

ENFORCEMENT NOTICE**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)

Enforcement Notice:

ISSUED BY: NORTHAMPTONSHIRE COUNTY COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the land detailed below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

Land to the South of the Harrington to Kelmarsh Road. (OS Grid Reference E47650, N27930) shown edged red on the attached plan "the land".

3. THE BREACH OF PLANNING CONTROL ALLEGED

The disposal of soils, road planings and other excavated material on the land for the purpose of waste disposal, thus constituting a change of use of the land without the benefit of planning permission.

4. REASONS FOR ISSUING THIS NOTICE

(i) It appears to the Council that the above breach of planning control has occurred within the last ten years.

(ii) The Council consider that should a planning application be submitted to regularise the development, then the Council would refuse the application because planning conditions could not overcome the planning objections to the development. The principal planning objections are as follows:-

(a) The tipped material does not need to be disposed of at the site as other suitable waste disposal sites exist in the locality. The tipped material cannot therefore be considered favourably against Structure Plan Policies WD2L and WD3, and the Policy W5 in the Pre-Deposit Structure Plan and the development is contrary to the requirements of the Pre-Deposit Draft Northamptonshire Waste Local Plan Policy WLP7(B). The tipped material also gives rise to visual intrusion which is contrary to Structure Plan Policy WD2E.

(b) The development would create an undesirable precedent which if permitted could make it more difficult to resist similar undesirable developments elsewhere in the county. A proliferation of similar small inert waste disposal sites in the County would in turn reduce the availability of inert waste arisings for the restoration of existing inert waste disposal sites, wide range of waste sites and minerals sites. This would delay or prevent restoration of existing sites and proposed sites which would have a harmful effect on the amenities and landscape in the localities of these sites. The potential landscape detriment would be contrary to the strategy of the Adopted Northamptonshire Minerals Local Plan and the objectives of the Pre-Deposit Draft Northamptonshire Waste Local Plan Policy WLP7(A) and Policy W5 of the Pre-Deposit Draft Structure Plan.

5. WHAT YOU ARE REQUIRED TO DO

The Council requires you to take the steps specified below within the timescales specified below in order for you to remedy the injury to amenity which has been caused by the breach of planning control.

Step 1: Cease the importation and deposit of waste materials onto the land.

Time for compliance with Step 1: The day on which this notice takes effect.

Step 2: Remove all the deposited waste material from the land to a licenced landfill site.

Time for compliance with Step 2: Before 4 weeks.

Step 3: Restore the land to the levels which existed prior to the importation and deposit of the waste materials on the land.

Time for compliance with Step 3: 4 weeks.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect ^{13th}~~13th~~ ^{October}~~October~~ 2000 unless an appeal is made against it before hand.

Dated: 11th September 2000

Signed:

Richard Dyer

On behalf of:

County Legal & Administrative Officer
Environment Directorate
Northamptonshire County Council
County Economic and Spatial Development
PO Box 163
County Hall
NORTHAMPTON
NN1 1AX

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before ~~13th October 2000~~ 13th October 2000. The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on ~~13th October 2000~~ 13th October 2000 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

