB Section B-B**

## 1. Introduction

- 1.1 A planning application was submitted for the extension of the inert waste landfill at Long Drowpits in April 2008, but following comments from Natural England and the Wildlife Trust it was withdrawn to allow additional investigations to take place. In the same month, details were submitted to Northamptonshire County Council to discharge planning conditions, to allow mineral working within the gullet. These details were also withdrawn and the applicant was advised to include them in this resubmission for the landfill operations.
- 1.2 Planning permission was granted in March 2002 for an extension of the Weekley Hall Wood landfill site into Long Drowpits gullet, reference KE/01/597C. The area of the consented landfill is shown edged green on Plan No GPP/BP/LD/08/02; it is referred to as Phase 2. This proposal is to complete the restoration of Long Drowpits gullet, extending the landfill operations in an easterly direction as far as the end of the gullet. The area of the proposed Phase 3 is shown edged red on Plan No GPP/BP/LD/08/02. The location of the site is shown on Plan No GPP/BP/LD/08/01.
- 1.3 The restoration of Phase 1 of Long Drowpits was complete by the middle of 2002, when work started on the filling and restoration of Phase 2. Less than 18 months of void space remains in Phase 2. It is necessary that a further extension be permitted this year, so that abortive work in grading down the surface at the eastern end of Phase 2 is avoided. The submitted plans show how the proposed extension overlaps with the permitted area of Phase 2. In the area of the overlap, the permitted downslope will be replaced with a raised surface that will facilitate drainage and thus promote the best conditions for the establishment of woodland and calcareous grassland.
- 1.4 Revised contours for the area of Phase 2 to the west of the overlap with Phase 3 are submitted for approval in a separate application.
- 1.5 The 1997 planning permission also allowed the establishment of an area for recycling of inert waste to produce recycled aggregates. The area has been established at the western end of the area of Phase 1. Permission was granted in 2002 for the retention of this area, in association with the filling of Phase 2. This application seeks to retain the use of the recycling area for the remaining lifetime of the landfill operations associated with the restoration of Long Drowpits gullet. Annual inputs now average 10,000 tonnes.
- 1.6 Planning permission was granted for winning and working Northampton Sand ironstone by opencast methods and any other minerals overlying such ironstone on The Boughton Estate

on 8 January 1952; reference 2168/9/9. Mineral working took place until 1990, with limestone extracted as aggregated during the decade following the cessation of ironstone working.

## **2. Proposals**

### **Mineral operations**

- 2.1 It is proposed to extract up to 90,000m<sup>3</sup> of clay from the northern edge of the gullet where it occurs above the unworked Northampton Sand ironstone. There is a total length of about 450m, with a width of approximately 50m from the top of the face to the bottom. The maximum depth of working is 5m. The proposed phasing of working is shown on Plan 9017/PHASE3MINRLWP. Following mineral excavation, the area will be prepared for the receipt of inert waste, if planning permission is granted for the importation of waste.
- 2.2 No mineral waste will be created as a result of working clay. The quality of the material has been proven during the engineering work to create the landfill liner on the adjacent Phase 2 area; its consistency means that it will be dug, placed on to lorries and delivered directly to the area where it is to be used.

### **Landfill operations**

- 2.3 The proposed Phase 3 landfill is 9 hectares in area, and to achieve the proposed contours will need the importation of a total of 620,000m<sup>3</sup> of inert waste, plus the potential for an additional 90,000m<sup>3</sup> from the extraction of clay. The additional void space within the area of Phase 2, created by the increased contours, is 118,000m<sup>3</sup>, which affects an area of 3 hectares. At the current rate of fill of Phase 2, which is 126,000m<sup>3</sup>, this will mean that it will take approximately six and a half years to complete the whole scheme.
- 2.2 The old ironstone gullet was 'restored' when mineral extraction ceased, and most of the slopes created on both sides of western end of Long Drowpits gullet were planted with trees in the mid 1980's. Much of the planting failed, due to the almost complete absence of soils on the slopes. Only the Alder thrived in the hostile conditions, and the conifers that were planted with the long-term intention of providing a timber crop, have grown only slowly and many are in check. This western end comprises Phase 2 of the filling programme. Phase 3, east of the Estate track, was restored to grassland, but the same lack of topsoil has meant that the quality for grazing is very low. The Estate wishes to replace the grassland with more woodland planting, to continue the block that will be created when Phase 2 is complete.
- 2.3 The Boughton Estates takes a long-term view of its woodland management. In order to achieve the successful establishment of viable woodland, more fertile material needs to be

provided and the land contoured to provide good drainage. The Forestry Commission supports this view. The proposed contours and drainage arrangements have been designed to provide adequate slopes and drainage channels, in accordance with advice from the Forestry Commission. Details of the proposed restoration of both Phases 2 and 3 are included in the section on ecology, as they have been revised to enable the provision of compensation calcareous grassland and woodland.

