



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Cook Lubbock & Co
Storefield Lodge Farm
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 – 25th July 2011
Valid – 12th August 2011

Application No.:

NCC – 11/00046/WAS
KBC – KET/2011/0530/NCC

Particulars and location of development

Northern extension of Storefield Lodge (Rushton Landfill), including the extraction of limestone and diversion of Storefield Brook, at Storefield Lodge Waste Management Park, 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.

- Written notification of the date of commencement of the development shall be provided to the Waste Planning Authority within seven days of such commencement.

Reason: To formally establish the date when the development commenced.

Scope of Permission

- Unless otherwise agreed in writing by the Waste Planning Authority and except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the application material, including the following documents and plans:

Document Reference	Document Title
R14/10/601 Rev A	Site Setting
R14/10/602	Existing Site Situation
R14/10/603A	Landfill Operational Plan
R14/10/604	Restoration Plan
R14/10/606	Storefield Brook Diversion Details
	1App Forms dated 11/08/2011
	Environmental and Supporting Statement
Annexure 2	Waste Market Appraisal
Annexure 3	Visual and Landscape Appraisal
Annexure 4	Soil Assessment
Annexure 5	Archaeological Assessment
Annexure 6	Noise Assessment
Annexure 7	Traffic Appraisal
Annexure 8	Hydrological Assessment
Annexure 9	Ecology Survey
	Addendum to Flood Risk Assessment dated September 2011 as revised 21/10/2011
	HGV Routing Plan received 21/10/2011

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

- From the date of commencement of the development, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available at the site for inspection during normal working hours.

Reason: To ensure this planning permission and associated documents are available on site for reference and inspection.

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Waste Disposal and Clay Extraction

5. Materials to be deposited at the site shall be restricted to asbestos and non hazardous waste and shall exclude radioactive waste.
6. Clay extracted shall be used solely for on site engineering operations with none to be removed from the area defined in blue on R14/10/601 Rev A.

Reason for conditions 5 to 6: To define the scope of the permission and in the interest of clarity.

Hours of Working

7. Except as may otherwise be agreed in writing by the Waste Planning Authority, site preparation, tipping, clay/mineral extraction, levelling and restoration operations and any associated activities shall only be carried out between the hours of 0700 and 1800 Mondays to Fridays and 0700 and 1300 on Saturdays with no such works on Sundays, Public or Bank Holidays.
8. No soil stripping or replacement works shall be undertaken within 200 metres of any occupied residential property before 0800 hours Mondays to Saturdays with no such works on Sundays, Public or Bank Holidays.

Reason for conditions 7 to 8: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Site Access, Lorry Routing, Wheel Cleaning and Vehicle Sheeting

9. Prior to the commencement of development a scheme for access improvements shall be submitted to the Waste Planning Authority for approval in writing. The scheme as approved shall be implemented fully prior to the commencement of development and thereafter maintained.
10. The revised access constructed in accordance with condition 9 shall be the sole vehicular access in association with this development.
11. All Heavy Goods Vehicles shall be routed in accordance with the submitted Heavy Goods Vehicle Routing Plan (received 21/10/2011) and no Heavy Goods Vehicles shall pass through the village of Rushton.
12. All Heavy Goods Vehicles leaving the site shall turn right onto Oakley Road.
13. Prior to the commencement of development signs informing vehicle drivers of the requirement to only turn right from the site onto Oakley Road shall be erected and maintained in a visible location near to the egress on site in accordance with details to be submitted to and agreed in writing by the Waste Planning Authority.

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14. Wheel cleaning facilities shall be provided and maintained on site so that operational vehicles leaving the site are cleansed of mud and other debris to ensure that none is deposited on the public highway.
15. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

Reason for conditions 9 to 15: In the interests of highway safety and local amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Design

16. Unless otherwise approved in writing by the Waste Planning Authority, no fixed buildings, structures (including perimeter fencing), plant or machinery shall be erected until details of the proposed locations and external materials, colours and finishes have been submitted to and approved in writing by the Waste Planning Authority. Development shall be implemented in accordance with the approved details. Any subsequent revisions shall be submitted to the Waste Planning Authority for approval in writing.

