



## 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 (if any)

Gill Pawson Planning  
Mill House  
East Haddon  
Northampton  
NN6 8DU

### Part I - Particulars of application

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#### Date of Application

2<sup>nd</sup> August 2004

#### Application No.:

KE/04/808C

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#### Particulars and location of development

Infilling of old mineral railway cutting with inert waste materials for restoration to agricultural use, land at Windmill Farm, Burton Latimer

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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:-

#### Scope of Planning Permission

1. The development hereby permitted is restricted to the infilling of the cutting as defined in the deposited application plan.
2. Only clean, uncontaminated subsoils shall be permitted as infill materials.
3. The materials shall be placed in the cutting, levelled and graded to conform generally to the contours of the surrounding land, and the whole area shall be covered with layers of subsoil and topsoil prior to seeding.
4. Within six months of the date of this permission a scheme for the planting of trees in a position to be further agreed shall be submitted to the County Planning Authority for approval and such planting shall be carried out in the

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first planting season following its approval.

5. The development shall be completed within one year of the date of this permission.

**Reasons for conditions and relevant Development Plan Policies are:-**

1. To define this permission. (County Structure Plan (CSP) 1996 – 2016 Policy W3).
2. To specify the types of material to be brought onto the site. (CSP Policy W3).
3. To bring the land to the required standard for agricultural use. (CSP Policy W3).
4. In the interests of visual amenity. (CSP Policy W3).
5. To specify the date when the development can be reasonably expected to be completed. (CSP Policy W3).

Date... 29<sup>th</sup> October 2004 ..... Signed ..... G.P. Watson .....

Authorised to sign on behalf of the  
Head of Sustainable Development

**Informative**

Please see attached letters containing the views of the Environment Agency and Kettering Borough Council Environmental Health.

**REASON FOR APPROVAL OF THIS APPLICATION**

This application involves the importation of a small amount (3000 tonnes) of inert waste materials to infill a narrow, shallow railway cutting which bisects a large arable field. The materials will be brought onto the site via the adjacent Barton Transport depot. They will be sourced locally and use will be made of vehicles returning to the depot for transportation. An issue about the earlier loss of a hedgerow has been raised by a local resident and the applicant's have agreed to carry out some compensatory planting. No objections have been raised to the principle of the development following the consultation process. Having regard to the limited size of the site and the amount of infill material, it is felt that the proposal generally accords with the emerging Policy 25, relating to landfill for agricultural improvement as contained in the Northamptonshire Waste Local Plan (Revised Deposit Draft) and that planning permission should be granted.

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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.*

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