PLANNING PERMISSION

<table>
<thead>
<tr>
<th>Name and address of applicant</th>
<th>Name and address of agent</th>
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<tr>
<td>B J Reading and Son</td>
<td>GP Planning Ltd</td>
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<td>Manor Farm</td>
<td>Mill House</td>
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<td>Deene</td>
<td>Long Lane</td>
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<td>Corby</td>
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Part I - Particulars of application

<table>
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<tr>
<th>Date of Application</th>
<th>Application No.:</th>
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<tr>
<td>27th April 2009</td>
<td>NCC 09/00027/WAS</td>
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<td>District EN/09/00698/EXT</td>
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Particulars and location of development
Application to vary condition 15 of Planning Permission 07/0007/WAS.

Note:- Please see informative comments for comment on the changes to conditions from the 07/0007/WAS permission. Also the planning permission allowing extension of area is extant and detailed in planning permission NCC reference 08/00048/WAS - East Northamptonshire District Council reference EN/08/01066/NCC.

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:-

Commencement

1. The development to which this permission relates must be begun not later than three years from the date of this permission.

Reason: To allow a reasonable period for commencement in line with previous

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permissions for this development, whist conforming to 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. The development hereby permitted shall not exceed an annual throughput of 40,000 tonnes per annum and the waste materials to be processed shall be confined to biodegradable wastes of a non hazardous nature.

3. No composting operations shall take place on site outside the confines of the proposed scheme approved for this purpose and no loose waste materials shall be deposited or stored on adjacent areas.

Reason for Conditions 2 and 3: To define the scope of the permission and in the interest of clarity and to ensure the development is of a local waste facility scale having regard to Policy 4 of the Northamptonshire Waste Local Plan (WLP) and to control the amenity impacts of the development in accordance with WLP Policy 15.

Hours of Working

4. Except as may otherwise be agreed in writing by the Waste Planning Authority the operations involving the importation of waste, removal of processed compost or non-compostable waste and outside movement of wastes on site hereby permitted shall be restricted to between the hours of 07.30 and 18.00 on Monday to Fridays and 08.00 to 13.00 on Saturdays, with no operations on Sundays, Public, Statutory or Bank Holidays.

Reason: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to land users nearby. (Northamptonshire Waste Local Plan Policy 15).

Odour, Dust and Noise

5. Odour and dust shall be controlled in accordance with the scheme of control measures identified in the submitted planning application material including section 3.2 “Air Emission” from the GP Planning Ltd report entitled “Planning, Design and Access Statement” dated May 2007 (GP Planning report). Measures for the suppression of dust shall be implemented on the site. These measures shall include the use of water-spray facilities for damping operational areas and haul roads.

6. Noise shall be controlled in accordance with the scheme of control measures identified in the submitted application material including section 3.3 “Noise” (GP Planning report). All plant and machinery shall be noise attenuated and noise generated from operations on the site shall not exceed 55dB(A) Leq 1 hr free field at the nearest noise sensitive properties to the site as identified in the submitted application.

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7. In the event that complaints regarding, odour, dust, or noise are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint.

Reason: In the interests of the amenities of the area as a whole and nearby residential occupiers in particular and in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

Landscaping

8. The landscaping scheme shall be implemented in accordance the scheme submitted on 17 December 2007 and approved by the Waste Planning Authority, entitled 'Landscaping Scheme for Kirby Lodge in respect of Condition 8 of permission 07/00007/WAS' drawing ref GPP/BR/KL/07/03a.

9. Planting in accordance with the approved scheme shall take place in the planting season commencing in the autumn of 2009 and be complete within 6 months of that date, unless otherwise agreed in writing by the Waste Planning Authority. All plants shall be appropriately maintained for a period of 5 years following planting and any plant which dies or becomes diseased within this period shall be replaced in the following planting season.