- 2.4 Working will proceed in an easterly direction, with the placement of fill over an advancing face. It is intended to restore the site progressively, on an annual basis. Restoration work will generally take place in the autumn each year, with the placing of soils and the planting of trees. Following the completion of the importation of fill, a further 6-12 months will be needed to complete the restoration work. Thus the operations are likely to last for about seven and a half years altogether. A restoration and aftercare scheme was submitted for approval in conjunction with the Phase 2 planning application. The elements of this scheme that relate to the woodland restoration of this whole site will be applied to this proposal. A copy of the 1997 scheme is included at Appendix 4.
- 2.5 The hours of operation will be the same as those permitted for the filling of Phase 2, as follows:
- 07.00 – 18.00 Monday to Friday
  - 07.00 – 13.00 Saturday
- No operations will take place on Sunday or Bank Holidays, except in emergencies

### 3. Planning policy

- 3.1 The Government's "**Waste Strategy 2007**" sets out the policy for sustainable waste management. The Government's key objectives are to:
- *decouple waste growth (in all sectors) from economic growth and put more emphasis on waste **prevention and re-use**;*
  - *meet and exceed the **Landfill Directive diversion targets** for biodegradable municipal waste in 2010, 2013 and 2020;*
  - *increase diversion from landfill of **non-municipal waste** and secure better integration of treatment for municipal and non-municipal waste;*
  - *secure the **investment in infrastructure** needed to divert waste from landfill and for the management of hazardous waste; and*
  - *get the most environmental benefit from that investment, through increased **recycling of resources and recovery of energy** from residual waste using a mix of technologies.*

3.2 The production of secondary aggregates is an example of using waste as a resource and of closed-loop recycling, as it provides the raw material for re-use. In The Waste Strategy this type of recycling is described as 'cyclical production and consumption' and government advice is that *"we will increasingly need to rely on such processes to enable us to cut down on our use of raw materials and avoid the need for disposal to landfill."*

3.3 Planning Policy Statement 10 – Planning for Sustainable Waste Management states that *"Waste planning authorities should adhere to the following principles in determining planning applications:*

- controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;*
- in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in The Planning System: General Principles7.*

*Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with Paragraph 21 which states that in deciding which sites and areas to identify for waste management facilities, waste planning authorities should:*

*(i) assess their suitability for development against each of the following criteria:*

- the extent to which they support the policies in this PPS;*
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses;*
- the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*

*(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.*

3.4 The **Regional Planning Guidance** for the East Midlands is set out in the Regional Spatial Strategy, March 2005. It sets out the principles and priorities for waste management:

- To work towards zero growth in waste at the Regional level by 2016
- To reduce the amount of waste landfilled in accordance with the EU Landfill Directive

- To exceed Government targets for recycling and composting
  - To take a flexible approach to other forms of waste recovery
- 3.5 In this context it should be noted that the Landfill Directive does not apply to inert waste, in terms of targets for its diversion. Therefore, the retention of the recycling operations are important for compliance with regional guidance, but the landfill of inert waste is not addressed in RPG.
- 3.6 The role of the Regional Waste Strategy, adopted in January 2006, provides the framework for the delivery of these principles. The **PRIORITY ISSUE 1: Planning our future waste management infrastructure**, is the one of particular relevance to this proposal. It states that *The Strategy sets out the pressing need to develop waste treatment and disposal capacity – to provide alternatives to burying waste in landfill sites, to meet legislative requirements and to ensure that the Region has sufficient infrastructure in place to cope with future growth in the amount of waste arising. Guidance is therefore provided to Local Authorities to support delivery of the strategy through their Waste Development Frameworks and Local Development Frameworks.*
- 3.7 The Strategy acknowledges that Northamptonshire’s growth agenda will create significant amounts of construction and demolition waste, for which sites will be necessary to dispose of material that is unsuitable for re-use or recycling.
- 3.8 The Adopted **Northamptonshire Waste Local Plan** provides the current development plan policies. In particular, **Policy 22** relates to Landfill/Landraising; it states that *Proposals for new landfill or landraise sites or extensions to existing landfill sites will be permitted only in the following circumstances:*
- (a) where landfill or landraise is shown to be the Best Practicable Environmental Option for the waste stream(s) concerned; and*
  - (b) where use of the proposed site for disposal of the waste concerned is consistent with the proximity principle; and*
  - (c) where use of the proposed site for disposal of the waste concerned is consistent with regional self-sufficiency; and*
  - (d) where no existing landfill or landraise site is available for disposal of the waste concerned.*
- 3.9 Most of the policies in Section 5 of the Plan, relating to the Environment are relevant to this proposal. The environmental impacts and any necessary mitigation measures are described in section 5.

- 3.10 Since the adoption of the Waste Local Plan, the Government has accepted that concept of Best Practicable Environmental Option is not relevant to individual proposals, therefore it no longer forms part of national policy.
- 3.11 The County's **Minerals and Waste Development Framework Preferred Options: Core Strategy, Locations for Minerals Development and Locations for Waste Development** has not included any new sites for the landfilling of inert waste, as reliance is placed on the capacity of active mineral sites to dispose of all of the inert waste that cannot be recycled. A detailed representation has been made in relation to the need to allocate a strategic site(s) to serve Kettering and Corby, where new development is too far from the active mineral sites in the county, especially the Nene Valley; a copy is included in Appendix 1.
- 3.12 Government policy and Northamptonshire's Adopted Minerals Local Plan support the extraction of mineral prior to other development taking place, where the mineral would otherwise be sterilised.

Compliance with policy and the need for the development.

