PLANNING PERMISSION

Name and address of applicant
R V Mawhood
King’s Cliffe Industrial Estate
King’s Cliffe Road
Wansford
Peterborough
PE8 6PB

Name and address of agent
Gill Pawson Planning
Mill House
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
24th July 2007

Application No.:
NCC Ref: 07/00039/WAS
District Ref: EN/07/01572/EXT

Particulars and location of development
Variation of condition 14 of planning permission EN/06/02506C to remove six month time limit on a facility for sorting and processing mixed inert waste to provide material suitable for recycling. Land adjacent to King’s Cliffe Industrial Estate, Wansford Road, King’s Cliffe. In accordance with application forms and letter dated 23rd July 2007, Plan GPP/RM/KC/04/06 and Plan detailing bridleway protection measures received 24th July 2007.

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:

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Scope of Permission

1. Materials to be recycled shall be restricted to clean inert waste materials and non-hazardous soils.

Access and Highway Safety

2. The sole vehicular access to the site from the public highway shall be via the existing access to the King's Cliffe Industrial Estate.

3. No vehicles shall enter the public highway unless its wheels and chassis are cleansed and free of mud and other debris.

Traffic Routing

4. All Heavy Goods Vehicles associated with the development hereby permitted shall approach and leave the site only via the route identified on the Traffic Routing Plan submitted with the Planning application reference EN/06/02506C. Accordingly no HGVs shall travel through the villages of Nassington, Yanwell or King's Cliffe, or through the main built up area of Wansford. A copy of the Traffic Routing Plan is attached to this permission.

Public Right of Way

5. The Public Bridleway MN30 shall be safeguarded in accordance with the submitted scheme for minimising the conflict between users of Public Bridleway and the Heavy Goods Vehicles associated with the recycling operations. The scheme shall be implemented and maintained through the life of operations at the site.

Sheeting of Vehicles

6. All vehicles delivering waste materials to the site or removing recycled/treated waste shall be appropriately sheeted to ensure that there is no spillage of materials.

Noise

7. Noise levels from works at the site shall not be more than 5Db(A) above the background level when measured as $L_{A90}$ 5 minute at the nearest residential property or a representative location. In the event that complaints regarding noise or dust are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying any identified problems attributed to the site, and a programme for the implementation of remedial measures to be undertaken, shall be

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submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint.

Hours of Working

8. Except as may otherwise be agreed in writing by the Waste Planning Authority the operations hereby permitted shall be restricted to between the hours of 07.00 and 18.00 on Monday to Fridays and 07.00 to 13.00 on Saturdays, with no working on Sundays or Bank Holidays.

Flood Lighting

9. No permanent or temporary floodlighting shall be installed at the site, unless a scheme including details has otherwise been submitted to and approved in writing by the Waste Planning Authority.

Dust

10. Measures shall be taken for the suppression of the dust including the use if necessary of water spray facilities for damping operational areas, external stockpiles of materials and hard surfaces and roadways, and no processing of waste which gives rise to dust shall take place during dry windy conditions.

Boundary Treatment

11. Soil bunds shall be erected and thereafter maintained on the eastern western and southern boundaries of the site to a maximum height of four metres. The outside of the bunds shall be covered with topsoil and shall be grass seeded and maintained.

Storage of Materials

12. Except as may otherwise be approved in writing by the Waste Planning Authority, the external storage and/or stockpiling of soils or construction waste or other imported or recycled wastes shall be no more than 5 metres in height.

13. All materials stored in the open or otherwise in temporary holding structures which are susceptible to wind blow shall be securely sheeted, netted or caged.

14. In the event of the development hereby permitted ceasing for a period in excess of six months, a scheme for reinstating the site shall be submitted to the Waste Planning Authority for approval in writing. The scheme as agreed shall be fully implemented.

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Reasons for conditions and relevant development plan policies

1. To define this permission.

2-6. In the interests of highway safety and users of the public right of way. (Waste Local Plan Policy 8 and 14).

7-13. In the interests of the amenity of the local area. (Waste Local Plan Policies 9 and 15).

14. To enable the applicant to provide an alternative access route to the site avoiding the majority of the public bridleway MN30, where it runs south from the access to the industrial estate, and to ensure that the site is properly reinstated. (Waste Local Plan policies 14 and 16).

REASONS FOR APPROVAL

The recycling of inert waste material and soils maximise re-use and minimise waste disposed to landfill is in accordance with the sustainability (RSS38 and 39) policies in the Regional Waste Strategy and Waste Local Plan (Policy 1). The site which is part of an existing mineral permission satisfies the location and operational criteria in the Waste Local Plan (Policy 4 and 17), and can reasonably be argued to justify a countryside location.

The objections raised to the original planning application EN/06/02506C by the Nassington Parish Council and other local inhabitants relating primarily to noise, dust, light pollution and traffic were carefully considered when the application was determined (having regard to Policies 8 and 15 of the Waste Local Plan), and it was determined that these impacts can be mitigated and controlled by planning condition and therefore would not justify refusing the application.

The proposal which seeks to protect public rights of way and segregate these from waste developments is considered to be acceptable having regard to Policy 14 of the Waste Local Plan which seeks to protect public rights of way and segregate these from waste developments.

Date: 18th October 2007 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 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 it 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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Traffic Routing Plan for Retrospective Planning Application for Aggregates and Soils Recycling Site, King's Cliffe Industrial Estate.
GPP/RM/KC/05/06

Scale 1:50,000
Traffic Routing Plan for Retrospective Planning Application for Aggregates and Soils Recycling Site, King’s Cliffe Industrial Estate.
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