

Heaton | Planning

Planning Consultants

**VARIATION OF CONDITION 21 OF PLANNING PERMISSION  
08/0082/WAS FOR AN EXTENSION OF TIME FOR THE  
COMPLETION OF RESTORATION UNTIL DECEMBER 2024**

**LONG DROWPITS, KETTERING**

**JANUARY 2018**



**MINERALS,  
WASTE & ENERGY  
DEVELOPMENT**



**EDUCATION &  
LOCAL AUTHORITY  
DEVELOPMENT**



**HOUSING &  
RESIDENTIAL  
DEVELOPMENT**



**COMMERCIAL &  
INDUSTRIAL  
DEVELOPMENT**



**RURAL  
DEVELOPMENT**



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### Drawings

#### Approved Drawings – Permission Reference 08/0082/WAS

Site Location Plan GPP/BP/LD/08/01

Site Plan GPP/BP/LD/08/02

Contours and Site Limits 9017/PHASE3DI4 Rev B

Proposed Finished Contours 9017/PHASE3FL

Fill Contours From Existing 9017PHASE3IS

Working Plan 9017/PHASE3MINRLWP

Mitigation/Planting Plan GPP/BP/LD/08/10 Rev 1

### Appendices

Ecological Management Plan - Document Reference E1297R5/V2/2017 dated November 2017

## **1 INTRODUCTION**

1.1.1 Heaton Planning has prepared an Application on behalf of Barton Plant to vary condition 21 of Planning Permission reference 08/0082/WAS to extend the time limit for restoration for a further 5 years (from the current end date of 2019) until 2024 at the Long Drowpits gullet (an extension of the former Weekley Wood landfill site), Kettering. This Planning Statement supports the Planning Application and should be read in conjunction with the submitted Planning Application forms and drawings.

## **2 BACKGROUND**

2.1.1 Planning permission was granted in 2002 for an extension to the Weekley Wood Hall land fill site into the Long Drowpits gullet (reference KE/01/597C). This allowed for the restoration of the Long Drowpits gullet by extending landfilling operations in an easterly direction. The application allowed for an extension to the end of the estate track and across the gullet, this is referred to as phase 2.

2.1.2 In 2008 planning permission was granted for a further eastern extension of landfill to the end of the gullet. This section is referred to as phase 3 (reference 08/00082/WAS). In addition to the extension, the application proposed amendments to the approved restoration contours for phase 2 (reference 08/00081/WAS) as well as extending the timescales for completion of the inert waste landfill. Condition 21 of this permission required the development to, 'cease not later than 1<sup>st</sup> December 2011 and the land shall be restored or reinstated by this date in accordance with the conditions of this permission'.

2.1.3 In 2012, planning permission was granted (reference 12/00068/WASVOC) to vary condition 21 of permission reference 08/00081/WAS to extend the time limit for restoration of phase 2 for a further 2 years. Condition 21 then required the development to cease, 'not later than 1<sup>st</sup> December 2014 and the land shall be restored or reinstated by this date in accordance with the conditions of this permission'.

2.1.4 Operations within phase 3 are permitted until the end of 2019 (8 years from the commencement of development (2011) as per the requirements of condition 21 – 08/00082/WAS).

2.1.5 The restoration of phase 2 requires the use of materials derived from the working of phase 3.

- 2.1.6 Barring the timescales, both phase 2 and phase 3 are controlled by planning permissions with largely similar conditions. Both areas are subject to an Ecological Management Plan (EMP), the most recent of which is dated April 2014 (Bioscan Report No. E12975R5/V1a) and reflects longer term timescales for restoration to be completed resulting from the economic downturn and lack of fill material.
- 2.1.7 The EMP sets out strategies to mitigate effects on protected species (specifically great crested newts and common reptile species). Any works affecting great crested newts are carried out under a license which has been issued by Natural England. The EMP contains a restoration strategy for phase 2 and 3 which includes a scheme and timetable for translocation and/or reinstatement of the key habitats of interest present in the phase 3 area and a post restoration and aftercare strategy including provision of a 10 year aftercare management strategy.
- 2.1.8 The overall restoration objectives were to ensure that there was no depletion in calcareous grassland habitat and to provide habitat conditions to meet the requirements of a target group of scarcer invertebrate species that are characteristic of calcareous grasslands in Northamptonshire.
- 2.1.9 Following review of submitted file notes detailing progress of the translocation of grassland on site, it was noted that there had been an area of unauthorised woodland planting carried out. This was raised with the Applicant and as part of an application to extend the timescales for restoration, a revised EMP was requested to regularize any unauthorised changes. This document now accompanies this application.

### **3 THE PROPOSED DEVELOPMENT**

- 3.1.1 This application seeks to vary the conditions pertaining to timescales for completion of restoration of phase 3 of Long Drowpits gullet. The current permissions tie restoration to an end date on 2019. However it is proposed to extend this for a further 5 years to the end of 2024.
- 3.1.2 In light of the recession and the slowing down of economic activity, Barton Plant has not progressed operations as far as it was intended when permission was granted. As a result, this application includes a revised EMP - updated to reflect current progress in restoration, regularization of any variances from the approved scheme and in regards to the timescales for implementing the restoration strategy (linking operational phases as opposed to specific dates). To confirm there are no variations

proposed to the permitted phasing/finished contour levels and the approved drawings governing the site are included with this application.