- 3.13 The restoration of the old ironstone gullet using imported inert waste will bring the site into a use that has both economic and ecological benefits. It will enable the replacement of very poor grassland with the establishment of commercial and amenity woodland and calcareous grassland, which will be managed by The Boughton Estates Limited for both the production of timber, for the provision of woodland habitat and for the grassland habitat. This will benefit both the local amenity of the locality and the ecology of the area. The development will ensure that the site has a long-term, sustainable use.
- 3.14 The site is close to both Corby and Kettering, which are areas where the growth agenda requires the provision of significant numbers of new houses and related industrial/commercial development over the next 15 years. Development on either brownfield or greenfield sites will mean the generation of significant volumes of inert waste from site clearance work. It is accepted within the inert waste industry that it is uneconomic to transport such material more than about 10 miles from its source of arising. The likely development areas within the two boroughs are within a 10-mile radius of the proposed site. The location thus provides a significant, strategically located facility that fully complies with the aims of the proximity principle. The extraction of clay will provide a resource that could be used in various engineering projects associated with the expansion of both towns.
- 3.15 The combination of landfill and recycling at the site provides the most sustainable option for dealing with site clearance, inert waste, especially from small sites where there is insufficient

room to carry out on-site recycling. The current operations involve loads of concrete, bricks, blocks and stone being delivered to the recycling site, for crushing and screening to manufacture recycled aggregates. Any waste from that operation, together with clays and other inert wastes that are unsuitable for recycling, are directed to the landfill site.

- 3.16 There are three large non-hazardous landfill sites within the general locality of Corby and Kettering, at Weldon, Cranford and Rushton. These all have a need for small volumes of inert material to provide daily cover and larger volumes for final restoration. However, to preserve the value of the expensively engineered void space, these sites will not accept large quantities of inert waste on a day to day basis.
- 3.17 Some inert waste from the Kettering area in particular may be taken to quarries in the Nene valley, to facilitate their restoration. However, many of the quarry sites are too far from the development sites in Kettering and Corby to provide an economic destination for the disposal of site clearance material.
- 3.18 The provision of a site between Kettering and Corby, which is well served by the strategic highway network and which is open to all contractors needing disposal facilities, will provide a facility within an economic travelling distance, which is available all year round.

#### **4. Environmental Impacts**

##### **Access and highway safety**

- 4.1 The site access is from the A6003 via a haul road that is approximately 2 km long. Road signs have been placed on the A6003 warning other road users of the site access, in accordance with the requirements of the Highway Authority.
- 4.2 The number of lorry movements in connection with the import of inert waste will be similar to those connected with the current site and with the operation of the previous landfill at Weekley Hall Wood. At the current levels of activity, an average of 45 loads per day is received at the site. There have been no highway safety issues relating to the existing use, therefore an extension of the period should not result in any increase in risk to uses of the highway. Landfill operations have been carried out via the existing access for the last 10 years, without the need for the installation of a wheel wash facility.
- 4.3 The number of lorry movements in connection with the extraction of clay will be minimised by loading material in to lorries that have arrived at the site with inert waste (backloads) and it is hoped that some of the material will be used in other developments on the Estate, with deliveries made on haul roads. In the event that the full amount of clay is extracted, which

will depend on the local market for this specialised material, it is likely to be worked at a maximum rate of 20,000m<sup>3</sup> in a year. This would generate 2000 loads at 10m<sup>3</sup> per load, which over a year would average 8 loads per day. However, it is more likely that the material would be required in bulk to supply a particular project; therefore a maximum of 40 loads per day is likely. At this level of activity however, exports would only be likely to take place for a limited time of a few weeks, which would be followed by a period of inactivity until the start of the next contract for supply. At this rate of export, vehicle movements would only take place during 50 days per year.

## **Residential Amenity**

### Dust and Noise

4.4 This site lies more than 300m north of the nearest residential properties, therefore dust and noise will not affect residential amenities. The recycling operations are the most likely operations to cause dust and noise. The site for these operations already has planning permission in conjunction with the filling of the area of Phases 1 and 2, and no mitigating measures have been required or found to be necessary to control dust and noise.

### Odours, vermin, litter and birds

4.5 Inert waste landfilling and recycling do not generate these problems.

## **Public Rights of Way**

4.6 The existing haul road crosses a public footpath. There are sign posts warning drivers of the footpath and there are signs on the footpath warning walkers of the road. This juxtaposition has caused not problem that has been brought to the attention of the applicant or the landowner during the life of the existing site and it is proposed that the situation will continue as it is.

## **Surface and groundwater**

4.7 A report has been prepared by Hafren Water to accompany this planning application. A copy of this report is attached at Appendix 2. The report concludes that the proposals for restoration are unlikely to have an adverse effect on the catchment and that the better afforestation of the area will improve the run-off characteristics of the catchment. The implications of mineral working on the surface water and groundwater in the area have been assessed and a short report prepared by Hafren Water, which is also attached at Appendix 2. This report refers to their main report in the same appendix.

