Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Dr Gene Wilson
Augean South Limited
East Northants Resource Management Facility
Stamford Road
King's Cliffe
Northamptonshire
PE8 6XX

Part I - Particulars of application

Date of Application: 13 April 2012
Application No.: NCC: 12/000291/WAS
ENC: 12/00744/NCC/PJXW

Particulars and location of development
Variation of conditions 32 and 33 of planning permission EN/05/1264C (hazardous waste landfill and associated operations) to extend the end date until 31 December 2016

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 to which this permission relates must be begun not later than 31st August 2013. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

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.
**Scope of Planning Permission**

2. This planning permission shall only relate to the area edged in red on the submitted plan Drawing No. 043090/1 dated May 2005 submitted with application EN/05/1264C and shall be carried out in accordance with the approved schemes (see annex 1 of this decision).

3. The landfilling of hazardous waste materials shall be restricted to the area of land previously granted planning permission for waste disposal under consents reference EN/99/844C and EN/02/166C as indicated on submitted Drawing Number 043090/2, and Drawing Number PPS6 dated May 2005 submitted with application EN/05/1264C.

4. The hazardous waste inspection facility shall be undertaken on the area of land and within the building previously granted planning permission for a materials recycling facility under consent reference EN/00/883C as indicated on submitted Drawing Number 043090/2, dated May 2005 submitted with application EN/05/1264C.

**Types and Quantity of Waste**

5. No materials shall be imported and deposited on the site other than designated hazardous waste and inert waste materials used for restoration purposes. The total amount of waste materials imported per annum shall not exceed 249,999 tonnes.

*Reason for conditions 2 to 5: To define the scope of the permission and in the interest of clarity, landscape, highway safety and amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).*

**Land Levels**

6. Finished ground levels shall be in accordance with the submitted Proposed Finished Contour Plan Drawing No.D107125_LV_001E, Figure 8.6 (Landscape Restoration Master Plan) dated April 2005 submitted with application EN/05/1264C.

*Reason: To specify the finished ground levels in the interests of amenity and landscape having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD8 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).*

7. The operators of the site shall provide to the Waste Planning Authority before the 31st December 2015 a review of the disposal capacity and consumption of the space available for waste at the landfill facility and the anticipated completion date for infilling. In the event it is determined that the site will not be completed by 31st December 2016 the operator will submit an application to the

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Waste Planning Authority to vary the scheme of working to meet the specified restoration date.

Reason: To retain control over the development and in the interests of visual amenity having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Access and Highway Safety

8. The sole vehicular access for the development hereby permitted shall be by way of the existing access to the site on to the Stamford Road.

9. Upon completion of the tipping operations, or by 31 December 2016 (two thousand and sixteen), whichever is the sooner, the vehicular access shall be reinstated to an agricultural access, in accordance with a scheme to be submitted to and agreed in writing by the Waste Planning Authority.

10. Vehicular traffic associated with this development shall be controlled as follows:
   a) The operator shall ensure that all heavy goods vehicles entering and leaving the site shall travel direct to and from the A47 Trunk Road via Stamford Road north of the access point with no such vehicles travelling along Stamford Road towards King’s Cliffe village south of the site access point.
   b) Signs informing vehicle drivers of the requirements in a) above shall be maintained in a visible location near to the egress on site.
   c) Facilities shall be maintained for site operatives within the site to observe the direction of vehicle entry to and exit from the site

11. The access and site reception facilities including the internal haul road, office and weighbridge, and skip storage areas shall be as identified on Drawing Ref AU/LL/04-09/15005revA submitted with planning application 09/00053/WAS.

Reason for conditions 8 to 11: In the interests of highway safety and local amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Wheel Washing/Vehicle Sheeting

12. The wheel cleaning facilities and road sweeping operations as described in Sections 4.7.10 to 4.7.11 of the Planning Statement submitted with planning applications 12/00029/WAS, 12/00030/WAS and 12/00031/WAS shall be maintained throughout the life of the operations at the site until the Waste Planning Authority determines and confirms in writing that the wheel cleaning facilities are no longer required. The wheels of all vehicles leaving the site shall be cleansed of mud and other debris to prevent mud being carried onto the

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highway. All vehicles transporting materials in connection with the authorised development shall be adequately sheeted.

