Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Apex Plant and Barnwell Manor Estate
C/- Estate Office
Home Farm
Barnwell
Oundle
Northamptonshire
PE8 5PL

Name and address of agent
Mrs G Pawson
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Long Lane
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Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application
15th September 2008

Application No.:
08/00076/WAS / EN/08/01845/NCC

Particulars and location of development

Creation of flood plain in compensation for tipping of inert waste to construct a track and bunds on land immediately to the north of the application site. Land near Sewage Works, Armston Road, Barnwell, Northamptonshire.

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 nine months beginning with the date of this permission and the commencement date shall be notified in writing within 7 days, to the Waste Planning Authority (WPA).

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.
Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Permission

2. This planning permission shall relate to the area edged in red on the submitted plan, GPP/AP/BA/08/02 hereafter referred to as "the site". The development hereby permitted shall only be carried out within "the site" and in accordance with the details set out in the submitted application forms, certificates and supporting information.

3. The development hereby permitted shall not involve importation of material to the site.

Reason: To define the scope of this permission and in the interest of clarity.

Land Levels

4. Except as may otherwise be agreed in writing by the WPA, finished ground levels shall be in accordance with details submitted in the application and indicated on drawing number GPP/AP/BA/08/02.

Reason: To indicate finished ground levels in the interests of amenity and the environment and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) [WLP].

Soil Handling, Storage and Reinstatement

5. All topsoil shall be stripped from any areas to be excavated, or used for the stationing of plant and buildings, the storage of subsoil and overburden, haul roads and other areas to be traversed by heavy machinery. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations.

6. Unless otherwise agreed in writing with the WPA, all topsoil, subsoil and soil making material shall only be handled when they are in a dry and friable condition. The criteria for determining dry and friable shall be based on a field assessment of the soil's wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit, and soil movement should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples of each major soil type.

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7. Unless otherwise agreed in writing with the WPA the movement and handling of soils shall be in accordance with sheets 1-4 (soils handling using backactors and dump trucks) and sheet 15 (soil replacement with bulldozers and dump trucks) of the MAFF’s Good Practice Guide for handling soil.

**Reason for Soil Handling, Storage and Reinstatement Conditions:** To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist, which as such does not meet best practice (WLP Policy 23).

**Access and Highway Safety**

8. Adequate measures shall be undertaken within the site so that all vehicles leaving the site in connection with this development are controlled to prevent the deposit of mud, slurry or other debris on the public highway.

9. Except as may otherwise be agreed in writing by the WPA, prior to commencement of the development the applicant shall provide a revised Traffic Management Statement shall be submitted to the WPA for approval in writing, that incorporates:

   a) A plan identifying off-site unloading area and measures to ensure that road is not closed to through traffic; and
   b) Monitoring of all site plant and construction staff vehicles with day to day records maintained detailing: drivers, type of vehicle load, delivery times and leaving times; and either
      i. A "Swept Path" analysis; or a
      ii. Method statement describing how the local highway network will be protected to maintain the integrity of the existing carriageway.

**Reason for access and highway conditions:** In the interests of highway safety and convenience in accordance with Policy 8 of the WLP. "Swept Path" analysis is required to ensure that the 41 tonne articulated vehicle can access the site utilising the existing highway network, without overriding the verges, noting the tight bends leaving the A605.

**Water Resources and Flooding**

10. Unless otherwise agreed in writing by the WPA, within 6 months of this permission, a flood risk assessment (FRA) shall be submitted to and approved in writing by the WPA. The FRA shall include such detail relating to the compensatory works as:
   a) Full details of the areas to be excavated for compensatory storage;
   b) Full details of the area to be compensated for;
   c) Full calculations showing compliance with the volume-for-volume compensatory policy of the Environment Agency;
   d) Full schematics showing compliance with the level-for-level compensatory policy of the Environment Agency;

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e) A works phasing plan demonstrating the timings of the phases of the compensatory storage;
f) A detailed analysis of the reasons for compensatory storage, the suitability of the location, and any other relevant information;
g) Any further information relevant to the provision of floodplain compensatory storage;

Any works, phasing or measures required by the FRA shall be implemented within 6 months of the FRA's written approval by the waste planning authority and the applicant shall send written confirmation of completion of the works within 3 days of completion. The scheme shall be maintained thereafter in accordance with measures set out in the FRA.