---

## Landscape and Visual impact

- 4.8 A report addressing this issue is attached at Appendix 3. It is clear that the principal affected receptors are The Porter's Lodge and Estate Access, the bridleway and users of the road and footway along the A46. This assessment has found that the most effective deployment of landscaping would be to extend the existing hedge line bordering the bridleway to meet the gateway opposite the Porter's Lodge. This will effectively screen each of these receptors with a minimal intrusion on the landscape.
- 4.9 The extension to the landfill will be graded down to meet existing landform at its eastern extent, where it will be most visible. Restoration of the site will be to woodland and this, in combination with the proposed landform, will mean that the appearance of the land in the longer term will be more sympathetic with the surroundings than the present unnatural, obviously man made 'U' shape valley left after ironstone extraction.

## Archaeology

- 4.10 The mineral extraction of the site removed any evidence of previous occupation of the area. On land adjacent to the north the County Council's plan that accompanied its report to the Development Control Sub-Committee meeting on 21 July 1998, in connection with the submission of conditions under the provisions of the Environment Act 1995, shows the 'site of an Iron Age Settlement and Roman Villa'. A local resident has remarked that this record is entirely spurious and stems from the campaign to stop a road that was proposed to run through this part of the Estate. Even so, there is no intention of affecting any land to the north of the gullet, which will remain undisturbed.

## Nature conservation

- 4.11 The original application for the this development was withdrawn to allow time for further investigation of the ecological interest to be carried out, as advised by the Wildlife Trust. Subsequent to the withdrawal of the original submission, a meeting has been held with representatives of the Wildlife Trust and Natural England and the Wildlife Trust has provided further written advice on the scope of the information needed to accompany the resubmitted application.

### *Great Crested Newts (GCN)*

- 4.12 Bioscan (UK) Ltd undertook a survey of two ponds situated to the north of the site for great crested newts; a copy of the survey report is included in Appendix 5. The survey found a small to medium breeding population using both ponds and that there is the possibility for newts to use the application site during the terrestrial phase.

- 4.13 It is proposed to capture any great crested newts on the site and relocate them to a receptor site on the adjacent land to the north in the vicinity of the ponds. Semi-permanent reptile and amphibian fencing around the application site would be used to prevent newts returning to or otherwise entering the application site. As only a small proportion of the terrestrial habitat likely to be used by newts from these ponds will be affected, these measures are not anticipated to have any negative consequences for the species' local conservation status, and newts will be allowed renewed access to the site in the long term following restoration.
- 4.14 In the event that planning permission is granted, it is envisaged that Bioscan (UK) Ltd will apply for a licence from Natural England to enable the newts to be legally trapped and transferred to the receptor site. It is proposed that the standard procedures for exclusion, capture and relocation will be appropriate for this site. A fully detailed procedure will be included with the application for the Natural England licence, which will include a timescale for the implementation of the necessary operations. Given the scope for adequate and appropriate mitigation, there is no reason to suppose that a licence application will not be successful.

#### *Reptiles*

- 4.15 Bioscan (UK) Ltd has been carrying out survey work on nearby land on The Boughton Estate, in connection with the development of a large grain store. The site for the grain store is within the same geological setting i.e. an old, poorly-restored ironstone gullet. Similar habitat has been found as in the Long Drowpits gullet, and on that site it supports a small population of common lizards, grass snakes and green tiger beetles. Therefore it is assumed that they will also be present in the Long Drowpits gullet.
- 4.16 The measures taken to protect the GCN will be extended to trap and move any lizards within the gullet. The same comments about implications for this species' conservation status and the scope and efficacy of the mitigation proposed apply. Whilst no licence is required to undertake this mitigation, it will be necessary to have the great crested newt licence in place because of the possibility of mitigation activities affecting this more stringently protected species.

#### *Calcareous grassland*

- 4.17 Mr P Irving carried out a Phase 1 habitat survey of the gullet within the planning application site; a copy of his report is included in Appendix 5. This survey has revealed the existence of high quality calcareous grassland on a significant area of the site, which is a habitat identified as 'a national priority habitat of conservation concern' and a local Biodiversity Action Plan Habitat (BAP). The survey carried out by Bioscan (UK) Ltd for the grain store site has also identified some of this grassland and a general survey of the whole of the land (11,000 acres)

within the Boughton Estate has found large areas of calcareous grassland. Therefore, it has been concluded that this grassland although rare in the county as a whole is well represented on the Estate.

- 4.18 In accordance with the requirements of PAS 2010: Biodiversity Conservation Standards for Planning in the UK – Code of Practice (BSI 2006), the following steps have been taken in evaluating the proposed landfill operations with regard to their ecological impacts:

Step 1 – Avoidance of all adverse effects on wildlife species and habitats, wherever possible.

- 4.19 The only way to avoid adverse effects on the calcareous grassland would be to choose an alternative site for the landfill operations. In this case, this is not a realistic option for the following reasons:

- The landfill operations have been taking place in this locality on The Boughton Estate for the last 15 years, to restore the old mineral workings created by the removal of ironstone for the Corby steel industry. The continuation of activities in this locality allows the operator to take advantage of an existing access and infrastructure, an established recycling site and most particularly a site that has no adverse impacts on local residents or other aspects of environmental significance e.g. groundwater or surface water.
- The need for a site in this locality is demonstrated in the Planning Need section of this Supporting Statement.
- Landfilling of the gullet requires the whole site; it is not possible to design a scheme that would enable any of the grassland in situ.