Reason: To safeguard the local environment and protect amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD10 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

Odour, Noise and Dust

17. Odour, noise and dust control measures shall be in accordance with details contained in section 2.3.1 to 2.3.20 of the Environmental Statement and Annexure 6 (noise assessment) unless otherwise agreed in writing with the Waste Planning Authority.
18. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.
19. No vehicle, plant, equipment or machinery used exclusively on site shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and machinery shall be maintained in accordance with the manufacturer's specification.
20. Traffic management operations at the site shall be controlled to ensure that all Heavy Goods Vehicles are routed to minimise reversing manoeuvres.
21. The site shall be worked in accordance with the measures set out in Part 1 (Noise), Section 8 of British Standard 5228: 2009 "Noise and Vibration Control on Construction and Open Sites or subsequent edition thereof. The equivalent

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sound level (LAeq), measured over any 1 hour time period, attributable to the normal operations on site, as measured free field shall not exceed 55 dBA (1hrLAeq) at the nearest noise sensitive properties.

22. In the event that complaints regarding odour, noise and/or dust (including bioaerosols) are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures and works to be undertaken shall be submitted to the Waste Planning Authority no later than five working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Waste Planning Authority.

23. No blasting of minerals shall be undertaken on site.

Reason for conditions 17 to 23: To protect the interests of local amenity in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Stockpile Heights

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

Reason: In the interests of the visual and rural amenities of the area having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Lighting

25. Any external lighting shall be downward facing to minimise the risk of light spillage beyond the operational areas and into the sky. The lighting shall be switched off when not required and shall not be operated outside the permitted working hours at the site.

Reason: In the interests of the visual and rural amenities of the area having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Soil Handling

26. Prior to the commencement of soil stripping a scheme for soil handling and storage and replacement during operations and restoration shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall incorporate the recommendations made by Natural England in their consultation response dated 15th September 2011. All operations shall be in accordance with the approved scheme.

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Reason: To prevent damage to soils having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Archaeology

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

Reason: To ensure that adequate archaeological investigations and recording are undertaken prior to the development taking place in accordance with Policy CMD9 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

Landscaping and Biodiversity

28. Prior to the commencement of development a scheme for planting along the Station Road boundary of the site shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include details of the numbers, size and species of trees and shrubs proposed and shall be designed to maximise screening of the existing waste management building from views along Station Road. The scheme shall also include measures for maintenance of the landscaping to maximise biodiversity benefits. All works shall be in accordance with the approved scheme.

29. Prior to the commencement of development a scheme for hedgerow improvement works at the site shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include details of how the existing hedgerows can be improved and maintained to secure sufficient screening in the long term and enhance biodiversity. All works shall be in accordance with the approved scheme.

30. No soil stripping associated with this development shall take place unless an ecologist report is submitted to demonstrate that badgers and nesting birds will not be affected and this has been approved in writing by the Waste Planning Authority.

31. Operations that involve the destruction and removal of trees and other vegetation shall not be undertaken during the months of March to August inclusive, unless an ecologist report is submitted to demonstrate that breeding birds will not be affected and this has been approved in writing by the Waste Planning Authority. Should nesting birds be found, development shall be delayed until such time as nesting has ceased.

32. The proposed woodland planting at the north-western corner of the site and the proposed habitat creation along the realigned Storefield Brook shall be

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undertaken within two years of the commencement of development and be managed for a ten year period thereafter in accordance with a scheme, to be submitted to the Waste Planning Authority for approval in writing. The scheme shall include measures for maintenance of the landscaping to maximise biodiversity benefits. All works shall be in accordance with the approved scheme.

33. Any plants which die or are damaged within five years of planting shall be replaced.

Reason for conditions 28 to 33: To ensure restoration and habitat creation maximises biodiversity in line with Biodiversity Action Plan regional species and is in accordance with agreed objectives having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD13 of the Control and Management of Development DPD (June 2011).

