



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant	Name and address of agent (if any)
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Mr William Boyd
Bird Contractors Ltd.
Horninghold Hall
Horninghold
Leics LE16 8DH

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Part I - Particulars of application

Date of Application

3 July 2018

Application No.

NCC Ref: 18/00030/WASVOC

CBC Ref: 18/00596/COC

Particulars and location of development:

Proposed variations of conditions 23 and 24 of planning permission ref. no. 16/00038/WASVOC for the translocation of grassland, infilling with inert materials and re-contouring of land – Land to the North of Princewood Road, Earlstrees Industrial Estate, Corby

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 (subject of application ref. no. 18/00030/WASVOC) hereby permitted has commenced.

Reason: In the interests of clarity and 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.

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.

2. Upon commencement this planning permission consolidates and supersedes Northamptonshire County Council planning permission ref. no. 16/00038/WASVOC.

Reason: In the interests of clarity and for the avoidance of doubt.

Scope of Permission

3. This planning permission shall relate to the area edged in red on the submitted plan, GPP/WP/PR/08/02 (submitted with application ref. no. 08/00067/WAS).
4. Notwithstanding condition 3 above, the area marked Phase 2 shown on the plan entitled 'Phase 1 Contours' Drawing No. WJB/PL/21/7-2 Rev A dated 28 October 2008, shall be excluded from this permission and not be developed.

Reason for conditions 3 & 4: To define the scope of the permission and in the interest of clarity as it is necessary to exclude the area known as Phase 2 (that largely corresponds to the "West Cutting" County Wildlife Site boundary) Policies 18, 20, and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

Cessation & Duration

5. The development hereby permitted shall cease by 1 March 2021 and the land shall have been fully restored by this date in accordance with the conditions attached to this permission.
6. The development hereby permitted shall be the subject of an aftercare period of 5 years upon completion of the development.

Reason for conditions 5 & 6: To retain control over the development and to ensure the timely and satisfactory restoration of the site for a nature conservation benefit having regard to Policies 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Method of Working and Operation Limits

7. All suitable topsoil shall either be translocated in accordance with the approved Ecological Mitigation Plan as amended by the Calcareous Grassland Translocation Method Statement dated 21 February 2018 prepared by Jonathan Tye Consulting.
8. No materials shall be imported and deposited on the site other than inert waste materials.

Reason for conditions 7 & 8: To specify working methods to protect amenity and natural assets having regard to Policies 18 and 20 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

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Pollution Control

9. 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.
10. 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 9 & 10: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to Policies 18 and 20 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Transportation

11. No HGVs shall leave the application site unless their wheels and chassis have been cleaned sufficiently to prevent mud or detritus being deposited on the highway, and wheel washing/cleansing facilities shall be provided on site and maintained to a full working standard when the site is operational. In the event that the wheel cleansing facilities fail to prevent the deposit of mud or detritus on the highway, then additional measures or facilities shall be installed forthwith.
12. Heavy Goods Vehicle (HGV) movements associated with the development hereby permitted shall be restricted to a maximum of 40 movements (i.e. 20 in and 20 out) per day when averaged over any 12 consecutive calendar months.
13. Notwithstanding condition 12 above, the maximum HGV movements associated with the development hereby permitted shall be restricted to a maximum of 120 movements per day (i.e. 60 in and 60 out).
14. No loaded HGV shall leave the site unless its load has been securely sheeted. All HGVs importing materials into or out of the site shall be securely sheeted in such a way as to minimise dust and to ensure that no material is deposited on the public highway.

Reasons for conditions 11 – 14: In the interests of highway safety and amenity in accordance with Policy 18 of the Minerals and Waste Local Plan (July 2017).