Step 2 – Mitigation of unavoidable adverse effects.

- 4.20 In this case the adverse effects on the grassland can be mitigated by a package of measures, in line with the Estate's objective of retaining and improving its valuable ecological habitat. The total area proposed for landfilling in Phase 3 is 10.6 hectares. It has been calculated that approximately 6 hectares of the area has been identified as calcareous grassland. A plan illustrating the proposed areas for mitigation is attached, reference GPP/BP/LD/08/10.

- It is proposed to revise the restoration of the Phase 2 landfill to provide a mix of calcareous grassland and woodland (Areas A and C on Plan GPP/BP/LD/08/10). The northern half will be restored to woodland, in accordance with the approved restoration plan for the area. A revised restoration plan for the southern half of the area will be submitted to Northamptonshire County Council for approval. It will set out how the area that has not yet been restored can be restored to calcareous grassland by finishing the filling with a subsoil layer and then stripping the calcareous grassland topsoil from the first 3 hectare block within Phase 3 and loose laying it on the western two-thirds of

the Phase 2 area. This will encourage the early establishment of replacement grassland. When the final third, 1.6 hectares, of the southern part of Phase 2 has been filled to subsoil level, the next part of Phase 3 will be stripped and the topsoil placed on the prepared area. This will achieve a total of 4.6 hectares of grassland, which will link with the existing grassland to the south, thus enabling the Boughton Estate to manage the whole area by low-intensity grazing with sheep. The effectiveness of such processes is demonstrated by the existing habitats that have developed on land restored within the last 20-30 years.

- A similar restoration scheme is proposed for Phase 3, with woodland along the northern half and at the eastern end (Areas B and E on Plan GPP/BP/LD/08/10) and with a total area of grassland on the southern part of approximately 2.02 hectares (Area D on Plan GPP/BP/LD/08/10). This will be achieved in part through the re-use of soils stripped from the balance of Phase 3 area, exploiting natural processes of recovery wherever possible. In the event that there is insufficient species-rich soil to be stripped from Phase 3, the surface will be finished with nutrient poor soil and seeded with species rich-seed from of native local provenance. This will result in an additional area of calcareous grassland in Long Drowpits gullet of 0.6 hectares. This area will link with the grassland adjacent to the south, thus providing the opportunity to manage the whole area by low-intensity grazing.

Step 3 – Despite mitigation, compensation for residual adverse effects.

- 4.21 In view of the approach set up above, there should be no residual adverse effects for which mitigation needs to be provided.

Step 4 – Opportunities to provide new benefits for wildlife.

- 4.22 It is proposed to manage in the long-term an area of similar habitat to the south of and adjacent to Phase 3, identified in the report by Phil Irving for nature conservation, to enhance its existing habitat interest by low-intensity grazing. The area is 5.13 hectares. A commitment will be made in the form of a Unilateral Undertaking to be attached to the planning permission for the long-term management of the restored areas of Phases 2 and 3 and the field to the south.
- 4.23 Also, additional woodland is proposed in an area to the north of Phase 2 (Area G on Plan GPP/BP/LD/08/10), which with the revised arrangement of new woodland areas will provide a continuous woodland belt linking the new planting with established woodland to the north and south.

- 4.24 The result of this mitigation strategy is that a larger area of calcareous grassland will be created and the undertaking for its long-term management will provide confidence that it will be retained for its habitat value. Also, the commitment to maintain an area outside the site in the long-term will add a significant area of better calcareous grassland. The habitat created is likely to be of value for other species of note, including both great crested newts and reptiles, but also invertebrates such as green tiger beetle which have been confirmed on the grain store site.
- 4.25 Whilst the above provides an outline of the thrust of the mitigation strategy, it is suggested that the full and necessary detail of the restoration and aftercare scheme be prepared and submitted in accordance with a suitably worded condition attached to any planning permission granted for the development.

### **Soil quality**

- 4.12 There is little topsoil within the area of the site. The surface was restored using only subsoils, the product of which over the years is a very poor quality topsoil. This is cold and wet and contains few nutrients that are available for healthy plant growth. As a result, the grassland is only able to support low-intensity grazing by sheep.

### **Historic environment**

- 4.13 The potential for a visual impact on the Grade 1 Listed Boughton House and parkland is considered in the report on Landscape and Visual Impact.

### **Compatibility with adjoining development**

- 4.14 The site is surrounded by grassland and woodland, managed by The Boughton Estates Limited for both its agricultural, leisure and amenity value. A better restoration of the site will enable the area to be integrated into the surrounding area, operationally and visually. The site is visually and functionally separated from the Kettering urban area by both the by-pass and the intervening landform. It is screened from the outskirts of Geddington by existing landscape features and from Boughton House by the lie of the land and intervening woodland, hedges and spinneys.

**Flood Risk Assessment**

- 4.15 An assessment that satisfies the requirements of PPS25 has been carried out by Abington Consulting Engineers and is included in Appendix 6.

**5. Community benefit and involvement**

- 5.1 In conjunction with the proposals for development on other parts of the Boughton Estate, in particular a large grain store and an energy from wood plant, meetings and discussions have been held with the following representatives of the following organisations:

- Kettering Borough Council Planning Officer
- Geddington and Weekley Parish Councils
- Northamptonshire County Highway Officer
- Local District and County Councillors

The proposals to continue inert waste landfill operations at the site have been included in these discussions.