**Reason:** In the interest of highway safety in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

**Hours of Working**

13. Except as may otherwise be agreed in writing by the Waste Planning Authority on a temporary, short term (not exceeding four weeks basis) all waste disposal, site preparation, levelling and restoration operations and any associated activities shall be restricted to between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 and 13.00 on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

**Reason:** To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

**Phasing**

14. The infilling operations hereby permitted shall be carried out progressively and in a phased and orderly manner in accordance with plan D107 25-101 – 1007 Rev P5, figure 2.1 approved by Waste Planning Authority under planning permission EN/05/1264C.

**Reason:** To ensure the proper restoration of the site in a progressive manner in the interests of local amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

**Dust/Particulates/Odour**

15. Dust, particulates and odour mitigation shall be undertaken in accordance with the scheme of measures approved by the Waste Planning Authority in writing in connection with the planning permission for hazardous waste disposal reference EN/05/1264C.

**Noise**

16. Noise mitigation shall be undertaken in accordance with the scheme of measures approved in writing by the Waste Planning Authority in connection with the planning permission for hazardous waste disposal reference EN/05/1264C.

**Machinery Noise Suppression**

17. All plant, equipment and machinery used on site shall be designed and maintained to reduce noise levels to a minimum and shall be operated in

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accordance with manufacturers' instructions. All plant, equipment and machinery used on site, including vehicular traffic, which is capable of being fitted with the appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained.

**Floodlighting**

18. All floodlighting including mobile units shall be directed towards the ground to minimise light spillage from the site and except for emergencies shall only be operated within the working hours specified in condition 13. No additional permanent or temporary floodlighting shall be installed at the site unless a written scheme for the management and mitigation of artificial light emissions has been submitted to and approved in writing by the Waste Planning Authority.

*Reason for conditions 15 to 18: To protect the interests of local amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).*

**Drainage**

19. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund.

20. The strategy for surfacewater drainage shall be implemented fully in accordance with the scheme approved in writing by the Waste Planning Authority in connection with the planning permission for hazardous waste disposal reference EN/05/1264C.

*Reason for conditions 19 to 20: To minimise the risk of pollution of the water environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).*

**Protection of Fauna and Flora**

21. Operations that involve the destruction and removal of vegetation or buildings (or part of a building) shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Waste Planning Authority, once they are satisfied that breeding birds will not be adversely affected.

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22. Within three months of the implementation of this permission the operator shall submit a revised written scheme for ecological management to the Waste Planning Authority for approval in writing.

   a) The ecological management plan shall provide for the aftercare of the site for 10 years following the completion of restoration

   b) The ecological management plan shall include an implementation timetable and must be carried out as approved

**Reason for conditions 21 to 22:** To minimise the environmental impact of the development and to ensure habitat creation maximises biodiversity having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD13 of the Control and Management of Development DPD (June 2011).

**Removal of Rights**

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure or fixed plant shall be erected, extended, installed, rearranged, repaired, altered in any way or replaced on the site without the prior agreement in writing of the Waste Planning Authority.

**Reason:** To protect the interests of local amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

**Monitoring**

24. The operators of the site shall provide to the Waste Planning Authority detailed information in writing on the quantities and types of all waste materials brought on to the site for re-use, recovery, and sent for disposal. The information shall be provided not later than the last day in February for the preceding calendar year.

25. The operating company shall keep records of the quantity of waste received by weight and its source for each calendar year and these records shall be provided to the Waste Planning Authority within 21 days of a written request. Any identified commercially sensitive data supplied will be treated on a confidential basis.

**Reason for conditions 24 to 25:** To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS3 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

26. A copy of the terms of this permission, shall be displayed on site, and all documents hereby permitted and any documents subsequently approved in

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accordance with this permission (or amendments approved pursuant to this permission) shall be available at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

*Reason:* To ensure this planning permission and associated documents are available on site for reference and inspection.

**Landscaping and Restoration**

27. Any trees, shrubs or hedges planted in accordance with planning permission EN/05/1264C shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others if a similar size and species, unless otherwise agreed in writing by the Waste Planning Authority.

