PLANNING PERMISSION

Name and address of applicant
AUGEAN SOUTH LTD.
SLIPE CLAY PIT
(KINGS CLIFFE) LANDFILL SITE,
STAMFORD ROAD,
KINGS CLIFFE,
NORTHANTS,
PE8 6XX

Name and address of agent (if any)

Part I - Particulars of application

Date of Application
27th July 2006

Application No.:
EN/06/01517/CRA

Particulars and location of development
INSTALLATION AND OPERATION OF A GAS FLARE STACK AND A PUMPING STATION.

Location
SLIPE CLAY PIT (KINGS CLIFFE) LANDFILL SITE, STAMFORD ROAD, KINGS CLIFFE, NORTHAMPTONSHIRE, PE8 6XX

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 hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

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. AU/KC/06-06/13013 Figure 2 (known as the "site") and the development hereby permitted shall be carried out in accordance with the approved schemes, planning permission EN/05/1245C and associated 106 agreement, and details submitted by way of the application and attached narrative dated 7 July 2006, together with drawings AU/KC/06-06/13013 and letter dated 11th September 2006, unless otherwise approved in writing by the Waste Planning Authority and subject to the following conditions.

Type and Quantity of Waste

3. No waste or materials including tyres shall be, deposited or stored on the site.

Protection of Fauna and Flora

4. 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.

5. Prior to the commencement of development the site shall be hand searched by a qualified ecologist and licensed newt handler. Should any amphibian or reptile be found they shall be removed to a suitable habitat outside the area of the proposed development site.

6. Before the site is first brought into use, a newt fence shall be installed around the compound including a newt grid at the access point to exclude newts.

7. In keeping with the drawing N° AU/KC/06-06/13014 Figure 3, before the site is first brought into use, a security screen fence 1.8metres above ground level shall be erected, and a fence dug into the ground to a depth of 0.3metres, around the compound area, in such a way as to exclude the ingress by badgers and shall be maintained to the satisfaction of the Waste Planning Authority thereafter.

Drainage

8. Any facilities, for the storage of fuels, oils, lubricant, chemicals and re-fuelling facilities shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank/drums plus 10%. All filling points, draw and overflow pipes, 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 pipework should be located above ground and protected from accidental damage.

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Machinery and Noise Suppression

9. Except as may otherwise be agreed in writing by the Waste Planning Authority, all plant, equipment and machinery used on site, shall be specified and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturer’s recommendations. 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.

Design

10. Prior to development commencing the details of the colours and finishes of all buildings and structures shall be submitted to and approved in writing by the Waste Planning Authority. Unless otherwise agreed in writing by the Waste Planning Authority the development shall be painted in accordance with the approved details and shall be maintained to the satisfaction of the Waste Planning Authority thereafter.

11. Except as may otherwise be agreed in writing by the Waste Planning Authority the height of:-

a. The compound fencing shall not exceed 1.8 metres above the existing ground level.

b. Any building, plant, machinery, foundation, hardstanding, roadway, bunding, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be shall not exceed 2m in height above existing ground level.

c. Any gas flare flue shall not exceed 10m in height above existing ground level.

Screening

12. Within 3 months of the date of this permission a detailed scheme of landscaping and planting specification incorporating, subject to access requirements, a 5m wide strip of screen planting around the western, southern and eastern sides of the compound the species, spacing, sources, and protection; together with a programme for implementation and maintenance of the planted areas. Unless otherwise agreed in writing by the Waste Planning Authority, once approved, the scheme shall be implemented in accordance with the approved details during the first available planting season and undertaken in accordance with the landscape and planting scheme approved under condition 20 of planning permission EN/05/1245C.

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13. Any tree or shrub forming part of a planting scheme approved in connection with this development that dies, is damaged, diseased or removed within the period of the operations or five years after completion of the operations shall be replaced by the applicants during the next planting season with a tree or shrub of species and size to be agreed with the Waste Planning Authority.

Final Restoration

14. Unless the Waste Planning Authority otherwise agree in writing any building, plant, machinery, foundation, hardstanding, roadway, bunding, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site no later than 6 months of the system ceasing operation when they are respectively no longer required for the purpose for which they were installed and in any case not later than 31st August 2036 (two thousand and thirty-six) and upon their removal the land shall be restored in accordance with the agreed restoration scheme and in accordance with conditions of planning permission EN/05/1246C and this planning permission.

Aftercare

15. Except as may otherwise be agreed by the Waste Planning Authority, a five year strategy of aftercare shall be submitted to the Waste Planning Authority for approval in writing 6 months from the agreed date for the removal of all plant and equipment in condition 14 of this planning permission. Unless otherwise agreed in writing by the Waste Planning Authority, the scheme shall be implemented and maintained in accordance with the approved details.

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Reasons for conditions and relevant Development Plan Policies

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To specify the area for the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved plans. (Northamptonshire Structure Plan Policy W3).

3. To ensure the proper restoration of the site. (Waste Local Plan Policy 16)

4 to 7. To ensure protection of flora and fauna. (Waste Local Plan Policy 10)

8. To prevent pollution of the water environment. (Waste Local Plan Policy 13)

9. To minimise the noise disturbance to local residents and to ensure that plant, equipment and machinery is adequately sound-proofed in the interests of the amenities of local residents. (Waste Local Plan Policy 15)

10. to 13. To ensure he impact on visual amenity is minimised and to aid the final restoration (Waste Local Plan Policy 7 and 16)

14. & 15. To ensure the proper restoration of the site in accordance with the submitted plans and to ensure the enhancement of the development through the retention of existing natural features by safeguarding their health and stability (Waste Local Plan Policy 16)

Date: 19th September 2006
Signed: [Signature]

Authorised to sign on behalf of the Head of Sustainable Development

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Informatives

1  **English Nature**
   Any planning permission here by granted does not absolve them from complying with the terms and conditions of any licences required as described as described in Part IV B of the Circular 06/2005 as per PPS9.

**REASONS FOR APPROVAL**

The Environment Agency requires this essential infrastructure to ensure effective control of emissions from previously tipped co-disposal wastes. The site is the only currently operational, permitted, hazardous waste disposal site in the County: that is identified in the Northamptonshire Waste Local Plan. It also forms part of the identified National and Regional hazardous waste disposal capacity. To refuse permission would jeopardise the integrity of the site and lead to a significant loss in the national and local waste capacity. The planning application is deemed acceptable under Policies 10, 13, 15, and 16 of the adopted Northamptonshire Waste Local Plan.

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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, and 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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