



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Cook Lubbock & Co
Storefield Lodge
Oakley Road
Rushton
NN14 1QT

Name and address of agent

Mick George Ltd
Second Drove
Meadow Lane
St Ives
PE27 4YQ

Part I - Particulars of application

Date of Application

Received – 8th January 2010
Valid – 15th January 2010

Application No.:

NCC – 10/00004/WAS
KBC – KET/2010/0039/NCC

Particulars and location of development

Variation of condition 14 of planning permission 08/00069/WAS to vary the end date of waste recycling operations at Storefield Lodge Landfill Site, Oakley Road, Rushton, Kettering NN14 1RS

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:-

Time Limit

1. The development to which this relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To conform with the requirements of 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 Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the submitted application, i.e. Application Form, dated 8th January 2010; Design and Access Statement, dated January 2010; Drawing No. R14/101 – Location Plan Proposed Waste Recycling Facility; Drawing No. R14/102 – Site Plan, and Drawing No. R14/104 Illustrative Section Proposed Waste Recycling Facility.

Reason: To define the scope of the permission and in the interest of clarity.

Hours of Working

3. 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 Fridays and 07:00 and 13:00 on Saturdays. During the hours of 13:00 and 17:00 on Saturdays deliveries only of non-hazardous waste material are permitted but there shall be no processing of waste materials or any other associated activities. No operations whatsoever shall be carried out on the site on Sundays, Public or Bank Holidays.

Reason: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to nearby residential properties and in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006).

Dust

4. 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.

Reason: To protect the interests of local amenity in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006).

Stockpile Heights

5. All stockpiles of either imported inert waste or processed inert waste shall, at no times, exceed 5 metres in height.

Reason: To protect the interests of local amenity in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006).

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Noise

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

Reason: To protect the interests of local amenity in accordance with Policy 15 of Northamptonshire Waste Local Plan (2006).

Site Access, Lorry Routing, Wheel Cleaning and Vehicle Sheeting

7. 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. And all HGV traffic shall arrive at the site and leave the site to and from the A6003 Road only and shall not travel through the village of Rushton. (See informative 1 at the end of this permission)

Reason: In the interests of highway safety and local amenity in accordance with Policies 8 and 15 of the Northamptonshire Waste Local Plan (2006).

8. 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.

Reason: In the interests of highway safety and local amenity in accordance with Policies 8 and 15 of the Northamptonshire Waste Local Plan (2006).

9. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

Reason: In the interests of highway safety and local amenity in accordance with Policies 8 and 15 of the Northamptonshire Waste Local Plan (2006).

Contaminated Land/Risk Assessment

10. The approved Contaminated Land/Risk Assessment (approved on 14th January 2009) shall thereafter be implemented.

Reason: In order to ensure that measures are put in place to adequately address the possibility of contamination of the site and adjoining land, and in compliance with the advice contained within PPS23 Planning and Pollution Control (2004) and Policy 13 of the Northamptonshire Waste Local Plan (2006).

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11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Waste Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be safely carried out without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 13 of the Northamptonshire Waste Local Plan (2006).

Surface Water Drainage/Groundwater

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that a pathway for any potential contamination is not made to the underlying strata and to ensure that landfill liners or caps are not put at risk from foundation works in accordance with Policy 13 of Northamptonshire Waste Local Plan (2006).

End Date

13. The development hereby permitted shall cease no later than 30th September 2017 (twenty hundred and seventeen) by which time the recycling building shall be dismantled, foundations and hard standings removed and the site shall be restored or reinstated in accordance with the conditions attached to planning permission KE/89/0791.

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 landfill site in accordance with Policy 16 of Northamptonshire Waste Local Plan (2006).

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Monitoring

14. 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 onto the site for re-use, recovery and sent for. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

Reason: 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.

15. 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 written request. All such information supplied will be treated on a confidential basis.

Reason: 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.

16. A copy of the terms of this planning 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 monitor the implementation of the conditions.

INFORMATIVE

1. All vehicles in association with the development hereby permitted shall be routed in accordance with the legal agreement under Section 106 of the Town and Country Planning Act 1990 and Section 33 of the Local Government (Miscellaneous Provisions) Act 1992 (dated 29th April 1991) 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.


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REASONS FOR APPROVAL

The proposal, as amended, is to extend the end date of the waste recycling facility at Rushton Lodge Landfill Site from 30th April 2013 (as specified in condition 14 of Permission Ref. 08/00069/WAS) to 30th September 2017 to be consistent with the permitted end date of the main landfill development.

Rushton Landfill Site is identified in the Northamptonshire Waste Local Plan (2006) as a main site for waste management facilities. Policy 2 deals with the location of waste development and states a positive presumption in favour of waste management facilities being permitted at existing "main sites" such as the Rushton Landfill Site. Given that the proposal is to extend the life of an existing waste recycling facility, the principle of its use is acceptable in accordance with Policy 2 of the Northamptonshire Waste Local Plan (2006). All other aspects of the development remain unchanged from the existing arrangements. Potential local amenity issues have been considered and the proposal is considered acceptable in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Date: 14th April 2010

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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