



**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)**

Mrs Jenna Conway  
Heaton Planning Ltd  
9 The Square  
Keyworth  
Nottingham  
NG12 5JT

**Part I - Particulars of application**

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**Date of Application**

19 April 2018

**Application No.**

**NCC Ref:** 18/00016/WASVOC

**WBC Ref:** KET/2018/0345/NCC

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**Particulars and location of development**

Variation of condition 21 (End Date) of planning consent ref. 08/00082/WAS to extend the end date at Long Drowpits Gullet, A43 Weekley Wood Lane, Weekley, Northamptonshire

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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:-

**Note: This consent supersedes, consolidates and updates the previous planning permission for the site which was granted, reference 08/00082/WAS.**

**Commencement**

1. The development (subject of application ref. no. 18/00016/WASVOC) hereby permitted has commenced.

**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.

Reason: 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.

### Scope of Planning Permission

2. This planning permission shall relate to the area outlined in red on the plan of GP Planning Ltd GPP/BP/LD/08/02, dated 02/04/2008, hereafter referred to as "the site", and also the adjoining vegetation compensation areas referred to in the restoration strategy required by conditions of this permission. The waste development hereby permitted shall only be carried out within "the site" in accordance with the following approved documents and plans:

- Application Forms dated 29 March 2018;
- Planning Statement dated January 2018;
- Revised and Updated Ecological Management Plan dated September 2018;
- Drawing No. GPP/BP/LD/08/01 Site Location Plan;
- Drawing No. GPP/BP/LD/08/02v1 Site Plan;
- Drawing No. 9017/PHASE3MINRLWP Long Drowpits Phase 3 Working Plan;
- Drawing No. 9017/PHASE3ISO Long Drowpits Phase 3 Fill Contours From Existing;
- Drawing No. 9017/PHASE3DI4vB Long Drowpits Phase 3 Existing Contours and Site Limits; and
- Drawing No. 9017/PHASE3FL Long Drowpits Phase 3 Proposed Finished Contours.

Reason: To define the area of the site and in the interest of clarity.

### Type of Waste

3. No materials shall be deposited on the site other than soils and those of a dry inert non-special nature, comprising topsoil, subsoil, rubble, hardcore, concrete, clay and the like.

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

### Hours of Working

4. Except as may otherwise be agreed in writing by the Waste Planning Authority, site preparation, tipping, levelling and restoration operations and any associated activities shall be restricted between the hours of 0700 hours and 1800 hours on Mondays and Fridays and 0700 hours and 1300 hours on Saturdays, with no such operations being carried out on the site on Sundays or Public Holidays.

Reason: To ensure that the operation of the site is carried out within reasonable hours in the interests of the amenities of the area as a whole, and in accordance with Policy 18 of the NMWLP (2017).

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## Access and Highway Safety

5. The sole vehicular access to the site shall be gained via the A6003 and via the route indicated on the applicant's plan received at the Waste Planning Authority on 16<sup>th</sup> June 1997, in association with planning application KE/97/405C.
6. The highway safety measures (road signs and markings) required pursuant to conditions contained in planning permission KE/97/405C, as listed in Schedule 1 of that consent and attached to this permission, shall be maintained and/or replaced as necessary during the period of this permission.
7. Any damage to the verge around the entrance to the site during the life of the development shall be made good.
8. Upon completion of the restoration operations or the end date referred to in the conditions of this permission, whichever is the sooner, the vehicular access and haul route shall be reinstated in accordance with a scheme to be submitted to and agreed in writing by the Waste Planning Authority.

Reason for conditions 5 to 8: In the interests of highway safety, to ensure the access is satisfactorily restored, and in accordance with Policy 18 of the NMWLP (2017).

## Wheel Cleaning

9. All operational vehicles leaving the site shall be free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety, and in accordance with Policy 18 of the NMWLP (2017).

## Prevention of Pollution

10. Any facilities above ground for the 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.

Reason: To prevent contamination of the site, in the interests of the amenities of the area as a whole, and in accordance with Policy 18 of the NMWLP (2017).

## Noise and Dust

11. 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.

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12. All plant, equipment and machinery, including vehicles shall, where capable, be fitted with silencers, baffles, cladding or rubber linings, and be maintained so as to reduce noise to a minimum and operated in accordance with manufacturer's instructions.

Reason for conditions 11 and 12: In the interests of the amenities of the area as a whole, and in accordance with Policy 18 of the NMWLP (2017).

### **Ecological Management Plan**

13. The development shall be implemented in accordance with the approved Revised and Updated Ecological Management Plan dated September 2018 (Report No. E1297R5/V4/2018), including monitoring, aftercare and long term management.

Reason: To make appropriate provision for the management of natural habitat relating to the approved development in the interests of biodiversity having regard to Policies 20 and 21 of the NMWLP (2017).

