Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Material Change Limited
The Amphenol Building
Rutherford Drive
Wellingborough
NN8 6AX

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

Part I - Particulars of application

Date of Application
26 March 2013

Application No.
NCC Ref: 13/000221/WASFUL
ENC Ref: 13/00096/COC

Particulars and location of development
The installation of 2 leachate holding tanks at Kirby Lodge Composting Facility, Gretton Brook Road, Deene, Northamptonshire.

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:-

1. Commencement

The development hereby permitted shall be begun before the expiry of three from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

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2. **Scope of the Permission**

Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

- Application forms dated 27 February 2013
- Site Layout Plan Ref GPP/MC/KL/13/03 Rev 2 dated 27 February 2013
- Site Plan Ref GPP/MC/KL/13/02 Rev 2 dated 27 February 2013
- End elevation drawing by Agraferm Technologies received 8 March 2013
- Leachate holding tank and bund plan by Agraferm Technologies received 8 March 2013

Reason: To specify the approved documents in the interests of amenity and flood risk having regard to Policy CS14 of the MWDF Core Strategy (2010).

3. **Protection of Existing Building**

Appropriate measures shall be undertaken to ensure the adjacent stone building as shown on Site Layout Plan Ref GPP/MC/KL/13/03 Rev 2 dated 27 February 2013 is retained undamaged. In the event of any damage being caused by the works hereby permitted the damage shall be repaired within three months of the completion of the works.

Reason: To ensure protection of the existing stone barn in accordance with Policy CMD8 of the MWDF Control and Management of Development DPD (2011).

4. **Flood Risk**

All of the built development hereby permitted shall be undertaken within Flood Zone 1.

Reason: To ensure that the existing capacity is maintained within the flood plain.

5. **Phasing**

Following the completion of the construction works hereby permitted surface water generated from the maturation pad shall be diverted into the tanks for storage prior to being transported off site in sealed tankers. Within three months of the tanks being commissioned no surface water from the maturation pad shall be stored in the existing lagoon.

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Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site having regard to Policy CS14 of the MWDF Core Strategy (2010).

6. **Landscaping**

Within one month of the completion of the development hereby permitted a revised landscaping scheme for planting to the north-west of the proposed tanks shall be submitted to the Waste Planning Authority for approval in writing. The approved landscaping scheme shall be implemented within the first available planting season following approval.

Reason: To minimise impacts on visual amenity and landscape character having regard to Policy CS14 of the MWDF Core Strategy (2010) and Policy CMD8 of the MWDF Control and Management of Development DPD (2011).

7. **Landscaping**

Trees and shrubs planted in accordance with the approved scheme (condition 6) shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To minimise impacts on visual amenity and landscape character having regard to Policy CS14 of the MWDF Core Strategy (2010) and Policy CMD8 of the MWDF Control and Management of Development DPD (2011).

8. **Hours of Construction**

The construction operations hereby permitted shall only be carried out during the following times:
- 07:30 to 18:00 hours Mondays to Fridays
- 08:00 to 13:00 hours Saturdays.

No operations shall take place on Sundays, Bank and Public Holidays.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

9. **Highway Safety**

All HGVs arriving at and leaving the site during the construction and operational phases shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris deposited on the public highway.

Reason: In the interests of amenity protection and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

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10. **Contaminated Land**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Waste Planning Authority for a remediation strategy detailing how this contamination shall be dealt with.

Reason: In the interests of human health and protection of the water environment in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010) and Policy CMD7 of the Control and Management of Development DPD (June 2011).

11. **Restoration**

Within six months of the tanks being commissioned (condition 5) a scheme for the remediation and restoration of the existing lagoon shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall detail the proposed measures and timescales for the remediation of any contamination and the planned restoration. The scheme as approved shall be implemented in accordance with the approved timescales.

Reason: To ensure the remediation of any contamination and the restoration of the land to an appropriate beneficial use in the event of human health and protection of the water environment in accordance with Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010) and Policy CMD7 of the Control and Management of Development DPD (June 2011).

12. In the event of the waste operations at the site ceasing for a period in excess of six months, the built development hereby approved shall be removed and the area reinstated to an agricultural standard in accordance with a scheme to be submitted in writing to the Waste Planning Authority for approval.

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 in accordance with Policy CS13 of the Northamptonshire MWDF Core Strategy (May 2010).

**REASONS FOR APPROVAL**

The proposed development will provide a new solution to the management of leachate and surface water from the maturation pad with the potential to reduce odour emissions with minimal impact on visual amenity and landscape character. There are no objections to the application by the statutory consultees and it is considered that there are no significant amenity or landscape issues which would justify refusal of the application. The development is considered to be acceptable having regard to Policy CS14 of the Minerals and Waste Development Framework Core Strategy DPD (2010), and Policies CMD8 and CMD10 of the MWDF Control and Management of Development DPD (2011).

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POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Responses on the submitted application have been considered by the Waste Planning Authority and conveyed to the applicant/agent and are addressed by conditions where appropriate.

The approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

INFORMATIVE

1. The applicant’s attention is drawn to the informative comments set out in the Environment Agency’s letter dated 16 April 2013 and included below:

   **Bund capacity**
   Few details have been provided on the bund capacity of the proposed leachate tanks. The secondary containment of the leachate tanks shall be impermeable to both leachate and water. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

   The bund shall be regularly inspected and cleared of rainwater to maintain capacity.

   Should you wish to discuss this matter further, please do not hesitate to contact Catriona Finch (Groundwater and Contaminated Land) on number 01522 785812.

   **Environmental Permit**
   The proposed development site is located within the current Environmental Permit boundary. The Environmental Permit holder will therefore need to update the current Site Management System and site layout plan of the Environmental Permit to reflect the changes that will occur as a result of the proposed development.

   The Permit holder should contact Jane Mossman (Environment Officer) on number 01536 385140 to discuss this matter further.

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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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