28. Within 12 months of the implementation of this permission the operator shall submit a written landscaping and restoration scheme in accordance with the principles set out on Proposed Finished Contour Plan Drawing No. D107125_LV_001 E, Figure 8.6 (Landscape Restoration Master Plan) dated April 2005 approved by the Secretary of State in connection with planning application 09/00053IWAS, appeal reference APP/K2800/A/10/2126938/NWF. The landscaping and restoration scheme must include details of all proposed hard and soft landscaping works, ecological mitigation and enhancement measures, including –

a) Location, number, species, size and planting density of any proposed planting;

b) Cultivation, importing of materials and other operations to ensure establishment;

c) Details of proposed finished ground level contours in accordance with the principles of the plan approved under condition 6;

d) Hard surfacing materials;

e) Vehicular and pedestrian access, parking and circulation areas;

f) Minor structures, such as furniture, refuse or other storage units, signs and lighting;

g) Proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;

h) Details of existing trees to be retained, with measures for their protection during operations;

i) Implementation timetables for the phased restoration of the land including all landscaping and restoration works; and

j) The location of fuel storage and leachate tanks and any other infrastructure required for the aftercare works.

29. All landscaping, restoration and aftercare works shall be carried out in accordance with the landscaping and restoration scheme approved under

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condition 28 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

a) The landscaping works shall be carried out in accordance with implementation timetables approved under condition 28 provided that the land shall be restored by 31 December 2016 at the latest.

b) Any tree or shrub planted as part of an approved landscaping scheme that, within a period of ten years after planting, is removed, dies or becomes, in the opinion of the Waste Planning Authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same specified and size as that originally planted, unless otherwise approved by the Waste Planning Authority.

30. The areas filled in accordance with the conditions of this permission shall be progressively restored in accordance with Drawing Number D107125-LV-001E approved by the Secretary of State in connection with planning application 09/00053IVVAS, appeal reference APP/K2800/A/10/2126938/NWF and the final layer of the filled area in each phase shall be progressively covered. The agricultural cap shall be kept free of materials likely to interfere with final restoration or subsequent cultivation, and not less than the top 300mm depth of this covering shall be composed of the topsoil stripped and stored in accordance with the approved restoration scheme and other suitable imported topsoil or subsoil capable of being cultivated. The remaining covering material shall comprise the subsoil and overburden stripped and stored on site in accordance with the approved restoration scheme and other imported subsoil and overburden as may be necessary. The topsoil, subsoil and overburden shall be placed and spread in their correct sequence. Prior to the spreading of topsoil in each phase the subsoil shall be ripped (rooted) to relieve compaction and all stones or other objects which would impede subsequent cultivation shall be removed.

31. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Waste Planning Authority, shall fill the depression with suitable soils, to a specification to be agreed in writing by the Waste Planning Authority.

32. Any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when they are respectively no longer required for the purpose for which they were installed and in any case not later than 31st December 2016 (two thousand and sixteen) and the land shall be restored in accordance with the agreed restoration scheme by this date.

Reason for conditions 27 to 32: To ensure proper restoration of the site and in the interests of the general amenity of the area having regard to Policies CS13 and

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CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policies CMD7 and CMD8 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

End Date

33. The development hereby permitted shall cease not later than 31st December 2016 (two thousand and sixteen) by which time the land and the access shall be restored or reinstated in accordance with conditions of this permission.

Reason: To retain control over the development and in the interests of visual amenity and to ensure that the development does not prejudice the overall restoration of the site having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

Aftercare

34. Not later than the completion of infilling operations in accordance with plan D107 25-101-1007 RevP5, figure 2.1, a 10 year outline strategy of aftercare shall be submitted to the Waste Planning Authority for approval in writing. The 10 year outline strategy of aftercare, as may be approved by the Waste Planning Authority in writing, shall be implemented during the ten year period following its approval.

Reason: To ensure appropriate aftercare having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

INFORMATIVES

None

REASONS FOR APPROVAL

These applications are to vary the end dates for the three planning permissions relating to the soil treatment facility (12/00030/NVAS) and landfill of both hazardous waste (12/00029/NVAS) and Low Level Radioactive Waste (LLW) (12/00031/NVAS) at the East Northamptonshire Resource Management Facility. More specifically the applicant has applied to extend the relevant restoration and end date conditions from 31 August 2013 to 31 December 2016. No other changes to conditions have been put forward by the applicant and no changes to existing operations are proposed.

