Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Material Change
3 Burystead Place
Wellingborough
NN8 1AH

Name and address of agent
GP Planning
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
30 December 2011

Application No.:
NCC: 11/00089/WAS
ENC: EN/12/00030/NCC

Particulars and location of development
Application 11/00089/WAS to vary condition 10 of planning permission EN/07/0051 to allow the receipt of green waste on Sundays and Bank and Public Holidays and for compost operations and receipt of waste for longer hours on Saturdays at Lowick Compost Site, Old Aldwincle Road, Lowick, Thrapston, NN14 3BL

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 planning permission EN/07/0051

In the interests of clarity the following is a list of conditions originally granted on planning permission EN/07/0051 with various amendments and updates to conditions reflecting planning permission 11/00089/WAS.

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.
**Commencement of Development**

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

*Reason:* To allow a reasonable period for commencement whilst 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 mineral development hereby permitted is restricted to the minor extraction (16,000 tonnes) of limestone aggregate only of which a maximum of 8,000 tonnes may be taken off site for sale. No other materials shall be removed from the site and the depth of excavation shall not exceed 4.0 metres.

   The development hereby permitted is restricted to the storage and composting of biodegradable green waste and wood waste only, and no other form of waste storage or processing shall take place on the site. Non biodegradable waste shall be stored in designated containers prior to removal from the site. These containers shall be covered when not in use.

*Reason:* To specify the scope of the permission, in the interests of clarity, to ensure compliance with Policy CS1 of the Northamptonshire Core Strategy DPD (May 2010) and to control the amenity impacts of the development having regard to Policy CS14 of the Core Strategy DPD (May 2010).

**Access and Highway Safety**

3. a) Except as may otherwise be agreed in writing by the Waste Planning Authority, (as a result of an alternative arrangement for a contribution to highway maintenance), prior to the commencement of the development hereby permitted a Section 278 (Highways Act 1980) legal agreement shall be entered into to secure provision for maintenance of the public highway.

   b) Prior to the commencement of the development hereby permitted, a minimum 10.5 metre kerb radii shall be provided on the southern side of the access point with Aldwincle road and within three months of the date of this permission further kerbing work for a minimum distance of 35 metres shall be undertaken on the opposite side of the highway to the access point on to the Old Aldwincle Road.

   c) Within three months of the date of this permission a scheme for signage to warn drivers of the use of the Aldwincle Road for access by Heavy Goods Vehicles shall be submitted for agreement in writing. The agreed scheme shall be implemented and maintained.

*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.
4. The access gradient shall not exceed 1 in 20 for the first 15 metres into the site from the highway boundary.

5. The existing gates(s) at the access point shall be hung to open inwards only and shall be set back along the Old Aldwincle Road such that 3 No. of the largest vehicles that will visit the site can wait clear of the highway while the gates are operated. Heavy Goods Vehicle access through the gate shall be managed to ensure that vehicles do not queue on the public highway.

Any gates at the access point shall be hung to open inwards only and shall be set back along the Old Aldwincle Road such that the largest vehicle that will visit the site can wait clear of the public highway when the gates are closed. Heavy Goods Vehicle access shall be managed to ensure that vehicles do not queue on the public highway.

6. All commercial traffic visiting and leaving the site shall be directed via Aldwincle Road to and from the A6116 junction to the south and a sign shall be erected inside the gateway to the public highway requiring all such vehicles to turn right into Aldwincle Road when leaving the site. Access to and from the western (village) end of Old Aldwincle Road to the A6116 shall be restricted to local farm traffic only.

**Reason for conditions 4 to 6:** To control the impacts of traffic utilising the site in the interests of highway safety and traffic amenity having regard to Policy CS14 of the Core Strategy DPD (May 2010).

7. a) The route of the public bridleway NH19 which follows the length of Old Aldwincle Road shall be kept clear, unobstructed and safe for users and no structures or materials shall be placed on the right of way. Any damage to the surface of the right of way shall be made good by the applicant (see Informative).

b) Within one month of the date of this permission a scheme proposals for suitable warning signs to be erected on the public Bridleway requiring commercial traffic visiting and leaving the site to give way to users of Bridleway NH19 shall be submitted in writing for approval. -and-The agreed signs shall be installed and maintained.

8. **Within one month of the date of this permission proposals for a second passing bay shall be provided on Old Aldwincle Road approximately midway shall be submitted in writing for approval. The scheme shall include proposals for signage to prohibit parking in the passing bays. The agreed scheme shall be installed and maintained between the entrance to the site and the access to the public highway.**

**Reason for conditions 7 to 8:** To safeguard the interest of users of the public highway having regard to Policy CS14 of the Core Strategy DPD (May 2010).

**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.
Wheel Cleaning and Vehicle Sheeting

9. All operational vehicles leaving the site shall be cleansed of mud and other debris and all waste transported to the site shall be securely sheeted to ensure that no mud, debris or waste materials are deposited on the public highway.

Reason: To ensure highway safety, satisfactory means of access to the highway and to safeguard the interest of users of the public highway having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Hours of Working

10. Except as may otherwise be agreed in writing by the Waste Planning Authority, the development hereby permitted and all operations relating thereto shall be restricted to between the hours of 07.00 and 18.00 Monday to Friday and 07.00 to 16.00 on Saturday with nil-working on Sundays and Bank and Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day) limited to the receipt and stockpiling of green waste between the hours of 07.00 and 13.00.