Flood Risk and Water Resources

34. Prior to the commencement of development a surface water drainage scheme for the site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to the Waste Planning Authority for approval in writing. The approved scheme shall be implemented in accordance with the approved details before the development is completed and thereafter maintained.
35. Prior to the diversion of Storefield Brook, full details of the diversion and restoration shall be submitted to the Waste Planning Authority for approval in writing. The submitted information shall include full details of current, post diversion and post restoration flows, dimensions, routes, maintenance issues and potential upstream and downstream effects or changes to the flow regime. The development shall be carried out in accordance with the approved details.
36. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason for conditions 34 to 36: To reduce the risk and impact of flooding at the site and surrounding area in accordance with Planning Policy Statement 25 (Development and Flood Risk) and to improve and protect water quality, habitat and amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

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Pollution control

37. Any facilities, above ground, for 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 into the bund.
38. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Reason for conditions 37 to 38: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Restoration

39. The final pre-settlement 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 Restoration Drawing R14/10/604.
40. In any part of the site where differential settlement occurs during restoration or aftercare, the applicant, where required by the Waste Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Waste Planning Authority.
41. The access and all buildings, foundations, hard standings, structures, plant, machinery and haul roads associated with this development shall be removed and the site restored in accordance with a scheme to be submitted at least twelve months prior to the date in condition 43 or as part of the scheme required under condition 42, whichever is the sooner.

Reason for conditions 39 to 41: To ensure appropriate restoration having regard to Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

42. In the event that the development hereby permitted ceases for a period in excess of 12 months, a revised restoration scheme shall be submitted to the Waste Planning Authority and agreed in writing. The scheme, as agreed, shall thereafter be implemented.

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Reason: To safeguard landscape character having regard to Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD8 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

End Date

43. The development hereby permitted shall be fully restored in accordance with Restoration Drawing R14/10/604 no later than 30 September 2030 (twenty hundred and thirty).

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 Policies CS13 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Aftercare

44. A phased aftercare scheme requiring that such steps as may be necessary to bring the land (excluding that covered by condition 32) to the required standard for the each afteruse proposed shall be submitted for the approval of the Waste Planning Authority not later than three months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted scheme shall provide an outline strategy in accordance with Annex A of MPG 7 (Reclamation of Mineral Workings) for the five year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system.

45. Before 30 September of every year during the aftercare period, an Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the restoration operations carried out on the land during the previous 12 months and setting out the intended restoration operations for the next 12 months. A site meeting shall be arranged to discuss the report to which the Waste Planning Authority shall be invited together with any other parties as necessary.

Reason for conditions 44 to 45: To ensure appropriate restoration and aftercare having regard to Policy CMD13 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

Monitoring

46. 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 disposal. Such information will only be

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used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

47. 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 for conditions 46 to 47: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS3 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD14 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

Catchment Area

48. 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 95% of all other waste materials to be deposited at the site shall originate from sources within a 30 mile radius.
49. The operating company shall submit an annual report in writing to the Waste Planning Authority within one month of the first anniversary of operations commencing and at 12 monthly intervals thereafter. The annual report shall incorporate such records that demonstrate compliance with catchment area controls (Condition 48).

Reason for Conditions 48 to 49: To ensure that waste materials are dealt with close to their source in order to prevent the long distance travelling of imported wastes in accordance with Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD14 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

INFORMATIVES

1. This permission shall be read in conjunction with the Section 106 Unilateral Undertaking issued by Mick George Limited and dated 10 November 2011 which details:
 - a) financial contributions towards the maintenance and repair of the public highways known as Oakley Road and Station Road, Rushton, Northamptonshire.
2. Notwithstanding the planning permission(s) that may be granted or extant on the site, any proposed works affecting ordinary watercourses, statutory main rivers, within the indicative floodplain or within the bylaw distance require the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage bylaws.

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3. Please note that Environment Agency formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by the Environment Agency's comments and it is therefore imperative that early contact is made with the Environment Agency for advice regarding their requirements.
4. This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency National Permitting Team on 03708 506506 to discuss the issues likely to be raised.
5. Retention of more than 25,000 cubic metres of water above normal ground level requires registration with the relevant Local Authority under the Reservoirs Act 1975, and an impoundment licence from the Environment Agency under Section 25 of the Water Resources Act 1991.
6. Throughout the period of working, restoration and aftercare, the operator shall have due regard to the need to adhere to the precautions laid out in the leaflet entitled "Preventing the Spread of Plant and Animal Diseases", published by the Ministry of Agriculture, Fisheries and Food.

