



Northamptonshire  
County Council

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county  
council

Town and Country Planning Act 1990

COPY

**PLANNING PERMISSION**

**Name and address of applicant**

Cook, Lubbock and Co  
Storefield Lodge Farm  
Oakley Road  
Rushton  
NN14 1QT

**Name and address of agent**

John Gough  
Consultant Planning Manager  
Mick George Limited  
Second Drove  
Meadow Lane  
St. Ives  
Cambridgeshire  
PE27 4YQ

**Part I - Particulars of application**

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**Date of Application**

8<sup>th</sup> October 2008

**Application No.:**

NCC Ref: 08/00085/WAS and  
District Ref: KET/2008/0877

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**Particulars and location of development**

Proposed re-contouring of the southern slope of the existing landfill site, Rushton Quarry, Oakley Road, Rushton.

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**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 3 years beginning with the date of this permission.

**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 Drawings R14/3823/01 and R14/3823/02 hereafter referred to as the "site". The development hereby permitted shall only be carried out within the site in accordance with the details set out in the submitted application forms, certificates, and supporting information unless otherwise required by any condition attached to this permission.

### **Site Access and Lorry Routeing**

3. The sole vehicular access in association with the development hereby permitted shall be the existing access onto the Oakley Road and this access shall be maintained to the satisfaction of the Waste Planning Authority, and all lorry traffic shall arrive at and leave the site to and from the A6003 Road only and shall not travel through the village of Rushton. (See informative 1 at end of this planning permission).

### **Hours of Working**

4. Except as may otherwise be agreed in writing by the Waste Planning Authority, site operations and any associated activities shall only be carried out between the hours of 07.00 and 18.00 Mondays to Friday and 07.00 and 13.00 on Saturdays. No operations whatsoever shall be carried out on the site on Sundays, Public or Bank Holidays.

### **Dust**

5. Tipping and restoration operations on site, including the movement of vehicles, shall be controlled to minimize the creation of dust from these operations and measures to reduce dust emissions during dry weather periods, including the use of water spray facilities, shall be undertaken,

### **Noise**

6. All plant and machinery shall be noise attenuated and noise generated from operations on the site shall not exceed 55dB(A) Leq 1 hr free field at the nearest noise sensitive properties.

### **Wheel Cleaning and Vehicle Sheeting**

7. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that no mud or debris is deposited on the public highway.
8. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

### **Soil Stripping, Storage, Handling and Replacement.**

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9. All topsoil and subsoil from within the application site shall be separately stripped to a minimum depth of one metre and separately stored and retained for subsequent use in restoration of the site.
10. The handling and movement of soils shall only take place when they are in a dry and friable condition and, in any event should not be undertaken during the months of October to April inclusive unless otherwise agreed in writing by the Waste Planning Authority.
11. Following the completion of landfilling operations in each phase, the stripped and stored topsoil and subsoil shall be replaced in separate layers and, if necessary, shall be supplemented by additional, imported topsoil and/or subsoil to ensure the reinstatement of the former soil profile to a minimum depth of one metre of soils which are suitable for cultivation.

#### **Final Landform Profile/Contours**

12. The final landform/contours following the completion of tipping and restoration, including the engineered clay cap and replaced soil profile within the area subject to this planning permission, shall be as shown on Drawing R14/3823/03, and Cross Sections R14/3823/04 and R14/3823/05 received by the Waste Planning Authority on 17<sup>th</sup> September 2008

#### **Landscaping**

13. Except as may otherwise be agreed in writing by the Waste Planning Authority, within 12 months of the date of this permission a landscaping scheme shall be submitted to the Waste Planning Authority for approval. The scheme shall incorporate proposals for the planting of hedgerows, trees and shrubs with details of their numbers, size and species. The scheme shall also indicate how landscaping will be phased in relation to the tipping phases.
14. The implementation of the landscaping scheme referred to in Condition 13 of this permission, as approved by the Waste Planning Authority and incorporating such modifications or additions as the Authority may require, shall be completed to the satisfaction of the Authority by the end of the first planting season following the completion of tipping and restoration of each phase of the development. Any trees or shrubs which die or for any other reason fail to become established within five years of planting shall be replaced during the following planting season with trees and shrubs of a similar size and species to those originally required, all to the satisfaction of the Waste Planning Authority.
15. Any ditches, fences, hedges gates field drains or water supplies disturbed during the operations or required for good husbandry shall be provided

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following restoration of the land and on its reinstatement to agricultural use, all to the satisfaction of the Waste Planning Authority.