Amenity

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15. All plant, equipment and machinery used on site, including vehicles, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturer's instructions.
16. All plant, equipment and machinery used on site, including vehicles, capable of being fitted with silencers, baffles, cladding or rubber linings shall be so fitted and maintained.
17. The approved Dust Management Scheme (as detailed within Section 4.10 and Appendix 4 of the submitted Supporting Statement to planning application ref. no. 08/00067/WAS) shall be fully implemented throughout operations at the site and shall include the use of water-spray facilities for dampening operational areas and haul roads.
18. In the event that complaints regarding noise or dust are received by the Waste Planning Authority (WPA) from any sensitive receptor, and thereafter notified to the operator by the WPA, an immediate assessment of the complaint and where necessary monitoring shall be undertaken. A report on the findings, with proposals for rectifying any adverse impact upon amenity and a program for the implementation of remedial measures to be undertaken, shall be submitted to the WPA no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the WPA. The mitigation measures shall be fully implemented as approved as specified by the Waste Planning Authority.

Reason for conditions 15 – 18: In the interests of the amenities of the area having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (July 2017).

19. Exterior lighting shall be confined to downward facing 500w lights and no additional permanent or mobile exterior lighting, (other than on working mobile plant) shall be installed unless otherwise agreed in writing by the Waste Planning Authority.
20. The exterior lighting shall be switched off no later than 30 minutes after the working hours authorised by this permission, and not switched on earlier than 30 minutes before the stipulated working hours.

Reason for conditions 19 & 20: In the interests of the amenities of the area and to protect local biodiversity having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

21. Except as may otherwise be previously agreed in writing by the Waste Planning Authority, the development hereby permitted shall be restricted to operate only between the hours of 07:00 and 18:00 on Monday to Fridays and 07:00 to 13:00 on Saturdays. There shall be no operations whatsoever on Sundays, Public, Statutory or Bank Holidays.

Reason: In the interests of the amenities of the area having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (July 2017).

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Landscape, Restoration and Ecological Management

22.

- a) The development hereby permitted shall only take place in accordance with the proposed mitigation strategies for national and international protected species, as detailed in the Ecological Mitigation Plan ref 3183/C02/Ref 00-009 Version 1 dated August 2008 submitted with application ref. no. 08/00067/WAS, as specifically amended by Great Crested Newt Survey Report by Jonathan Tye Consulting (dated 27 February 2018) submitted with application ref. no. 18/00033/WASNMA, and the Calcareous Grassland Translocation Method Statement dated 21 February 2018 prepared by Jonathan Tye Consulting.
- b) In the event that Great Crested Newts are discovered when searching or removing the rubble pile shown as 'Heap 1' and 'Heap 2' (on the Heap Volumes Plan dated 29/12/2010 submitted with ref. no. 18/00033/WASNMA), works shall cease immediately and the operator shall notify the Waste Planning Authority and also contact Natural England. If a licence is issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010, authorising the specified activity/development to go ahead, the Waste Planning Authority shall be provided with a copy of the licence forthwith.
- c) In the event of a conflict between the documents listed in condition 22(a) and the licence by Natural England, then the requirements of the Natural England Licence shall take precedent.

Reason: To safeguard protected species having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

23. Except as may be otherwise be agreed in writing by the Waste Planning Authority, the finished ground levels of the development hereby permitted shall only be in accordance with the submitted 'Proposed Finished Levels' Drawing No. WJB/PL/21/7-2 Rev B dated 28 June 2018.

Reason: To ensure proper restoration of the site and in the interests of the general amenity of the area having regard to Policies 18, 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

24. ~~Within 3 months of the date of this permission an updated Ecological Management Plan based upon Version 7 (ref. 15-2230) dated June 2016 by Lockhart Garratt, shall have been submitted to and approved in writing by the Waste Planning Authority. The plan shall set out:~~

- a) A review of ecological mitigation undertaken to date;

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- b) Short-term mitigation proposals for the duration of the construction and infilling works;
- c) A detailed restoration contour plan for the application site;
- d) A detailed Habitat Creation Plan for the application site;
- e) Detailed habitat creation proposals, seed mixes, and types, number and size of tree and shrub species proposed and a timetable for the creation of all of the habitat types set out in the Habitat Creation Plan;
- f) A detailed calendar of aftercare measures to be undertaken for a period of 5 years following the completion of the development;
- g) A detailed calendar of ecological monitoring to be undertaken on an annual basis, including the submission of results, for annual review to the Waste Planning Authority;
- h) Remedial actions in the event of habitat creation not succeeding within the approved timeframe or significant negative impact on amphibian populations;

The revised Ecological Management Plan shall be fully implemented as approved by the Waste Planning Authority.

