Northamptonshire County Council

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
F & A George Ltd
c/o Berrys

Name and address of agent (if any)
Berrys
M M Ferguson
42 Headlands
Kettering
NN15 7HR

Part I - Particulars of application

Date of Application
20th July 2005

Application No.:
EN/05/1484C

Particulars and location of development
Extraction of soils to create Siltation Control Lake. Land adjacent to Willow Brook, Bulwick Road, Blatherwycke

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 shall be begun within three years of the date of this planning permission.

Flood Prevention

2. There shall be no storage of excavated soils within any area of flood plain as indicated on the Environment Agency's flood zone maps.

Public Right of Way

3. Appropriate measures shall be taken, including as necessary the provision of

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temporary safety fencing, to warn and protect users of the nearby public footpath ML6 during the period of the works.

Archaeology

4. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicants and approved by the Waste Planning Authority.

Highway Safety

5. The development shall be managed and appropriate measures undertaken to ensure that no mud, soils or other debris is deposited on the public highway.

Reasons for Conditions and Relevant Development Plan Policies

1. As required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. To reduce the risk and impact of flooding to third parties (County Structure Plan (CSP) Policy AR8).

3. To safeguard users of the public right of way (CSP Policy M5).

4. In the interests of the historic environment (CSP Policy AR6).

5. In the interests of highway safety (CSP Policy M5).

Informatives

1. The County Highway Authority requires that a pre and post conditions survey be undertaken to determine whether any damage is caused to the public highway. (Initial contact Andrew Leighton, Sustainable Transport Tel (01604) 654341).

2. Please see attached note from the County Council’s Historic Environment Team Leader relating to archaeological investigations.

Reasons for Approval

The purpose of this development is to slow down and divert parts of the flow of Willowbrook to reduce and collect silt which would otherwise go into Blatherwycke Lake. No external objections have been received but the County Council’s Built and Historic Environment team has expressed concern about the impact of a wider body of water in this traditional agricultural landscape. It has subsequently emerged from the applicants’ drainage consultant that other means of controlling the flows and deposit of silt have been put forward but were rejected by the Environment Agency on

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maintenance, wild life and plant life grounds. Since it is also considered
important to preserve Blatherwycke Lake as a landscape feature and avoid its
continued silting-up and that the proposal accords with policy M5 of the
County Structure Plan, it is considered that planning permission should be
granted for these works.

Date 12th October 2005 Signed C. P. Watson

Authorised to sign on behalf of the
Head of Sustainable Development

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appropriate.
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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