The applicant has stated that these applications have come about as the site will not be completed by 2013 due to the recession and the general reduction in quantities of waste which are deposited to landfill. The applicant is also concerned that the application submitted to the National Infrastructure Directorate for the extended

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operations to 2026 will not be decided by 31 August 2013 when these permissions expire.

The applications were the subject of consultation with objections to the applications being made by eight parish councils in the area as well as the local county councillor and Corby Borough Council. Objections from 31 individuals or groups have also been received. No objections have been raised by other statutory consultees although the Health Protection Agency (HPA) did ask for clarifications regarding post closure monitoring and health risks. The HPA's outstanding concerns relate to the pollution control regime rather than land use planning matters.

The amenity, traffic and access, hydrology, hydrogeology, landscape, socio-economic impacts and biodiversity restoration impacts and opportunities have been carefully considered in relation to the relevant development plan policies and national policy, and having regard to the consultation responses to the applications. In particular the proposals are considered to be in keeping with Policies CS1, CS2, CS3, CS13 and CS14 of the Northamptonshire Minerals and Waste Development Framework (MWDF) Core Strategy Development Plan Document (DPD) (May 2010) and Policies CMD1, CMD2, CMD4, CMD7, CMD8 and CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011). The application for the disposal of LLW has also been assessed against national policy.

Overall it is considered that there are no policy grounds to object to the principle of a three year extension to the existing operations at the application site. Previous applications for the disposal of hazardous waste, treatment of soils and disposal of LLW have been assessed in detail previously. These matters have been reassessed in line with the current development plan and national policy. The MWDF recognises the importance of the hazardous waste facility and acknowledges its national catchment and contribution to hazardous waste treatment and disposal capacity in the County. The principle of LLW disposal was recently assessed as acceptable by the Secretary of State and it is considered that there have been no changes in national policy that would justify a different decision for the extension of LLW disposal at the site by a further three years. Further disposal of LLW at the site would reduce hazardous waste capacity at the site it is considered that given the recent Secretary of State decision this would not justify refusal of the LLW application. Issues around catchment areas raise sustainability issues, particularly for LLW, but it is considered that there are no grounds to reach a different conclusion to the Secretary of State on this matter.

While it is acknowledged that these applications would have some implications for biodiversity, landscape and restoration it is considered that these impacts are primarily a three year delay to implementation of the previously approved restoration scheme. This delay is considered to be acceptable having regard to biodiversity, landscape and restoration impacts and having regard to Policy CS13 of the Core Strategy and Policies CMD7, CMD8 and CMD13 of the Control and Management of Development DPD.

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The proposed extension of existing operations does not give rise to any new amenity impacts. As concluded with regard to previous applications, it is considered that amenity impacts can continue to be mitigated in line with policy CS14 of the Core Strategy through recommended planning conditions controlling matters around odour, dust, noise and visual amenity.

Subject to the imposition of the recommended conditions and the Section 106 Legal Agreement it is considered that the traffic and access implications of these proposals are acceptable having regard to Policy CS14 of the Core Strategy. While representations have been made objections on highways grounds there are no changes proposed to the number of Heavy Goods Vehicle movements per day or the volume of waste inputs. It is important to note that the Highway Authority has no highway safety objections to the applications subject to recommended conditions, and therefore there would be no highway safety reasons to justify refusal.

Representations include objections on the grounds of hydrology and hydrogeology and potential contamination. The continuation of existing surfacewater management coupled with the pollution controls through the environmental permits should ensure that water quality is not impacted by the continuation of these operations. The landfill cells include leachate management systems and it is not considered necessary to duplicate these controls in the planning permissions.

Objections have also been raised regarding socio-economic and community matters, including perceived harm and health impacts. These objections are similar to those raised in response to the 2010 application for the disposal of LLW at the site and were examined in detail by the Secretary of State. On balance it is considered that the extension of the existing operations for a further three years does not give rise to any reasons to refuse the applications on the grounds of socio-economic or community impacts.