- 5.2 The Estate is prepared to dedicate Brambleside Wood as a Community Woodland, in the event that planning permission is granted for this development. Arrangements to put this in to effect will be negotiated during the processing of the application.

**6. Conclusions**

- 6.1 The proposal accords with both national and local planning policies for dealing with inert waste and will have no adverse impact on the local environment.
- 6.2 The proposal provides the opportunity to establish a successful commercial and amenity woodland for the long-term benefit of the area, with provision for enhanced public access on Estate land.

## Appendix 1

**Northamptonshire County Council, Minerals and Waste Development Framework  
Preferred Options: Core Strategy, Locations for Minerals Development and Locations  
for Waste Development****Response on behalf of Barton Plant in respect of the waste policies as they relate to inert waste**Core Strategy

A word search of the Core Strategy document found only **2** specific references to inert waste.

Paragraph 4.44 states *'As previously noted, waste forecasts were undertaken to estimate future waste arisings as well as required management and disposal capacity. However it is difficult to ascertain the potential landfill void space required to accommodate residual wastes for several reasons. This includes uncertainty regarding the impact that legislative and financial instruments will have, especially in relation to inert waste, the level of cross and sub-regional waste movements is largely unknown, recovery rates and the volume of residual waste requiring disposal, and lastly the actual existing waste management facility capacity specifically relating to the existing landfill void capacity.'*

Policy CS2 includes the following criterion

- *Promote a reduction in reliance on landfilling (excluding disposal of inert waste for minerals restoration purposes);*

The published document has largely ignored the need for specific sites for the disposal of inert waste.

Paragraph 3.47 states that *'For waste disposal facilities it is not proposed to include them in this spatial strategy, nor identify a separate spatial strategy for their provision. The reason for this is that we do not want to encourage the provision of such facilities and therefore having a spatial strategy that includes disposal would imply that provision was being sought'*.

This approach is totally unacceptable and unsound.

Inert waste is completely different from non-inert waste. It is acknowledged at all levels of policy making, including Europe, that there are inert wastes that are only suitable for disposal. These wastes are largely subsoils and other mixed minerals (mostly clay based) that are dug up to prepare sites for development, especially greenfield sites. Although much new **housing** development is being carried out on brownfield sites, commercial development is not bound by the same policy restrictions and the large number of 'big sheds' on greenfield sites around the county is witness to the scale of

development that is underway to meet the strategic growth agenda of the South Midlands –Milton Keynes sub-region.

Developers seek to minimise the waste arisings from greenfield development by providing landscape features such as screen bunds on site. However, the value of land for housing or commercial development means that retention of material on-site is only accommodated where it is a requirement of a planning permission for screening or landscaping purposes or where there is an awkward corner that is not fit for building on.

Topsoil is still legally a waste, where it has to be moved off-site. It cannot be disposed off in landfill sites, due to its biodegradable component (organic fraction), therefore it will be used beneficially for site restoration projects; mineral and waste sites as well as brownfield housing sites. No allowance needs to be made for these arisings in the Waste Development Framework.

Research carried out amongst companies responsible for preparing greenfield sites for development, including Barton Plant, has shown that a useful guide is that an average of 1m of material has to be removed off-site. From this figure, it is easy to work out the scale of the likely arisings during the plan period, from the sites allocated in District Council Local Plans and those coming forward through the Local Development Frameworks. From such work, it would be possible to build up a picture of arisings across the county.

Having worked out how much material is likely to arise where, then the Waste Development Framework should look at where sites are available for the disposal of this material. The capacity of existing sites taking inert waste needs to be established, so that a proper assessment can be made of what additional capacity is needed.

These comments were made when objecting to the Waste Local Plan, in 2003; see Appendix 1. Little has changed since then, except that the County Council has continued to fail to acknowledge the needs of the inert waste industry. The reference in the objection to ‘exempt’ sites using inert waste as a means of avoiding Landfill Tax is also still relevant and if the approach adopted in the Core Strategy of not allocating specific inert waste disposal sites then there will be more pressure for such sites in localities where mineral sites are not active.

#### Emerging Locations for Waste Development

Policy W3 states that ‘*Sufficient capacity for the disposal of inert waste will be provided for by the following allocated sites and existing commitments over the plan period.....*’ No sites are allocated although the note refers to the fact that existing commitments will be listed in the Submission DPD.

It is only by reading the Cabinet Report of 10 September 2007 that the Council’s position is made clear; in paragraph 5.36 it states that ‘*to ensure that there is an appropriate supply of inert waste for*

*such (mineral sites) restoration no sites for inert landfill will be identified*'. Otherwise it is only apparent that this is the policy position by reading comments in Table 5 - Sites not to be taken forward.

The implication of this lack of clarity in the policy documents is that this position has not been justified anywhere.

Efforts have been made to find out what data the Council has relied upon to come to the conclusion that no new inert landfill voidspace is needed. Some background information is presented in the Technical Appendices that accompanied the Issues and Options documents, where there is less than one page on Construction and Demolition Waste. The source documents for the figures quoted in this section have been consulted and it is completely unclear how the Council has arrived at its C&D waste forecasts.