- 3.1.3 The current status of the site is that phase 2 has completed landfilling. Operations are between phase 3.1 and Phase 3.2, with phase 3.1 ready for landfill. The grasslands from phase 3.2 have yet to be translocated.

## **4 ADOPTED DEVELOPMENT PLAN POLICY**

### **4.1 Northamptonshire Minerals and Waste Local Plan - Adopted July 2017**

- 4.1.1 The following paragraphs summaries the most relevant Development Plan Policy.

- 4.1.2 The Northamptonshire Minerals and Waste Local Plan identifies Long Drowpits as a commitment for waste management and disposal (appendix 4). Paragraph 5.38 identifies that these commitments, 'confers a favourable status on these sites for a continuation of a waste use where this meets the intent of the Local Plan strategy and policies, and is also in accordance with national planning policy'.

#### Policy 12: Development criteria for waste management facilities

- 4.1.3 Policy 12 sets out the specific development criteria by which applications for waste development will be assessed against. Proposals for waste management facilities (including at existing facilities and extensions to existing facilities) must demonstrate that the development complies with the spatial strategy for waste management and promotes the delivery of Northamptonshire's waste management capacity requirements.

#### Policy 18: Addressing the impact of proposed minerals and waste development

- 4.1.4 Proposals for minerals and waste development must demonstrate that the development is acceptable and does not have adverse impact upon natural resources, key environmental designations or on residential amenity.

#### Policy 20: Natural assets and resources

- 4.1.5 Minerals and waste development should seek to achieve a net gain in natural assets and resources through the protection and enhancement of designated sites, green infrastructure, and biodiversity networks and through the delivery of wider environmental benefits, and contributions towards Biodiversity Action Plan targets for habitats and species.

#### Policy 24: Restoration and after-use

- 4.1.6 All minerals and waste related development of a temporary nature must ensure that the site is progressively restored to an acceptable condition and stable landform. The after-use of a site will be determined in relation to its land use context, the surrounding environmental character and any specific local requirements.

## **5 OTHER MATERIAL CONSIDERATIONS AND NATIONAL PLANNING GUIDANCE**

### **5.1 The National Planning Policy Framework (NPPF) – March 2012**

- 5.1.1 The NPPF advocates at paragraph 109 that new development should contribute to and enhance the natural and local environment by (inter alia):

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

## **6 AMENDMENTS TO THE APPROVED ECOLOGICAL MANAGEMENT PLAN**

- 6.1.1 Policy 24 requires the satisfactory restoration of minerals and waste development to an acceptable condition and stable landform. The general principles of restoration have already been established and approved through the grant of planning permission and this application seeks to extend the timescales for delivering the restoration strategy as well as updating the approved plans to reflect the circumstances on site. In order to do this, a revised EMP is enclosed at Appendix 1 (document reference - E1297R5/V2/2017).

- 6.1.2 The EMP has previously specified timescales for the initiating and completion of each phase of operations. Due to economic and operational circumstances, it has not been possible for Barton Plant to complete the works identified within the timescales that have been specified. However, there are no proposals to alter the sequencing of operations. In order to allow some flexibility for an operation so heavily influenced by market conditions and the supply of material, it is considered more practical to remove reference to the specific timescales identified but link restoration to the operations and relevant phases/stages.

- 6.1.3 In addition to the above, the EMP provides clarification in the form of updated drawings and restoration strategy to reflect the current circumstances on site and progress of the remaining worked and unworked parts of the Phase 3 area. No

variations are proposed to the approved schemes for translocation and/or reinstatement of the key habitats of interest within the Phase 3 area. A post restoration and aftercare strategy is also included for a 10 year term – other than in timescale, this is unchanged from previous revisions of the EMP.

## **7 PLANNING CONCLUSIONS**

- 7.1.1 The principle of development including the acceptability of restoration has already been established through the grant of planning permission. The only variance is an area of estate planting which has taken place adjacent to phase 2. In order to achieve the approved scheme, the Applicant requires additional time to complete infilling and restoration operations. This application seeks solely to vary the timescales for completion of infilling and restoration of phase 3 by a further 5 years (31<sup>st</sup> December 2024).
- 7.1.2 As the operation is sensitive to market influences and the amount of material is variable, the operators has not completed infilling and restoration in the timescales that were originally intended. As a result, the approved EMP has been updated to link the infilling and phased operation with restoration as opposed to being tied to specific timescales. To allow the WPA some control over monitoring it is proposed that the Company notifies them of commencement of a phase of operations and on completion. This would therefore regularize the current situation and ensure that the general restoration strategy is implemented including the establishment of the priority BAP Habitat.