Subject to an acceptable Section 106 Legal Agreement securing the continuation of highway maintenance contributions and the community fund, it is considered that the proposals for an extension of existing operations to 31 December 2016 would not create an adverse impact sufficient to justify refusal of these applications.

Date 25th October 2012 Signed

For Assistant Director of Environment and Planning

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Annex 1

List of the documents referred to in conditions in of the above planning consent

<table>
<thead>
<tr>
<th>Document Type / Drawing Number</th>
<th>Title / Author</th>
<th>Date</th>
<th>Date received by the WPA</th>
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<tbody>
<tr>
<td>Drawing No 043090/1 – PPS1</td>
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<tr>
<td>Drawing No 043090/2 – PPS2</td>
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<td>Letter 104b028/le69/hlc</td>
<td>Slipe Clay Pit Planning Application Supporting Documents</td>
<td>30th September 2005</td>
<td>October 2005</td>
</tr>
<tr>
<td>Map 1429-NW-PS-01</td>
<td>Post Settlement @15% Landform</td>
<td>6th October 2005</td>
<td>October 2005</td>
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<td>Letter PW/LG/043090</td>
<td>stating Projected Settlement Levels</td>
<td>27th October 2005</td>
<td>October 2005</td>
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<td>Map PPS 6</td>
<td>Updated Site Topo</td>
<td>24th May 2005</td>
<td>June 2005</td>
</tr>
<tr>
<td>Map PPS 7</td>
<td>On Site Buildings</td>
<td>10th January 2005</td>
<td>June 2005</td>
</tr>
<tr>
<td>Map D107125_LV_002</td>
<td>A Landscape Restoration Cross Sections</td>
<td>5th April 2005</td>
<td>June 2005</td>
</tr>
<tr>
<td>Map D107125_LV_001 E</td>
<td>Landscape Restoration Masterplan</td>
<td>5th April 2005</td>
<td>June 2005</td>
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<td>AWS/SCP-03</td>
<td>Landfill Gas Risk Assessment</td>
<td>July 2002</td>
<td>June 2005</td>
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<tr>
<td>AWS/SCP-04</td>
<td>Surface Water Risk Assessment Draft</td>
<td>July 2002</td>
<td>June 2005</td>
</tr>
<tr>
<td>CS/AQ/AGGX0173/JP/2195</td>
<td>Ambient Air Quality Determination of Bulk Gases and VOCs in Landfill Gas and Ambient Air at Slipe Quarry</td>
<td>10th August 2004</td>
<td>June 2005</td>
</tr>
<tr>
<td>Map 3851/01/03 A</td>
<td>Preliminary Junction Layout at Site Entrance on King’s</td>
<td>15th February 2005</td>
<td>June 2005</td>
</tr>
</tbody>
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<th>Date/Year</th>
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<tbody>
<tr>
<td>Map 3851/01/07</td>
<td>A Proposed Improvements to A47/King's Cliffe Road Junction</td>
<td>15th February 2005 June 2005</td>
</tr>
<tr>
<td>104b028/Re01-Rev A/arb</td>
<td>Environmental Statement Non Technical Summary Folder 2</td>
<td>June 2005</td>
</tr>
<tr>
<td>Letter 1046028/fl68/hl</td>
<td>Attached to Risk Assessments</td>
<td>26th September 2005 October 2005</td>
</tr>
<tr>
<td></td>
<td>Letter to request approval to erect temporary portakabin</td>
<td>30th August 2005 October 2005</td>
</tr>
<tr>
<td>Map AUG/KIN/CWR/01</td>
<td>Proposed Change of Containerised Waste Reception Area</td>
<td>August 2005 October 2005</td>
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<tr>
<td>Map PPS 7B</td>
<td>Proposed On Site Buildings</td>
<td>10th January 2005 June 2005</td>
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<tr>
<td>Map PPS 7A</td>
<td>Existing On Site Buildings</td>
<td>10th January 2005 June 2005</td>
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<td>QS 011389</td>
<td>Female/WC</td>
<td>July 2003 June 2005</td>
</tr>
<tr>
<td>E59 62/2</td>
<td>Proposed Building</td>
<td>January 2001 June 2005</td>
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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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