For the plan to have any credibility and thus be capable of demonstrating 'soundness' to the satisfaction of the Inspector when the Examination takes place, the justification needs to be made much clearer. The following questions need to be addressed:

1. Where does the figure for 'currently' come from, i.e. 1,551,00, as this does not appear in any of the source reference tables?
2. Is there a good reason for not relying on Table A11.17 in the publication by Communities and Local Government, which has information for the most recent year – 2005?
3. How was the average growth figure for housing calculated – is it a % which is then applied to the C&D base figure?

In respect of the operational and allocated mineral sites -

4. Which mineral sites will need inert waste inputs for restoration?
5. What is the capacity of the mineral sites for inert fill requirements?
6. What is the predicted annual demand and phasing for inert fill at the mineral sites?
7. Where is all of the information on the capacity of existing mineral sites, so that the calculations on additional capacity requirements can be confirmed?

Also, it needs to take account of the approach set out earlier in this statement, which goes back to first principles to look at the likely arisings.

#### Reliance on working mineral sites for the acceptance of inert waste.

In addition to seeking answers to the questions posed above, the whole issue of inert waste disposal needs to take account of the following factors;

- a. Active mineral sites are only located in certain parts of the county; there are large parts of the county that are more than 10 miles from such sites. Although the Proximity Principle is no longer one of the underlying principles of The Waste Strategy 2007, implementation of the sustainable approach to managing waste means that heavy, low value inert waste must travel

on the roads for the minimum distance possible. There is an obvious economic argument for this approach, given the high and increasing cost of fuel; the more that it costs to move waste, the more that it will cost developers to pay for its removal and therefore the higher that house prices or commercial land prices will be. The environmental arguments relate to the air emissions from heavy goods vehicles, plus their noise and their general contribution to traffic on increasingly busy roads. In particular, there is an issue of concentrating large numbers of HGV movements on limited highways in the county, to access the mineral workings that are concentrated in the Nene Valley; this imposes significant impacts on the residents along these routes and on their other users. Therefore, it is essential that a geographical assessment is carried out of the source of inert waste arising and of potential destinations to establish whether there is an adequate network of facilities across the county to meet the needs of development sites.

- b. Of critical importance to the development and inert waste industries is the actual availability of voidspace. Companies like Barton Plant have always sought disposal sites that they have full control over, for the following reasons:
- They can control the cost of disposal and therefore when quoting for site clearance work know what this cost will be and can tender accordingly. Reliance on a 'third party' for voidspace imposes uncertainty, as price can increase, thus affecting the profitability of the site clearance contract.
  - They can control the availability of space. Mineral operators often only need inputs of inert waste for limited periods of time, when their workings have reached a stage where restoration can take place. This fluctuation of availability is anathema to the inert waste industry, as it has to be able to guarantee voidspace when it commences a site clearance contract. Often a company will tender for a contract many months in advance of its start date; it will at that time make sure that it has somewhere to dispose of the arisings. By the time that work starts the mineral operator may have closed its gate to inputs, while the next stage of extraction takes place.

In promoting the policy approach of limiting inert waste disposal at active mineral sites, the Council is relying on statements made by the mineral industry, which over the years has claimed that it cannot get enough inert waste to meet its restoration obligations. This is a smoke screen for the real situation, which is that if the mineral industry was forced by the County Council to stop mineral working until it had caught up with its restoration obligations it would reduce its gate fee and material would become available. As in any commercial situation **price** is the key.

Also, the Council needs to look closely at claims that virtually all mineral sites need inert waste for restoration (except those at Collyweston and West Haddon). Also, the need for a geographical spread of inert waste sites should be taken in to account when considering proposals from the mineral

industry through the planning application process. Some of the mineral sites could be restored at a low level, so that a better geographical spread of inert sites across the county can be achieved.

For these reasons, the Plan fails Tests 6 & 7 of the Procedural Tests;

- The plan does not provide for the sustainable disposal of inert waste and thus does not provide for the achievement of Objective 2 for the sustainable minerals and waste development and
- The plan has not been based on a robust and credible evidence base.

The Plan also fails Test 4 of the Procedural Tests, as it does not make proper provision for the disposal of material from the sites allocated for the expansion of Corby, Kettering, Daventry, Towcester and West Northampton, thus it fails to link 'spatially' with the requirements of the Milton Keynes-South Midlands Sub-regional plans and of the individual plans for various of the districts within the county.

### **Objection to the Waste Local Plan, submitted on behalf of Barton Plan in May 2003.**

This objection relates to Land Use Strategy Policies 1 and 2, which both contain a clause "not to permit new landfill sites or extensions to existing ones". This clause should be completely removed. It also relates to Policy 22 which states that 'Proposals for new landfill or landraise sites or extensions to existing landfill sites will not be permitted'. This needs to be removed and replaced with a policy relating to landfills for biodegradable waste.

The Landfill Directive (LD) requires the UK to significantly reduce its reliance on landfill for the disposal of **biodegradable** waste. It does not require the imposition of a ban on all landfill. The requirements of the Directive are helpfully summarised in the DTLR publication 'Guidance on Policies for Waste Management Planning', published in May 2002. It is clear that provided that landfills conform to the terms of the LD, in respect of for example site containment and waste acceptance criteria and that the locational considerations are met, landfills can still play a part in waste management that meets BPEO.