Reason: To provide landscaping mitigation for visual effects and improved visual screening between the proposed development and surrounding properties, and to enhance existing east west ecological connectivity in accordance with policies 7 and 15 of the Northamptonshire Waste Local Plan (2006), and Policy 29 (Priorities for Enhancing the Region’s Biodiversity) of the East Midlands Regional Plan (2009).

Highways & Access

10. Unless otherwise submitted to and approved in writing by the local planning authority, the scheme for access improvements shall be in general accordance with the scheme submitted 10\textsuperscript{th} September 2008 consisting of the following plans:

- Site overview plan - drawing 07 revision P2
- New Access Road S278 Details - drawing 10 revision P8

The scheme as approved shall be implemented fully prior to the commencement of the development and there after maintained.

Vehicle Routing

11. No lorries or other heavy commercial vehicles based at or visiting the site shall travel along the minor roads (including through the villages of Gretton

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and Deene) leading to site unless to the delivery or collection point is at these locations.

**Reason for conditions 10 & 11:** To ensure transport requirements and access needs of the development will be accommodated in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

**Wheel Cleaning & Vehicle Sheeting**

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

13. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage, wind blow and nuisance odour.

**Reason for wheel cleaning & vehicle sheeting conditions:** In the interests of public amenity, highway safety and in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

**Consignment Note Records**

14. Consignment note records and waste transfer note records relating to materials imported to, stored on or taken away from the site shall be made available to the Waste Planning Authority upon request.

**Reason:** In the interests of waste management and quality accountability and in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

**Indicative Catchment Area**

15. All waste materials to be processed at the site shall originate from sources within a 30 mile radius of the site, unless expressly approved in writing by the Waste Planning Authority.

**Reason:** In order to: reflect the proximity principle and to minimize the transportation of waste from source and across waste planning authority boundaries; and the long term local nature of the facility; and in the interests of sustainability (Waste Local Plan Policy 1, 2, 4 and 18).

**Visual Amenity**

16. The external appearance, colour, and materials to be used in the construction of any new building permitted by this planning permission shall be in general accordance with details submitted to the Waste Planning Authority on 10th September 2008 see drawing number 20 revision P7, approved on 20th October 2008 plan and subsequent colour amendment to “Natural Grey” for the cladding and roofing in the “Marley Eternit” product range, unless otherwise approved in writing by the Waste Planning Authority. The

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development shall be constructed and maintained in accordance with the approved details.

**Reason:** To protect the interests of local amenity. (Northamptonshire Waste Local Plan Policy 15).

**Stockpiles and Windrows**

17. Stockpiles of composted materials shall not exceed 5 meters in height and compost windrows, shall not exceed 3 meters in height.

**Reason:** In the interests of visual amenity, and the impact on the environment, human health. (Northamptonshire Waste Local Plan Policy 15).

**External Lighting**

18. The lighting scheme shall be in accordance with the submitted application material (including section 3.10 ‘Lighting’ of the application report entitled “Proposed in-vessel composting plant and associated development” by GP Planning Ltd and dated May 2007) unless otherwise agreed in writing by the Waste Planning Authority. The scheme shall minimise the risk of light spillage beyond the operational areas and into the sky.

**Reason:** In the interests of visual and local amenity. (Northamptonshire Waste Local Plan Policy 15).

**Surface Water Drainage/Controlled Waters/Flood Risk**

19. Unless otherwise prior agreed in writing by the Waste Planning Authority, drainage works shall be undertaken in general accordance with the following documents provided 10th September 2008:

- The scheme by Canham Consulting entitled “Drainage Considerations for Composting Plant at Kirby Lodge, Corby, Northamptonshire for County Mulch Ltd”; and
- “Kirby Lodge Drainage Philosophy” project ref 14160 sheet 2 revision A
- Drawing entitled “Proposed Drainage Layout” ref 14160 no. 20 rev P7
- Drawing entitled “Lagoon & Drainage Details” ref 14160 no. 22 rev P4
- Drawing entitled “Proposed Sections” ref 14160 no. 05 rev P5

20. No infiltration of surface water drainage into the ground shall take place without the written consent of the Waste Planning Authority.

