



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Barton Plant Ltd
Cranford Road
Burton Latimer
Kettering
NN15 5TB

Name and address of agent

GP Planning
Mill House
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application

29th September 2008

Application No.:

NCC Ref: 08/00081/WAS
KBC Ref: KET/2008/0850/NCC

Particulars and location of development

Amended restoration contours and timescale for completion of the inert waste landfill in the Phase 2 area of Long Drowpits Gullet, north of the A43 and south of the Bolt Wood Coppice on the Boughton Estate, Kettering, Grid Reference: Easting – 487793; Northing – 281516; in the parish of Weekley.

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:-

Note: This consent supersedes, consolidates, and updates the previous planning permission for the site which was granted, reference KE/01/0597C.

Commencement

1. The development must be begun not later than the expiration of 3 years

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beginning with the date of this permission. The commencement date shall be notified in writing within seven days to the Waste Planning Authority.

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 Planning Permission

2. The development hereby permitted is restricted to the area outlined in red on the plan of GP Planning Ltd GPP/BP/LD/08/04, dated 03/03/2008. The development hereby permitted shall only be carried out within the site in accordance with the details set out in the submitted application forms and supporting information.

Reason: To define the area of the site and in the interest of clarity.

Type of Waste

3. No materials shall be deposited on the site other than soils and those of a dry inert non-special nature, comprising topsoil, subsoil, rubble, hardcore, concrete, clay and the like.

Reason: To define the scope of the permission and to ensure consistency with the original permission, and in the interest of clarity.

Hours of Working

4. Except as may otherwise be agreed in writing by the Waste Planning Authority, site preparation, tipping, levelling and restoration operations and any associated activities shall be restricted to between the hours of 7.00 am and 6.00 pm on Mondays and Fridays and 7.00 am and 1.00 pm on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

Reason: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Access and Highway Safety

5. The sole vehicular access to the site shall be gained via the A6003 and via the route indicated on the applicant's plan received at the Waste Planning Authority on 16th June 1997, in association with planning application KE/97/405C.
6. The highway safety measures (road signs and markings) required pursuant to conditions contained in planning permission KE/97/405C, as listed in Schedule

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1 of that consent and attached to this permission, shall be maintained and/or replaced as necessary during the period of this permission.

7. Any damage to the verges around the entrance to the site during the life of the development shall be made good.
8. Upon completion of the restoration operations or the date referred to in Condition 22 of this permission, whichever is the sooner, the vehicular access and haul route shall be reinstated in accordance with a scheme to be submitted to and agreed in writing by the Waste Planning Authority.

Reason for access and highway safety conditions: In the interests of highway safety, to ensure the access is satisfactorily restored, and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

Wheel Cleaning

9. All operational vehicles leaving the site shall be free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety, and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

Prevention of Pollution

10. 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 should 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 pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent contamination of the site, in the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Noise and Dust

11. Suitable measures shall be adopted to ensure dust is kept to a minimum including the use of water spray facilities in periods of dry weather.
12. All equipment and machinery shall be fitted with silencers where appropriate or have baffles and be maintained so as to reduce noise to a minimum.

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Reason for noise and dust conditions: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Ecological Management Plan

13. Prior to commencement of development on the site, a comprehensive Ecological Management Plan shall be submitted to the Waste Planning Authority for approval in writing, incorporating Phase 2 and Phase 3 (as permitted under Permission Reference 08/00082/WAS). This document shall be adhered to throughout the development and shall include the following:
- an invertebrate survey, carried out at the appropriate time of year, by a suitably qualified invertebrate ecologist. The results of this survey shall be forwarded to the Waste Planning Authority accompanied by a comprehensive mitigation strategy incorporating suitable measures appropriate to the particular findings of the invertebrate survey;
 - A translocation strategy for great crested newts and reptiles, to be undertaken prior to the commencement of development on the site;
 - An amended restoration strategy which ensures the key features of the site are maintained, and incorporates amendments to Mitigation/Planting Plan GPP/BP/LD/08/10 to provide for an increase in calcareous grassland to include 'Area E' marked on this Mitigation/Planting Plan;
 - A comprehensive strategy for the management and maintenance of the retained and created habitats for a period of five years from the completion of the restoration; including an ecological management programme for the purposes of monitoring and addressing any adverse effects.

Reasons: To ensure the mitigation strategy is appropriate for the level of biodiversity of the subject area, and to ensure the appropriate translocation and management plans are in place ensuring the site continues to be an attractive habitat for protected species and other biodiversity including invertebrates, prior to any works proceeding on the site, and in accordance with Policies 9, 10 and 11 of the Northamptonshire Waste Local Plan (2006).

Survey and Restoration

14. Except as may be otherwise agreed in writing by the Waste Planning Authority, the finished ground levels shall be in accordance with the submitted plan titled '9017/PHASE3-2FL – Long Drowpits Phase 2 Proposed Finish Contours & Section Lines'.
15. In the event that the site will not be completed by the end date referred to in these conditions to the levels detailed in drawings supplied with this application (9017/PHASE3-2FL, 9017/PHASE3-2LAA and 9017/PHASE3-2LBB), amended restoration plans shall be submitted for agreement in writing by the

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Waste Planning Authority. The amended scheme incorporating any alterations the Waste Planning Authority may require shall be implemented and completed by the end date referred to in these conditions.