Reason: To ensure that construction works on site are carried out within reasonable hours so as to avoid disturbance to land users nearby, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Amenity Protection

11. All operations shall be carried out in such a manner and measures undertaken to ensure that any effects of noise, dust and litter are kept to an absolute minimum. More specifically:

a) During the permitted operational hours the level of noise emitted as a result of any activity or operations shall not exceed 55dB LAeq (1 hour) when measured at or recalculated as at a height of 1.2 metres above ground level and 3.6 metres from the facade of any residential property or other occupied building during any 30 minute period.

b) Provision shall be made for the suppression of dust, including the use of water spray facilities, as necessary.

Reason: To protect the amenity interests of the area as a whole and in particular for nearby residential occupiers having regard to Policy CS14 of the Core Strategy DPD (May 2010).

12. No floodlighting shall be installed or operated in the carrying out of the development.

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: In the interests of the visual and rural amenities of the area having regard to Policy CS14 of the Core Strategy DPD (May 2010).

13. The water storage lagoon shall be securely fenced and provided with safety warning notices.

Reason: To safeguard the interests of the general public having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Landscaping and Ground Modelling

14. Within 4 months of the date of this permission the ground-modelling works proposed on submitted Plan ASC.06.527A shall be commenced and the works shall be completed no later than 8 months from this permission date.

15. Within 3 months of the date of this permission full details of a scheme of landscaping shall be submitted to the Waste Planning Authority for approval. Such details shall incorporate the general principles indicated in the application submitted Plan GPP/SP/LC/01/06.

16. No ground-modelling, soil disturbance or storage of materials shall take place closer than 4m to the hedgerow. A minimum 4m “no plough zone” shall also be introduced as a buffer to protect new planting from agricultural damage and pesticides.

17. All of the subsequently agreed landscaping shall be carried out in the first planting season following its approval and shall be maintained and any trees or shrubs which die or otherwise fail within 5 years of planting shall be replaced with similar species.

The landscape planting undertaken in accordance with planning permission EN/07/0051 shall be maintained and any trees or shrubs which die or otherwise fail within five years of planting shall be replaced with similar species.

Reason: To ensure planting maximises screening benefits in accordance with agreed objectives having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

Restoration

18. In the event of the wood waste storage and composting process ceasing for a period in excess of 12 months all concrete hardstandings, buildings and other structures shall be removed and the land shall be restored in accordance with a scheme utilising the materials in the ground-modelling works, which shall be submitted to the Waste Planning Authority for agreement in writing. The agreed scheme shall be implemented within the timescales as approved.

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 safeguard amenity and landscape character should the development be temporary having regard to Policy CS14 of the Core Strategy DPD (May 2010) and Policy CMD8 of the Control and Management of Development DPD (June 2011).

Amenity Protection

19. The total number of vehicle movements associated with the development hereby permitted shall not exceed the following limits:
   - 40 movements [20 in and 20 out] per day (Bank and Public Holidays)
   - 20 movements [10 in and 10 out] per day (Sundays)

   No movements shall take place outside the hours of operation authorised in Condition 10 of this permission.

   The operating company shall keep records of vehicle movements on Sundays and Bank and Public Holidays and these records shall be provided to the Waste Planning Authority within seven days of written request.

Reason: To safeguard the interest of users of the public highway having regard to Policy CS14 of the Core Strategy DPD (May 2010).

20. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: To protect the amenity interests of the area as a whole and in particular for nearby residential occupiers having regard to Policy CS14 of the Core Strategy DPD (May 2010).

21. Composting windrows shall not exceed three metres in height and any other stockpiles shall not exceed four metres in height.

22. Prior to the erection of any buildings, details of their design, materials and location on the site shall be submitted to and agreed in writing by the Waste Planning Authority.

23. Any buildings subsequently permitted are to be used only as an ancillary part of the principal development permitted by this permission and for no other purposes whatsoever. The buildings shall be removed in the event of the cessation of composting operations (see condition 18).

Reason for conditions 21 to 23: In the interests of the visual and rural amenities of the area having regard to Policy CS14 of the Core Strategy DPD (May 2010).

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.
24. In the event that complaints regarding odour, noise, lighting or dust (including bioaerosols) are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures and works to be undertaken shall be submitted to the Waste Planning Authority no later than five working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Waste Planning Authority.

**Reason:** To protect the amenity interests of the area as a whole and in particular for nearby residential occupiers having regard to Policy CS14 of the Core Strategy DPD (May 2010).

**Catchment Area**

25. Within one month of the date of this permission an indicative plan outlining the intended catchment area for waste sources for treatment at the facility, in line with the further information provided by the applicant to the Waste Planning Authority on 28 February 2012, shall be submitted to the Waste Planning for approval in writing.

26. The operating company 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 compliance with the indicative catchment area plan (condition 25).

**Reason for conditions 25 to 26:** To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to Policy CS9 of the Core Strategy DPD (May 2010) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Core Strategy DPD (May 2010) and Policy CMD14 of the Control and Management of Development DPD (June 2011).

**Monitoring**

27. 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, detailed information on the quantities and types of all waste materials brought onto the site for re-use, recovery and sent for disposal. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

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

**Reason for conditions 27 to 28:** To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Core Strategy DPD (May 2010) and Policy CMD14 of the Control and Management of Development DPD (June 2011).

**INFORMATIVES**

1. 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 operations. 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, under s131 HA1980.
   - As a result of the development the Right of Way needs to be closed a Traffic Regulation Order will be required for surfacing works. An Application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks notice is required. [www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/tempsbos.aspx](http://www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/tempsbos.aspx)
   - Any new path furniture (e.g. gates preferred over stile) needs to be approved in advanced with the Access development Officer, standard examples can be provided.
   - Please do not rely on the position of features on site for an accurate position of the public rights of way. This must be taken only from the Definitive Map and Statement 2010.

Date: 15th March 2012

Signed

For Assistant Director of Environment and Planning

**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.
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.


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.