21. Details of the design (including location, dimensions and preventative flow mechanisms) shall be implemented in accordance with the plans listed in Condition 19 above, and thereafter the development shall be operated in accordance with the approved details.

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22. Details of overland flow routing on the site shall be implemented in accordance with the plans listed in Condition 19 above, and thereafter the development shall be operated in accordance with the approved details, unless otherwise prior agree in writing by the Waste Planning Authority.

23. The exact location and design of bunds shall be constructed in accordance with the approved details listed in Condition 19.

24. The development shall incorporate all of the mitigation measures set out in 'appendix 7' of the submitted planning application as amended by further information and marked revision 9 – August 2007, and any further details subsequently agreed in writing by the Waste Planning Authority in connection with conditions 19 – 24 (inclusive) of this permission.

Reason for Surface Water Drainage/Controlled Waters/Flood Risk conditions: To minimize the risk of pollution of controlled waters or flooding. (Policy 13 of the Northamptonshire Waste Local Plan (2006).

Protected Species

25. Operations that involve the destruction and removal of vegetation or buildings shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Waste Planning Authority, once a survey report has been submitted to establish that breeding birds will not be adversely affected.

26. Unless otherwise agreed in writing with the Waste Planning Authority, a bat survey shall be carried out in the summer following this decision and prior to demolition of any building on site. The survey shall be submitted to the Waste Planning Authority and shall establish the presence of bats or otherwise within the vicinity of the application site and identify mitigation measures to protect bats if required. The mitigation measures shall be carried out as agreed in writing with the Waste Planning Authority.

Reason for Protected Species conditions: In the interests of ecology and biodiversity and in accordance with policy 11 of the Northamptonshire Waste Local Plan (2006) and Policy 29 (Priorities for Enhancing Biodiversity) of the East Midlands Regional Plan (2009).

Reinstatement

27. In the event of the In-vessel composting operation ceasing for a period in excess of 6 months, the site shall be reinstated to an agricultural standard in accordance with a scheme to be submitted to the Waste Planning Authority and agreed in writing.

Reason: To ensure the proper reinstatement of the land to an agricultural standard in the event of the development ceasing and to safeguard public amenity. (Waste Local Plan Policies 15 and 16).

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Monitoring

28. Heavy Goods Vehicle movements associated with the development hereby permitted shall be recorded with details of the number of HGV vehicular movements, including the weight and category of waste delivered or collected.

29. The operators of the site 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 performance with catchment area controls (Condition 15) and as required by the above monitoring condition (Condition 28). Information of commercial sensitivity will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

Reason for monitoring conditions: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Waste Local Plan; the objectives of the National Waste Strategy for England 2007; and to contribute towards the requirements of Policy 27 of the Waste Local Plan.

Informative

1. The following bullet points summarise changes to conditions from the 07/0007/WAS permission:
   - commencement condition 1 – construction works were well underway at the time of this application;
   - Condition 8 was previously discharged through the provision of landscaping plan GPP/BR/KL/07/03a provided 17 December 2007;
   - Condition 9 updating the previous requirement to implement planting the first planting season following approval of the planting scheme and given that bulk earthworks are complete, this condition has been amended to refer to the next planting season commencing in the autumn of 2009;
   - Condition 10 required provision of a detailed highway and access scheme that was subsequently provided and authorized, therefore this condition now refers to compliance with these plans (unless otherwise authorized);
   - Condition 15 as proposed by the subject application;
   - Condition 16 required provision of external appearance details for the building that have been provided and therefore the condition is amended accordingly;
   - Conditions 19, 21, 22 and 23 required the provision of a surface water drainage details that have been provided, and therefore the conditions are amended accordingly;
   - The previous ‘Archaeology’ Condition 25 was deleted as it was previously discharged through the provision and approval of a scheme entitled ‘Project Design for an Archaeological Watching Brief’ dated September 2008

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• Condition 27 unchanged;
• Conditions 28 and 29 are new conditions added to be consistent with the requirements being imposed on new waste facilities.

