

SHB/LMT/CIR.R.0274

1st May 2014

Anne Dew
Senior Development Officer
Kettering Borough Council
Municipal Offices
Bowling Green Road
Kettering
NN15 7QX

Dear Ms Dew

Storage of Stone Application KET/2013/0800
Conjunction with Truck Stop Permission KET/2010/0469

This letter on behalf of Rothwell Land Ltd sets out important additional material considerations in support of the current planning application at Rothwell. The submissions are made in circumstances where the Borough Council has formally requested an extension of time in which to determine the planning application. It is understood that this will be presented again to Committee Members for determination on 3rd June. We would ask that due regard is given to the following considerations:

1. Truck Stop Permission

- 1.1 My Clients are pleased to confirm that they have agreed in principle terms with an appropriate International Company to implement the Truck Stop. UK Board approval has been given and the ratification from the Main Board is expected in the next two weeks. Following the Main Board the programme for the details of implementing the scheme will be settled.
- 1.2 Whilst I am not authorised to release the Board Resolution of the UK Agreement until the European Board has agreed the terms I can nevertheless explain that my Clients anticipate that the relevant Agreement will be formally concluded in advance of the June Committee. Accordingly we will be in a position to confirm the Agreement and the relevant principles therein, to implement the Truck Stop Planning Permission before the Committee reconsiders the current application.
- 1.3 I can also confirm that a programme has been prepared and work is in hand to progress all the relevant conditions precedent.
- 1.4 The Council Officers in the Report to Committee on 8th April advised Members that this outline planning permission is an important material consideration. The Council now has important new evidence which demonstrates the progress now being made towards the implementation of the Truck Stop. Accordingly the temporary planning permission now sought for the storage of stone is to be considered in a context in which:
 - Northamptonshire County Council Highways have advised that there is a need for a strategic Truck Stop Facility on the A14

- The Borough Council officers have advised that there is a need to level the site for the authorised legal permission as a Truck Stop
- The Borough Council officers have advised that the use of crushed natural granite material in the development is acceptable
- The Applicants have confirmed that they have agreed terms with an International Company to implement the Truck Stop which is now being programmed to commence later this year.

2. Stock Pile Application

- 2.1 The stock pile application seeks planning permission for a temporary period and has been recommended for approval by officers.
- 2.2 The Applicants have reviewed the draft conditions and can confirm that the scheme will be implemented in accordance with the 14 conditions identified.
- 2.3 I can also confirm that my Clients will be willing and able to comply with the appropriate monitoring conditions so that it can be ensured that the material brought to the site is inert and not contaminated.
- 2.4 Members should therefore be aware that Condition 1 provides a belt and braces protection. The Applicants have confirmed their intention to implement the Truck Stop and have explained the progress now being made. Nevertheless Condition 1 provides absolute control if the Truck Stop were not to proceed contrary to the position we have described. This is because the condition can be enforced as follows:

Should the applicant not comply with the condition (i.e. to restore the land to its original condition 2 years from the date of the permission) the LPA could serve a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990. A Breach of Condition Notice requires recipients (i.e. the applicant/land owner) to secure compliance with the terms of a planning condition. Failure to ensure full compliance with the conditions and steps specified in the notice following the end of the stated period for compliance will mean that the person responsible (i.e. the applicant/landowner) will be in breach of the notice and guilty of an offence under Section 187A (8) and (9) of the Town and Country Planning Act 1990. Prosecution can subsequently be brought in the Magistrates Court for the offence of contravening a Breach of Condition Notice.

- 2.5 Council Members should also be aware that the Applicant has undertaken testing of the material which it is proposed to import. The analysis has been assessed by Borough Council officers and the Report to 8th April Committee advises:

“analytical testing has been carried out on samples of the material submitted as part of the scheme. The testing has found that the material contains no elevated levels of metallic, hydrocarbon or other screened organic compounds. On this basis, the testing work has concluded that the risk of the material to human health and the environment from the storage of the material on site can be considered very low. KBC’s Environmental Health Department have been consulted on this testing and have raised no objections. No objections

have been raised from the EA or the Wildlife Trust in respect of this testing. Subject to a condition restricting the material to be stored on site to that which has been tested from the Islip Furnaces site and not for any other material, it is not considered that any contamination will result to the site or the adjacent Slade Brook”.

Proposed Condition 12 will ensure that the stock piling proceeds on this acceptable basis.

- 2.6 I can confirm that the material to be imported via this permission will only be that which is approved and which is to be transferred from the site at Islip.
- 2.7 Finally it is also appropriate to explain that proposed Condition 10 will require a scheme of landscaping to be submitted. The grant of planning permission for the temporary stock piling, and its implementation, will therefore actually introduce advance planting before the Truck Stop scheme so that there will be a better opportunity for new landscaping on the site boundaries to start taking effect.
- 2.8 We are already working on draft landscaping schemes to discharge the relevant conditions on both schemes. There are 2 broad approaches and the details can be a combination of both.

We could use semi-mature trees at 3 metres high. There could therefore be an “instant” screen. We envisage some 50 (plus) trees around the site boundaries to the north and west at approximately 10 metre intervals.

Alternatively we have a scheme with a belt of trees some 1 metre high and approximately 5 metres deep. This scheme could provide some 250 trees which would provide a dense belt as they mature. In practice there is of course the opportunity to combine elements of both of these schemes in the details to be submitted to the Council.

- 2.9 The implementation of the Truck Stop scheme as is now explained and programmed for this year also directly addresses any concern expressed in relation to landscape impact since it is now clear that the current application is to be considered in the context of the forthcoming implementation of the Truck Stop scheme.

3. Conclusions

- 3.1 Borough Council Officers have recommended that planning permission be granted for the temporary stock piling of aggregate for 2 years.
- 3.2 The Applicants have agreed with the Borough Council an extended period for determination of the planning application in order to “explore how this application will be taken forward and reach a positive outcome”.
- 3.3 New material considerations are set out in this letter on behalf of the Applicants and it is confirmed that they have agreed terms with an International Company to implement the Truck Stop which is being programmed to commence later this year.

- 3.4 The Applicants now have the material available for the sub base which will be required to form the base layer for the levelling of the site for the lawfully permitted use of the Truck Stop.
- 3.5 It is confirmed on behalf of the Applicant that the temporary stock piling will proceed in accordance with the 14 conditions identified and it is explained how these provide belt and braces protection as well as securing the benefits of advanced landscaping.
- 3.6 Finally the material is now available and there is a pressing need for the grant of planning permission to allow the temporary use to commence.

For all the reasons outlined the Council is respectfully requested to grant planning permission subject to conditions as recommended by officers having regard to the new material considerations identified.

Yours sincerely



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Chairman

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cc: Peter Chaplin – Kettering Borough Council