There are two main reasons for this objection. The first relates to the need for landfill for the disposal of inert waste that is not suitable for recycling or for which recycling is not economic. The second relates to the ongoing need to allow the restoration of mineral workings, both old and new, by means of landfill, principally utilising inert waste.

#### Need for inert waste void space.

Inert waste is incorrectly defined in Figure 3 Categories of Waste – it no longer contains topsoil of any description, which has been removed from this category through the Landfill Directive.

Inert waste forms the majority of the Construction and Demolition Waste category, considered briefly in paragraphs 3.9-3.12. This section completely fails to address the issue of site arisings from the clearance works in preparation for development, particularly of greenfield sites. Most of the material arising from this work is subsoil, clay and soft rock. The material is generated from the levelling of the site, especially in the case of large commercial building construction (almost all of which takes place on greenfield sites) and from the digging of foundations and services trenches. Some of this material can and is re-used on site in cut and fill operations and for the construction of landscaping features to screen the buildings. However, recent experience shows that there is invariably surplus material that needs to be removed from the site. This material is not suitable for re-use, other than as daily cover at non-hazardous and hazardous landfill sites.

The material arising from site clearance is often in large volumes. No assessment has been attempted in the Local Plan of the likely annual volumes that will arise due to the continued expansion of urban areas within the County. Within Local Plans for Districts there are large areas of development planned; Strategic Development Areas are beginning to be defined and there is the likelihood of major expansion as Northamptonshire is a major part of the South Midlands – Milton Keynes Expansion Area. None of these have been addressed within the Local Plan. As an example, a recent site development project in Brackmills Industrial Estate generated 50,000 cubic metres (100,000 tonnes) of clay; this material had to be taken to landfill for disposal.

The material arising from site clearance is heavy. To comply with sustainable principles of development and the proximity principle, suitable disposal sites must be located within easy travelling distance of development sites. The rule of thumb used within the inert waste industry is a distance of 10 miles; it may be further if there are good roads, but less if any part of the distance is on rural roads. It is essential therefore to ensure within the Local Plan that there is a network of suitable sites identified around the County to serve the many development areas.

### **Restoration of mineral workings**

All recent planning permissions for restoration of quarries, plus the recently updated old mineral planning permissions, require restoration. In many cases this restoration relies upon the importation of waste, albeit usually only inert waste. This is particularly important for the sand and gravel workings in the Nene Valley, where the County Council has decided not to allow any further restoration to lakes, but has required restoration back to agriculture. It is therefore in the Council's wider interests to ensure that the Waste Local Plan contains policies that will facilitate restoration of otherwise 'wet' sites using inert waste.

In other cases, there are old mineral workings, especially old ironstone gulleys, where the land is incapable of beneficial use due to the very poor quality or absence of restoration. It is acknowledged

that some of these site now have value for nature conservation and public access, however there are locations where restoration using inert waste will bring significant benefits to the site, while providing good locations for the disposal of inert waste.

In other cases there are conservation stone quarries, currently being restored using inert waste, under a Waste Management Licence. To maintain the production of local stone for building projects, such as new development in Conservation Areas and repairs to Listed Building, these quarries are likely to need to be extended. To ensure the appropriate restoration to agriculture or woodland, the original contours will need to be re-instated, which will need the importation of inert fill to achieve the contours.

The Waste Local Plan policies as drafted would prohibit restoration in all of the above circumstances.

The effect of the clause preventing new and extended landfill sites.

In the case of inert waste, the adoption of such a policy clause will only serve to force the inert waste industry to use sites that do not constitute 'landfills'. There is a trend towards the utilisation of inert waste in the following types of project:

- Remodelling of golf courses
- Construction of lakes by means of land raise rather than excavation
- Construction of noise attenuation and screening bunds

This trend was established as a result of the introduction of the Landfill Tax on inert waste, It has recently been given impetus as a result of the adoption of the Landfill Directive requiring Permits for new inert landfill sites. This policy restriction will serve only to emphasise the trend.

The result is that inert waste is being disposed of in a manner that means that the Environment Agency has no control over it.

It means that the playing field for inert waste site operators is becoming increasingly uneven. Operators of licensed and permitted inert waste landfill sites have to bear the costs of holding such licenses and permits, for which there is an annual charge to the Environment Agency. They have to pay the costs of an ever increasing range of monitoring and for permitted sites (all new inert landfills now have to have a permit) have to provide site containment and have to implement controls to ensure that only inert waste is accepted at the site. They have to make financial provision to the Environment Agency to provide for the eventuality that the Agency may have to take action under the licence/permit, in default. They have to provide technically competent staff. They have to ensure full compliance with all of the requirements of the licence/permit. They may have to charge Landfill Tax.

Inert waste operators of exempt sites have none of the above costs.

**APPENDIX 2**

**Surface and Groundwater  
Report by Hafren Water**

**APPENDIX 3**

**Landscape and visual impact**

**APPENDIX 4**

**Restoration and Aftercare Scheme**

**APPENDIX 5**

**Ecological reports**

**Appendix 6**

**Flood Risk Assessment  
Report by Abington Consulting Engineers**