16. Except as may otherwise be agreed in writing by the Waste Planning Authority, within three months of the completion of filling and covering of each phase the filled/covered area shall be prepared and sown with an appropriate grass seed mixture to establish a long term ley, all to the satisfaction of the Waste Planning Authority.

### **Plant, Machinery and Buildings**

17. No fixed plant, machinery structures or any building in connection with the development hereby permitted shall be erected, extended, installed, rearranged, repaired or altered in any way under the provisions of Class A of Part 4 or Class A of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995.
18. All fixed and mobile plant, machinery, structures, buildings, foundations and internal haul roads shall be removed not later than the date referred to in Condition 20 of this permission or at such earlier time or times as the Waste Planning Authority may determine that they are no longer required for the purpose for which they were installed or for the restoration or rehabilitation of the site.

### **Aftercare**

19. Except as may otherwise be agreed in writing by the Waste Planning Authority, not later than the completion of the tipping operations or by the date referred to in Condition 20 of this permission, whichever is the sooner, a five year programme of aftercare shall be submitted to the Waste Planning Authority for approval to bring the land to the required standard for agricultural and amenity use.

### **End Date**

20. The development hereby permitted shall cease no later than 30th April 2013 by which time the site shall be restored or reinstated in accordance with the conditions attached to this planning permission and to Planning Permission KE/89/0714.

### **Proximity Principle**

21. Unless otherwise expressly approved in writing by the Waste Planning Authority all inert waste materials to be deposited at the site shall originate from sources within a 20 mile radius of the site and all other waste materials to be deposited at the site shall originate from sources within a 30 mile radius.

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## Monitoring

22. 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 processed or brought on to the site. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.
23. 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 conditions and relevant Development Plan Policies

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To define the scope of the permission and in the interest of clarity. (Northamptonshire Waste Local Plan (2006): Policy 15).
3. In the interests of highway safety and to protect local amenity. (Northamptonshire Waste Local Plan 2003-2016; Policy 15).
- 4-6 To safeguard the environment and the amenities of local residents. (Northamptonshire Waste Local Plan (2006): Policies 7 and 15).
- 7,8 In the interests of highway safety and to protect local amenity. (Northamptonshire Waste Local Plan 2003-2016; Policy 15).
- 9-11 To ensure the availability and protection of important soils and clay resources for subsequent and progressive site restoration. (Northamptonshire Waste Local Plan 2003-2016; Policy 16).
12. To retain control over the development and in the interests of visual amenity. (Northamptonshire Waste Local Plan 2003-2016, Policy 16).
- 13-16 To ensure that the site is adequately screened and in the long-term interests of local visual amenity. (Northamptonshire Waste Local Plan 2003-2016; Policy 15).
- 17-19 In order to protect local visual amenity and to ensure the restoration of the site to a satisfactory standard for agricultural use. (Northamptonshire Waste Local Plan 2003-2016; Policies 15 and 16).

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20. To retain control over the development and In the interests of visual amenity (Northamptonshire Waste Local Plan 2003-2016, Policy 16).
- 21-23 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

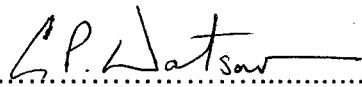
### Informative

1. All vehicles in association with the development hereby permitted shall be routed in accordance with the legal agreement between Northamptonshire County Council, Cook Lubbock and Co and Cleansing Services (Rushton) Group; i.e. all lorry traffic shall arrive at and leave the site to and from the A6003 road only and shall not travel through the village of Rushton.
2. Operations on site to control and manage landfill gas and leachate on the site shall be in accordance with the requirements of the legal agreement relating to planning application KE/89/0714 and prepared and signed under the provisions of Section 106 of the Town and Country Planning Act 1990 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1992.

### Summary of Reasons for Approval

No objections or issues have been raised during the consultation process and it is considered that the reduction in the gradients of the southern flank of the landfill site would represent an improvement to the currently permitted landform and that the proposal would achieve its objective of facilitating a better integration of the site into the wider landscape in accordance with the provisions of the development plan. In particular, in relation to Policy 22 of the Northamptonshire Waste Local Plan 2003-2016 it is considered that the proposal accords with the Best Practicable Environmental Option, will contribute towards regional self-sufficiency, and would, by means of a planning condition, comply with the 'proximity principle' and would not impact unacceptably upon the viability of other available inert landfill sites. It is therefore recommended that, subject to the conditions as set out below, planning permission should be approved.

Date: 6<sup>th</sup> January 2009

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](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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