Reason: To ensure that flood risk does not increase owing to the permission of development within floodplain storage on sites nearby. To ensure that the methodology opted for to provide compensatory floodplain storage is suitable, and works to provide the compensatory storage are carried out in a suitable manner and in accordance with Policy 13 WLP.

Noise and dust

11. All plant, equipment and machinery used on site, including vehicles, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturers instructions.

12. All plant, equipment and machinery used on site, including vehicles, capable of being fitted with silencers, baffles, cladding or rubber linings shall be so fitted and maintained.

13. Operations should be controlled so that fugitive dust generation is kept to a minimum throughout site operations, including the use of dust suppression if necessary.

14. In the event that complaints regarding noise or dust are received by the WPA 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 and a program for the implementation of remedial measures to be undertaken, shall be submitted to the WPA no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the WPA.

Reason for Noise and dust conditions: To protect the amenities of the locality and in accordance with Policy 15 of the WLP.

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Hours of Working/Import of Materials/Engineering Operations

15. Except as may otherwise be agreed in writing by the Waste Planning Authority the engineering 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 operations on Sundays, Public, Statutory or Bank Holidays.

Reason: To ensure that waste importation and site preparation engineering operations are carried out within reasonable hours so as to avoid disturbance to nearby residential properties in accordance with Policy 15 of the WLP.

Aftercare

16. Except as may otherwise be agreed in writing by the WPA not later than the completion of the operations, a five year outline strategy of aftercare shall be submitted to the WPA for approval to bring the land to the required standard for agricultural use.

17. The five year outline strategy of aftercare, as may be approved by the WPA, shall be implemented to the authority's satisfaction during the five year period following its approval. The outline strategy and the detailed programme of aftercare shall, unless otherwise agreed in writing by the WPA, be subject to review at an annual site meeting. Items required to be included in the aftercare outline strategy and detailed programmes are set out in Appendix 1 attached to this permission.

Reason: To ensure restoration results in productive agricultural land and in accordance with Policies 16 and 23 of the WPA.

End Date

18. The development hereby permitted shall cease not later than 1 year from the date of this permission and the land shall be restored by this date in accordance with the conditions of this permission.

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

INFORMATIVE(S)

None

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Summary of Reasons for Approval

It is considered that the proposed development is in accordance with the Regional Waste Strategy and Northamptonshire Waste Local Plan objectives of promoting sustainable waste management and reducing waste disposal at landfill.

The proposal is also in accordance with policies 4, 13 and 23 of the Waste Local Plan which deal with local waste management facilities, water resources and flooding and improvement of agricultural land.

The proposal has been assessed against the environmental, amenity, landscape and traffic and access policy numbers 8, 9 and 15, in the Development Plan and it is considered that there are no justifiable reasons to refuse the application.

Date: 8 December 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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OUTLINE STRATEGY FOR AN AFTERCARE SCHEME

The outline strategy document should cover as appropriate the aftercare steps detailed below plus any additional aspects that may be required by the mineral planning authority. Person(s) responsible for carrying out these steps ought also to be identified. Aftercare steps to be covered include:

1. **Timing and pattern of vegetation establishment**

   A brief description of sequence of vegetation establishment over the full aftercare period eg "the land will be put down to grass. Initially with a short term ley which will be ploughed up and reseeded after 2 to 3 years and replaced within a long ley mixture," or "Trees will be planted in years x and y according to plan X". Details of species composition, stock type and size, spacing, method, timing and position of planting. For nature conservation, proposed method of vegetation establishment (natural colonisation, turf transplants, seeding etc). A ground plan showing where different species are to be planted is helpful. Where a range of options are to be retained this should be made clear.

2. **Cultivation Practices**

   An outline of the range of cultivations likely to be undertaken. This is necessary since on some sites certain practices can be detrimental to soil structure. Adoption of non-specified techniques will be permissible at a subsequent date subject to mineral planning authority approval where these are unlikely to prove harmful. The need for flexibility is recognised in view of changes over time in the design and availability of machinery.