16. Unless otherwise agreed in writing by the Waste Planning Authority the areas filled in accordance with Condition 2 of the permission, shall be restored and progressively covered with soils as tipping proceeds to a depth of not less than one metre. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent revegetation and shall be ripped (rooted) as necessary to relieve compaction. Any stones or other materials which would impede subsequent revegetation operations shall be removed or buried on site to a depth of at least one metre.
17. Not less than the top 300 mm of the surface covering shall be composed of topsoil, subsoil or other suitable soil-like material capable of tree planting, as may be available on site or imported from other sources and spread in their correct sequence.
18. The tipped areas shall be restored to conform with the contours of the surrounding land, with natural drainage to the perimeter of the site without ponding or backfalls; and any ditches, fences, hedges, gates, field drains and water supplies disturbed during operations shall be provided on resoiling.
19. The land shall be restored in a suitable condition to facilitate the establishment of the Mitigation/Planting Plan proposed in this application, Plan Reference GPP/BP/LD/08/10.

Reason: To enable monitoring of the site, and to ensure restoration to an appropriate standard, and to enable flexibility in restoration levels and timescale for completion of the activity, while ensuring the amenity of the surrounding area is maintained, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Buildings, Plant and Machinery

20. All fixed and mobile buildings, plant, machinery and foundations shall be removed at such time or times as the Waste Planning Authority may determine that they are no longer required either for the purpose for which they were installed or for the rehabilitation of the worked out site.

Reason: In the interests of the amenity of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

End Date

21. The development hereby permitted shall cease not later than 1st December 2011 and the land shall be restored or reinstated by this date in accordance

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with the conditions of this permission. If within this period the tipping operations cease for a period in excess of three months or the use is otherwise discontinued for a similar period, the restoration conditions of this permission shall be carried out forthwith.

Reason: To ensure the restoration of the subject site is carried out within an appropriate time period, and in accordance with Policy 16 of the Northamptonshire Waste Local Plan (2006).

Proximity Principle

22. All waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site.

Reason: In the interests of sustainable waste management, and in order to comply with the proximity principle (Northamptonshire Waste Local Plan Policy 4).

Monitoring

23. The operators of the site shall at a minimum of 12 monthly intervals provide in writing to, and upon request by, the Waste Planning Authority detailed information on the quantities and types of all waste materials brought on to the site for re-use, recovery, and disposal, together with an assessment of used and remaining capacity. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

24. The operating company shall keep records of the quantity of waste received by weight and its source and these records shall be provided to the Waste Planning Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.

Reasons for monitoring conditions: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

25. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed 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 that the site manager can monitor the implementation of the conditions in accordance with Policy 27 of the Northamptonshire Waste Local Plan (2006).

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Informative(s)

1. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows: -
 - Application Form and Supporting Statement – September 2008
 - GPP/CW/EN/08/11 – Site Location
 - GPP/BP/LD/08/04 – Site Plan
 - GPP/BP/LD/08/10 – Mitigation/Planting Plan
 - 9017/PHASE3-2D14 – Long Drowpits Phase 2 Existing Contours & Site Limits
 - 9017/PHASE3-2FL – Long Drowpits Phase 2 Proposed Finish Contours & Section Lines
 - 9017/PHASE3-2LAA – Long Drowpits Phase 2 Cross Section A – A
 - 9017/PHASE3-2LBB – Long Drowpits Phase 2 Cross Section B – B
2. This development will require the variation of the existing Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency. The applicant is advised to telephone 01536 385194 to discuss the issues likely to be raised.
3. The Northamptonshire County Council Highways Division have made the following comments regarding Public Rights of Way:
With respect to construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:-
 - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times.
 - There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office.
 - If as a result of the development, ie hedgerow planting, the Right of Way needs to be closed a Temporary Traffic Regulation Order will be required. An Application form for such an order is available from Northamptonshire County Council, a fee is payable for this service and a period of six weeks notice is required.
 - Any new path furniture (e.g. gates preferred over stile) needs to be approved in advanced with the Access Development Officer, standard examples can be provided.

Summary of Reasons for Approval

This application relates to works required in order to facilitate the completion of the restoration of the Long Drowpits gullet. The amended contours proposed in this application relate to an area affected by a concurrent application to extend the restoration of the gullet in an easterly direction. The amendments to the contours

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proposed by the application are considered practical and will allow the proposed works on Phase 3 of the restoration to proceed seamlessly with consistent contouring throughout. The applicant proposes an extension to the Phase 2 timescale until December 2011, as a result of the current reduction in amounts of inert waste available from the construction industry.

The principle of the development is clearly already established. No objections to this application were raised during the consultation process. There has been no material change in circumstances to justify refusal, having regard to the Waste Local Plan Policies 8 (Traffic and Access), 16 (Restoration, Aftercare and After-Use) and 22 (Landfill/Landraising) and the application is therefore recommended for approval subject to conditions.

Date: 22nd December 2008 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 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.*

4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf*

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Schedule 1

**HIGHWAY SAFETY MEASURES. PLANNING PERMISSION KE/97/405C.
EXTENSION IN AREA TO WEEKLEY WOOD LANE LANDFILL SITE FOR THE DISPOSAL OF
INERT WASTE, LAND AT LONG DROWPITS, WEEKLEY WOOD LANE, KETTERING**

1. New plate to Weekley Wood, "Slow lorries for ½ mile" under existing "Works Access" plate for southbound vehicles. (Uphill).
2. New "Slows" on carriageway - one next to the signs outlined in item 1 and one nearer to junction. (Large size).
3. Move existing junction sign for northbound vehicles (downhill) further away from junction.
4. Supply and erect extra junction sign for northbound vehicles, for fast lane which should be situated even further away from junction.
5. New plates under both signs 4, or 5, stating "Lorries turning" (553.2 VAR).
6. New "Slows" on carriageway under both signs outlined above.
7. Grass verge (including scrub) to be cut back to highway boundary several times during each growing season.
8. Trees/bushes overhanging highway to be cut back initially and at intervals as required during growing season.