### **Restoration**

14. Except as may be otherwise agreed in writing by the Waste Planning Authority, the finished ground levels shall be in accordance with the submitted plan titled '9017/PHASE3FL – Proposed Finish Contours'.
15. In the event that the site will not be completed by the specified end date of this permission to the levels detailed in drawings supplied with this application (9017/PHASE3FL, 9017/PHASE3ISO and 9017/PHASE3MINRLWP), amended restoration plans shall be submitted for agreement in writing by the Waste Planning Authority. The amended scheme incorporating any alterations the Waste Planning Authority may require shall be implemented and completed by the specified end date.
16. Unless otherwise agreed in writing by the Waste Planning Authority, the area shall be restored and progressively covered with soils as tipping proceeds to a depth of not less than one metre. This one metre covering shall be kept free of materials likely to interfere with final restoration and subsequent re-vegetation and shall be ripped (rooted) as necessary to relieve compaction. Any stones or other materials which would impede subsequent re-vegetation operations shall be removed or buried on site to a depth of at least one metre.
17. The tipped areas shall be restored to conform with the contours of the surrounding land, with natural drainage to the perimeter of the site without ponding or backfalls; and any ditches, fences, hedges, gates, field drains and water supplies disturbed during operations shall be provided on resoiling.
18. The entire length of the newly planted and existing hedgerow located to the west of bridleway GL15 shall be maintained at a size and height so as to minimise shading of the bridleway.

Reason for conditions 14 to 18: To enable flexibility in restoration levels, while ensuring the area is restored to an appropriate standard to ensure successful

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re-vegetation, while ensuring the amenity of the surrounding area is maintained in accordance with Policy 18 of the NMWLP (2017).

### **Aftercare of Plantings**

19. All plantings and translocations undertaken as part of the development shall be maintained during the aftercare period, including:

- Replacing any plants which become diseased or die;
- Weeding to prevent the growth of plants being retarded;
- Maintaining any fencing to a rabbit-proof standard.

Reason: To ensure restoration is appropriate and in accordance with Policy 24 of the NMWLP (2017).

### **Buildings, Plant and Machinery**

20. All fixed and mobile buildings, plant and machinery and foundations shall be removed at such time or times as the Waste Planning Authority may determine that they are no longer required either for the purpose for which they were installed or for the rehabilitation of the worked out side.

Reason: In the interests of the amenity of the area as a whole, and in accordance with Policy 18 of the NMWLP (2017).

### **End Date**

21. The development hereby permitted shall cease not later than 31 December 2024 and the land shall be restored or reinstated by this date in accordance with the conditions of this permission. If within this period the tipping operations cease for a period in excess of three months or the use is otherwise discontinued for a similar period, the restoration conditions of this permission shall be carried out forthwith.

Reason: To ensure the restoration of the subject site is carried out within an appropriate time period, and in accordance with Policy 24 of the NMWLP (2017).

### **Catchment Area**

22. All waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site.

Reason: In the interests of sustainable waste management, and in order to comply with the catchment area in accordance with Policy 15 of the NMWLP (2017).

### **Monitoring**

23. 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 details information on the quantities and types of all waste materials brought on to the site for re-use, recovery, and disposal, together with an assessment of

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used and remaining capacity. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

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

Reason for conditions 23 and 24: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 10 of the NMWLP (2017).

25. A copy of the terms of this 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 ensure that the site manager can monitor the implementation of the conditions in accordance with Policy 25 of the NMWLP (2017).

## **POSITIVE AND PROACTIVE MANNER STATEMENT**

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **INFORMATIVES**

1. The applicant's attention is drawn to the informative comments made by the Wildlife Trust in their letter dated 3<sup>rd</sup> November 2008, attached to this permission.
2. The applicant's attention is drawn to the informative comments made by Natural England in their letter dated 5<sup>th</sup> November 2008, attached to this permission.
3. For the avoidance of doubt the drawings and documentation to which decision 08/00082/WAS refers are as follows:

Application Form and Supporting Statement – September 2008;  
Hydrological and Hydrogeological Investigation of the area surrounding a proposed extension to Long Drowpits Landfill, Kettering – January 2008;  
Landscape and Visual Impact Report;  
Restoration and Aftercare Scheme;

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Ecological Survey of Land at Long Drowpits, Kettering – undertaken by Greensand Trust Senior Ecologist Philip Irving, June 2008;  
Great Crested Newt Survey – Bioscan UK, July 2008;  
Flood Risk Assessment – Abington Consulting Engineers, October 2008;

Plans:

GPP/BP/LD/08/01	Site Location
GPP/BP/LD/08/02	Site Plan
9017/PHASE3D14	Existing Site Contours
GPP/BP/LD/08/10	Mitigation/Planting Plan

Landfill Plans:

9017/PHASE3FL	Proposed Finish Contours
9017/PHASE3ISO	Fill Contours from Existing (Isopachyte Contours)
9017/PHASE3MINRLWP	Long Drowpits Phase 3 Working Plan

Minerals Plan:

9017/PHASE3MINRL	Proposed Mineral Extraction
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- This development will require the variation of the existing Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency. The applicant is advised to telephone 01536 385194 to discuss the issues likely to be raised.
- The Northamptonshire County Council Highways Division have made the following comments regarding Public Rights of Way:

With respect to construction works to be carried out in close proximity to Public Rights of Way, please note the following standard requirements:

- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times.
- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by this office.
- Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer, standard examples can be provided.

- The applicant is hereby information that the general rule for width of bridleways is three metres. Any plantings should not encroach onto the bridleway.

Date 14<sup>th</sup> September 2018

Signed G. P. Watson

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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