2. The extension of area remains unaltered, as detailed in planning permission NCC reference 08/00048/WAS and East Northamptonshire District Council reference EN/08/01066/NCC.

3. The applicant’s attention is drawn to the contents of:-
• The letter dated 21st August 2007 from the Environment Agency
• With regards to transportation, no works within the existing public highway may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an Agreement, under Section 278 of the Highways Act 1980. Full engineering, drainage, warning signs and constructional details will be required to process such an agreement. Any details submitted will be subject to a technical and safety audit that may result in changes to the details of the street and junction etc required to discharge the relevant condition above.

Summary of Reasons for Approval

The proposal has been considered against the Development Plan and other relevant material planning considerations such as Central Government guidance and policy in the Waste Strategy for England 2007 and it was found to support the Government objectives of diverting waste from landfill.

It is considered that the principle of the proposed development (which is for the amendment of a condition limiting imported waste to sources within a radius of 20 miles to a condition consistence with subsequent permissions that extends the limit to 30 miles unless otherwise approved in writing by the Waste Planning Authority): will contribute to a sustainable waste management system for Northamptonshire; provides improved effectiveness at diverting waste from landfill and accords with the Development Plan. In particular Northamptonshire Waste Local Plan (March 2006): Policy 1 (Principles for Waste Development); Policy 4 (Development of Local waste Facilities); Policy 18 (Composting); the North Northamptonshire Core Spatial Strategy Policy 13 (General Sustainable Development Principles); and East Midlands Regional Plan: Policy 29 (Priorities for Enhancing the Region’s Biodiversity) and 38 (Regional Priorities for Waste Management).

It is considered that the facility would contribute towards local countywide need and to regional self sufficiency and that the waste to be sourced could arise from outside Northamptonshire. Being mindful that the sustainability objectives in Policy 1 of the Waste Local Plan, it is considered appropriate to restrict the catchment area for the waste to a 30 mile radius of the site, unless expressly agreed in writing by the Waste

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Planning Authority.

There is no current Development Plan policy which stipulates this 30 mile catchment approach. However, emerging Minerals and Waste Development Framework (MWDF) indicates that a restriction of waste source exceeding a 30 mile radius from the site may be included within the distinctions between local / sub-regional facilities and full Regional Facilities which would have a catchment area of up to 50 miles.

The emerging approach in the MWDF currently has no legal planning weight and could be subject to change. However, given that it is being promoted in the emerging MWDF it would be reasonable to use this distance as appropriate and to regard the development as a local / sub-regional facility, unless or until it is subsequently changed. It enables a reasonable approach to be taken for the interpretation of the requirement under Policy 1 of the Waste Local Plan.

As a consequence the proposed amendment to the ‘Proximity Principle’ condition (See proposed Condition 15) provides a 30 mile radius limit from the source of the waste to the site.

The condition allows for some discretion to be agreed with the Chief Planning Officer should there be circumstances that warrant some wastes to come from a greater distance. Such as where the applicant wishes to service a waste contract that takes waste predominantly sourced within a 30 mile radius of the facility but may include an area further afield and where acceptable in consideration to the minimisation of waste transportation.

The development is also considered acceptable having regard to the North Northamptonshire Core Spatial Strategy: Policy 13 (General Sustainable Development Principles).

There were considered to be no additional local amenity impacts, therefore it is concluded that there are no justifiable reasons to refuse the application on amenity grounds.

Furthermore it is considered that there are no justifiable reasons for refusal having regard to other policies in the Northamptonshire Waste Local Plan 2006, particularly: Policy 8 (Traffic and Access).

In conclusion, the proposed variation of planning condition 15 is considered acceptable having regard to the Development Plan and there are no justifiable ground to refuse the application, therefore the application should be approved.

Date: 9th July 2009  
Signed  
For Chief Planning Officer

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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.


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