



**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and address of applicant**

Mick George Ltd  
6 Lancaster Way  
Ermine Business Park  
Huntingdon  
PE29 6XU

**Name and address of agent (if any)**

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**Part I - Particulars of application**

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**Date of Application**

10 January 2017

**Application No.**

**NCC Ref:** 17/00003/WASVOC

**KBC Ref:** KET/201/0032/NCC

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**Particulars and location of development**

Variation of Condition 39 (Restoration Scheme and Landscaping Scheme) of planning permission 11/00047/WAS at Rushton Landfill Site, Oakley Road, Rushton, Kettering, Northamptonshire, NN14 1QS.

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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:-

**Time Limit**

1. The development hereby permitted commences upon the date of the permission (25 April 2017).
2. This consent supersedes, consolidates and updates planning permission ref. nos. KE/89/0714, 08/00101/WAS and 11/00047/WAS.

**Reason for conditions 1 and 2:** For the avoidance of doubt.

**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

3. This planning permission shall only relate to the area edged in red on submitted drawing R14/11/801 Rev A with application ref. no. 11/00047/WAS, for the infilling and restoration of Rushton Landfill Site.
4. 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shall be carried out in accordance with the documents approved under planning permission 08/00101/WAS except where superseded by the following documents submitted with planning application ref. no. 11/00047/WAS:

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
	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 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 for conditions 3 and 4:** To define the scope of the permission and in the interest of clarity.

5. 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.

### Waste Disposal and Clay Extraction

6. Materials to be deposited at the site shall be restricted to asbestos, non hazardous and inert waste and shall exclude radioactive waste.
7. 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.

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**Reason for conditions 6 and 7:** To define the scope of the permission and in the interest of clarity.

### Hours of Working

8. 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.
9. 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 8 to 9:** To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to amenity in accordance with Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### Site Access, Lorry Routing, Wheel Cleaning and Vehicle Sheeting

10. The access (including associated signage) to the site from the public highway shall be constructed, laid out and maintained in accordance with plan/drawing ref. no. 12066-08 (Site Access Improvements dated Jan 2012) submitted pursuant to conditions 9 and 13 of planning permission ref. no.11/00046/WAS, and shall be the sole vehicular access in association with this development for the duration of the development.
11. All Heavy Goods Vehicles shall be routed in accordance with the submitted Heavy Goods Vehicle Routing Plan by David Tucker Associates (received 21/10/2011) accompanying planning application ref. nos. 11/00047/WAS 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. 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.
14. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

**Reason for conditions 10 to14:** In the interests of highway safety and local amenity in accordance with Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### Design

15. Unless otherwise approved in writing by the Waste Planning Authority, no fixed buildings, structures (including perimeter fencing), plant or machinery shall be

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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 Policies 22 and 25 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Odour, Noise and Dust**

16. 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) submitted with planning application ref. no. 11/00046/WAS, unless otherwise agreed in writing with the Waste Planning Authority.
17. 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.
18. 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.
19. Traffic management operations at the site shall be controlled to ensure that all Heavy Goods Vehicles are routed to minimise reversing manoeuvres.
20. 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 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.
21. 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.
22. No blasting of minerals shall be undertaken on site.

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**Reason for conditions 16 to 22:** To protect the interests of local amenity in accordance with Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Stockpile Heights**

23. 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 Policies 22 and 25 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Lighting**

24. 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 Policies 22 and 25 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Soil Handling**

25. Soil handling, storage and replacement during operations and restoration shall be undertaken in full accordance with the scheme approved by the Waste Planning Authority on 13 August 2012 to discharge condition 26 of permission ref. no. 11/00046/WAS at Rushton Landfill Site.

**Reason:** To prevent damage to soils having regard to Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Landscaping and Biodiversity**

26. Planting along the Station Road boundary of the site and hedgerow improvement works shall be implemented and maintained in full accordance with the scheme approved by the Waste Planning Authority on 13 August 2012 to discharge conditions 28 and 29 of permission ref. no. 11/00046/WAS at Rushton Landfill Site.

27. 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 be 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.

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

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**Reason for conditions 26 to 28:** 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 24, 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Water Resources & Pollution Control**

29. 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.
30. 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.
31. 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 29 to 31:** To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to Policy 22 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

### **Restoration**

32. 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 Final Restoration Scheme drawing no. R14/16/R/01 (dated 05/10/2016).
33. 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.
34. 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

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twelve months prior to the date in condition 36 or as part of the scheme required under condition 35, whichever is the sooner.

**Reason for conditions 32 to 34:** To ensure appropriate restoration having regard to Policy 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

35. 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.

**Reason:** To safeguard landscape character having regard to Policies 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

#### **End Date**

36. The development hereby permitted shall be fully restored in accordance with the Final Restoration Scheme drawing no. R14/16/R/01 (dated 05/10/2016) and the letter from Mick George Limited dated 10 October 2016 by 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 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

#### **Aftercare**

37. The phased landscaping, restoration and aftercare scheme detailed in the Final Restoration Scheme drawing no. R14/16/R/01 (dated 05/10/2016) and the letter from Mick George Limited dated 10 October 2016 to Northamptonshire County Council shall be fully implemented, unless subsequent amendments are previously agreed in writing by the Waste Planning Authority. Aftercare shall be for a period of 5 years from the date upon which restoration and landscaping is complete.
38. 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 37 and 38:** To ensure appropriate restoration and aftercare having regard to Policies 25 and 28 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

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## Monitoring

39. 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 used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.
40. 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.

**Reason for conditions 39 and 40:** To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policies 1 and 11 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

## Catchment Area

41. 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.
42. 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 44).

**Reason for Conditions 41 and 42:** 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 Policies 12 and 13 of the Northamptonshire Minerals & Waste Local Plan (October 2014).

## INFORMATIVES

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 requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage bylaws.

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 EA for advice regarding their requirements.

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

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Agriculture, Fisheries and Food.

## POSITIVE AND PROACTIVE MANNER 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, all material considerations, consultation responses and any valid representations that may have been received. The applicant has been sent a draft copy of the planning conditions. This approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date 25<sup>th</sup> April 2017 Signed 

For Assistant Director of Environment,  
Planning and Transport

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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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