Reason: In the interests of the local landscape and achieving beneficial biodiversity establishment and outcomes having regard to Policies 18, 20, 21 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

25. Plantings and translocations required by the above conditions shall be maintained during the aftercare period, such maintenance to include the following:
- a) Replacing plants which die or are lost;
 - b) Weeding to prevent the growth of plants being retarded;
 - c) Maintaining protective fences around tree and shrub planted areas in good condition.
26. Within 9 months of the date of this permission the site operator shall submit to the Waste Planning Authority, a survey and subsequent recommendations for grazing management on the Habitat Compensation Area to maintain its ecological value, that has been undertaken by a suitably qualified ecologist during the period of 1 June – 31 July 2019. The recommendations of the report shall be implemented as agreed in writing by the Waste Planning Authority.

Reason: To ensure proper management of the site Habitat Compensation Area having regard to Policies 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

27. Before 30 November of every year during the aftercare period, an annual meeting shall take place between the landowner or their appointed representative and subsequent to this an Aftercare Management Report shall be submitted to the Waste Planning Authority recording the restoration and

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aftercare operations carried out on the land during the previous 12 months and setting out the intended aftercare actions for the next 12 months.

Reason: To ensure restoration and habitat creation maximised biodiversity and is in accordance with agreed objectives having regard to Policies 18, 20, 21 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 4 of the North Northamptonshire Joint Core Strategy (July 2016).

28. Except as otherwise agreed in writing by the Waste Planning Authority and except as required by Condition 29, all buildings, structures, plant, machinery, bunds, fences and hardstandings, including the haul road, on the application site, shall be removed from the site by the completion date under Condition 5.

Reason: To ensure removal of plant, machinery and buildings following restoration having regard to Policies 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Water Resources & Flooding

29. The development hereby permitted shall be undertaken and maintained in accordance with the Flood Risk Assessment by Abington Consulting Engineers (dated August 2008) submitted with application ref. no. 08/00067/WAS as amended by the Surface Water Drainage Proposals by Abington Consulting Engineers dated 9 July 2014 discharged pursuant to condition 33 of permission ref. no. 08/00067/WAS.

30. During the aftercare period, temporary drainage works and infrastructure (e.g. ditches, watercourses, settling lagoons) shall be carried out as necessary to prevent soil erosion, flooding of land within or outside the site, or the erosion or silting up of existing drainage channels within or outside the site. All works and infrastructure shall be maintained so as to be fit for its purpose during the aftercare.

Reason for conditions 29 & 30: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site having regard to Policies 18 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 5 of the North Northamptonshire Joint Core Strategy (July 2016).

Proximity Principle

31. All waste materials to be imported to the site shall originate from sources within a 20 mile radius of the site.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interest of self-sufficiency and sustainability having regard to Policy 19 of the Northamptonshire Minerals and Waste Local Plan (July 2017).

Monitoring

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32. 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. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.
33. The operating company shall keep consignment note and waste transfer note records relating to materials imported to, stored on or taken away from the site and this shall include the quantity of waste received by weight and its source and the number of HGV movements to and from the site. These records shall be provided to the Waste Planning Authority within seven days of a written request.

Reason for conditions 32 & 33: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 11 and 25 of the Minerals and Waste Local Plan (2014) and to ensure that waste materials are dealt with close to their source in accordance with Policy 19 of the Minerals and Waste Local Plan (July 2017).

POSITIVE AND PROACTIVE STATEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant development plan policies, material considerations, consultation responses, any valid representations that may have been received, and discussing changes to the proposal with the applicant/agent. The applicant has been sent a draft copy of the planning conditions. This approach has been taken in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date 24th September 2018 Signed 

For Assistant Director of 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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