3. **Secondary Treatments**

   Commitments to undertake secondary treatments such as moling, subsoiling (and in some instances, for woodland establishment, discing to form low planting ridges), and stonepicking need to be outlined. Since the efficacy and need for such treatments is dependent upon soil conditions all that is required is a general statement of intent accompanied by criteria for determining the need for such treatments. For example “During cultivations any stones lying on the surface which are larger than would pass through a wire screen mesh spacing of xxx mm, together with other objects likely to obstruct future cultivation, will be removed from the site.”

4. **Drainage**

   This should cover any commitments in principle to undertake under-drainage; consultations with the mineral planning authority in advance of installation to agree scheme design; timing of installation work within the aftercare programme plus commitments to carry out any necessary maintenance works or temporary drainage measures.

5. **Management of soil fertility, weeds etc.**

   To cover measures for improving soil fertility and control of weeds. The basis for determining need and application rates should be outlined (eg soil sampling and analysis); appearance or health of vegetation in amenity schemes. Methods of maintenance of required soil fertility (fertilisers, use of legumes, organic manures, sewage sludge etc).

6. **Irrigation and watering**

   This is likely to be a component in a minority of aftercare schemes only. Where it is proposed information should be provided to cover equipment specifications, siting of installations, and criteria for determining irrigation rates. (It should be made clear that all necessary consents for abstraction etc must be obtained in advance.) Where investment in equipment is intended, early discussion will enable applicants to assess whether their plans are compatible with aftercare requirements.

**NB Footnote.** Fencing, provision of water for livestock and management of water areas are not covered by aftercare conditions since they are not “treatment of the land”. Where their provision is essential for satisfactory aftercare management alternative arrangements are needed to cover these aspects. Some aspects can be required as a separate planning condition.
A67. The **detailed programme** should cover requirements for the forthcoming year, including those identified in Box 6. It should—

i. Amplify the outline strategy for work to be carried out in the forthcoming year.

ii. Confirm that steps already specified in detail in the outline strategy will be carried out as originally intended.

iii. Include any modifications to original proposals e.g. due to differences between actual and anticipated site conditions.

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**BOX 6**

**DETAILED ANNUAL PROGRAMME FOR AN AFTERCARE SCHEME**

The elements of the scheme requiring consideration should identify the person(s) responsible for the succeeding year’s programme unless this is adequately covered in the outline strategy. Detailed prescriptions should then be provided for specific steps where appropriate including—

1. **Vegetation establishment**

Details should be provided for the cropping programme/planting schemes on site (see also 6. below). For each field/area information should include details on—

- The nature and timing of any cultivations and stone picking operations including approximate depth of activities.
- The content and origin of seeds mixtures; proposed seed rates and timing of sowing operations.
- Proposed fertilizer and lime application rates based upon the results of soil nutrient analyses.
- Details of spraying programmes, both herbicides and fungicides, so far as these are known at the aftercare meeting. Plus commitments to carry out all reasonable spring dressings as the on-going situation demands.

2. **Vegetation Management**

For grassland, this should cover the anticipated timing and frequency of cutting; grass removal; proposed grazing regime including type, age and numbers of livestock and the extent of the grazing period. For other vegetation types, similar consideration should be given, together with specific requirements for the desired vegetation, including weed control.

3. **Secondary Treatments**

Specifications should include timing, working depths, line spacings and the equipment to be used for moleing and subsoiling operations.

4. **Field Drainage**

Details on the timing of underdrainage installation work for the forthcoming year plus scheme details including a map showing pipe layout plus details on installation method; drain spacings; drain depths; pipe size and gradients; nature and depth of permeable fill; outfalls; post installation remedial works.

5. **Irrigation/watering**

Details of irrigation proposals specific to the forthcoming year.

6. **Tree and hedge establishment**

This should confirm establishment proposals for the forthcoming year covering ground preparation, planting details (species, type of stock, establishment methods, planting density, timing) and maintenance including, as appropriate, beating up (i.e. replacement of dead trees); weed control policy; fertiliser application protection from grazing animals and cutting/pruning.