REASONS FOR APPROVAL

These applications (11/00046/WAS, 11/00047/WAS, 11/00048/WAS and 11/00049/WAS) are to extend a landfill site and vary the restoration contours, end date, hours of working and catchment areas of existing waste management and disposal operations at Storefield Lodge Waste Management Park at Rushton, Kettering. In determining these applications it is important that a balanced judgement is made taking into account the relevant issues in the development plan.

The site currently operates as a waste disposal and recycling facility. These applications involve the extension in time of these operations by a further 13 years and, with regard to the landfill operations, a significant extension in area. The latter would provide an additional 1,800,000 cubic metres of new disposal capacity as well as an estimated windfall of 250,000 tonnes of limestone. In this respect the granting of these applications would provide an important contribution to the waste disposal and management capacity in the county in line with Policy CS1 and CS3 of the Northamptonshire MWDF Core Strategy and at a location in keeping with the spatial strategy for waste management and disposal (Policy CS2 and CS3 of the Northamptonshire MWDF Core Strategy). The proposals would also provide for a small aggregate windfall in accordance with Policy CS4 and CS5 of the Northamptonshire MWDF Core Strategy.

The environmental, amenity, landscape, traffic and access implications of the applications have been carefully considered in relation to the relevant development

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plan policies, and having regard to the consultation responses and representations made to the applications. The Environment Agency has objected to the application for the northern extension on technical flood risk grounds. The applicant is working with the Environment Agency to address these concerns ahead of the upcoming Development Control Committee meeting. An objection to these applications was also received from Rushton Parish Council on grounds of visual and landscape matters, traffic concerns and cumulative impacts. These views were supported by Councillor Wiley of Kettering Borough Council. Lord Avebury of Cook Lubbock & Co has also commented on these applications. The issues raised in these responses have been addressed in detail in section 8 of this report. It is important to note that the Environment Agency and Kettering Borough Council have not objected to the proposals.

It is acknowledged that there will be amenity and traffic impacts associated with the extension of the landfill site and the continued site operations until 2030. Subject to the recommended conditions of consent it is considered that these impacts would be minimised to an acceptable level in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy. No significant increases in average daily Heavy Goods Vehicle movements are anticipated under these proposals and the current routing agreement is to be retained. Amenity impacts can be minimised through good site management and sensitive working hours which would be secured through the recommended conditions.

These proposals would have a negative impact on the landscape of the area in the short to medium term. The applicant has proposed a number of screening measures to minimise these impacts and in the longer term the site would be restored predominantly to agriculture in line with surrounding land use. The proposal for the northern extension includes a significant realignment of Storefield Brook and it is considered that these works, in conjunction with the proposed planting, provide opportunity for significant improvement in biodiversity at the site.

The applications have also been assessed against the local development plan, in particular Policies CS1, CS2, CS3, CS4, CS5, CS9, CS13 and CS14 of the Northamptonshire MWDF Core Strategy and Policies CMD1, CMD2, CMD4, CMD7, CMD8, CMD9, CMD13 and CMD14 of the Northamptonshire MWDF Control and Management of Development DPD. Overall it is considered that there are no policy grounds for the council to refuse these applications, subject to conditions of consent.

Date: 11th November 2011 Signed 

For Assistant Director Environment and Planning

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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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DATED 10th NOVEMBER 2011

UNILATERAL UNDERTAKING

Relating to Northern extension to landfill site including the extraction of limestone and the diversion of Storefield Brook at Rushton Landfill Site, Rushton Northamptonshire

By MICK GEORGE LIMITED

In favour of

NORTHAMPTONSHIRE COUNTY COUNCIL

SLOAN PLUMB WOOD LLP
Apollo House
Isis Way
Minerva Business Park
Lynch Wood
Peterborough
PE2 6QR

UNILATERAL UNDERTAKING under the Town & Country Planning Act 1990

THIS DEED is made the 10th day of November 2011 and is given in the form of a UNILATERAL UNDERTAKING by **MICK GEORGE LIMITED** (Company Registration Number 2417831) whose registered office is at Second Drove, Meadow Lane, St Ives, Cambridgeshire PE27 4YQ ("the Developer") in favour of **NORTHAMPTONSHIRE COUNTY COUNCIL** of County Hall, Northampton NN1 1ED ("the Council").

RECITALS

- (1) The Council is the Planning Authority for the purposes of determining mineral and waste applications for the area within which the land described in Recital (2) is situated pursuant to the Town and County Planning Act 1990 as amended (the "1990 Act").
- (2) By a written application submitted to the Council and numbered 11/00046/WAS Cook Lubbock & Co applied to the Council for planning permission for a northern extension to the existing landfill site including the extraction of limestone and the diversion of Storefield Brook at Rushton Landfill Site Oakley Road Rushton Northamptonshire ("the Development").
- (3) The Developer has a leasehold interest and associated rights in land situate at Rushton Landfill Site, east side of Oakley Road, Rushton registered at the Land Registry with leasehold title absolute under Title Number NN289744, and is the party which will carry out the Development if the planning permission referred to below is granted.
- (4) The Council indicated their intention to grant the planning permission ("Planning Permission") with conditions for the Development without undue delay after inter alia the provision of this Undertaking.

NOW THIS DEED WITNESSETH as follows:-

1. This Deed is a Planning Obligation made in pursuance of Section 106 of the 1990 Act and shall be binding and enforceable against the Developer.
2. The DEVELOPER HEREBY COVENANTS with the Council as follows:
 - (i) That the Developer shall pay to the Council the sums specified in the Schedule hereto at the times and for the period set out in the Schedule ("the Contribution") being a contribution towards the maintenance and repair of the public highways known as Oakley Road and Station Road, Rushton, Northamptonshire.

- (ii) That the Developer shall pay the sum referred to in 2(i) above within 2 months from the Commencement of the Development and the Developer shall give notice of such implementation within 21 days of the Commencement of the Development.

IN WITNESS whereof this Deed is executed by the Developer the day and year first above written.

THE SCHEDULE

1. In this Schedule the following words have the following meanings:-

“the Annual Contribution” means the sum of £30,000 per annum subject to Indexation as specified in this Schedule

“Commencement of the Development” means the date on which the Developer begins the Development by the carrying out of a material operation as specified in section 56(4) of the Town and Country Planning Act 1990 but disregarding any surveys and investigations and the demolition of any buildings or other structures and site clearance and site preparation including temporary access construction works and erection of fences and hoardings around the Property

“the First Payment Date” means the date being two months following the implementation of the Planning Permission

“Index” means the Building Cost Information Service All-in Tender Price Index (TPI) (SE England excl London) as published by the Royal Institution of Chartered Surveyors (or in the event that such index ceases to be published then in its place such reasonably equivalent index as the Council shall specify)

“the Payment Dates” means the First Payment Date and every anniversary of that date and “relevant Payment Date” means any particular Payment Date in respect of which indexation of the Annual Contribution is being determined

“the Payment Period” means the period commencing on the First Payment Date and ending on the date when 3 Annual Contributions have been made pursuant to the provisions of this deed or the revocation of the Planning Permission whichever is earlier

2. The Developer shall pay to the Council on the Payment Dates until the expiry of the Payment Period the Annual Contribution

3. Unless otherwise stated to the contrary all Annual Contributions payable under the terms of this Agreement by the Developer to the Council will be increased by reference to the following formula:-

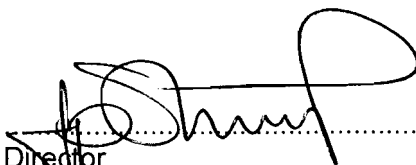
Annual Contribution (payable on any relevant Payment Date) = £30,000 x (A /B)

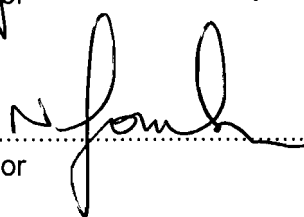
Where 'A' is the figure in the Index last published before the relevant Payment Date and 'B' is the figure in the Index for the month of October 2011. For the avoidance of doubt in the case of a depreciation in the Index the change in the Index shall be deemed to be Nil.

4. The Developer will on completion of this Deed pay the County Council's reasonable legal costs.

5. No person other than a party to this Deed shall have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this Deed.

EXECUTED as a Deed by
MICK GEORGE LIMITED
by two Directors


.....
Director


.....
Director