Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Material Change Ltd
The Ampherol Building
Rutheford Drive
Wellingborough
Northamptonshire
NN8 6AX

Name and address of agent (if any)
Mrs Gill Pawson
The Stables
Long Lane
East Haddon
Northampton
Northamptonshire
NN6 8DU
United Kingdom

Part I - Particulars of application

Date of Application
12 November 2013

Application No.

NCC Ref: 13/00086/WASFUL

ENC Ref: 13/01954/NCC

Particulars and location of development
Regrading of earth bund, the placement of inert material for storage purposes, retention of existing lagoon and provision of revised landscape scheme at Kirby Lodge Composting Facility, Gretton Brook Road, Deene, Corby, NN17 3ES

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 commence on the date of this permission (13 January 2014).

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

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.
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 5 September 2013
- Planning Statement Version 2 dated October 2013
- Site Plan reference GPP/MC/KL/13/12 Revision No. 2 dated 31 July 2013
- Landscaping and Maintenance Scheme dated August 2013 as amended by the changes dated 19 December 2013 received by the Waste Planning Authority on 23 December 2013
- Mitigation recommendations within the Conservation Constructions report dated 22 February 2013, reference P13/02/058

**Reason:** To specify the approved documents in the interests of landscape, ecology and amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010) and Policies CMD7 and CMD8 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

3. **Scope of the Permission**

Upon the completion of the recontouring operations, and in any event no later than six months from the date of this permission, the levels at the site shall comply with the contours as shown on the Proposed Contour Plan reference GPP/MC/KL/13/13 Revision No. 1 dated 31 July 2013. The operator shall notify the Waste Planning Authority in writing within seven days of completion of the recontouring operations.

**Reason:** To specify the approved documents in the interests of landscape, ecology and amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (2010) and Policies CMD7 and CMD8 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

4. **Scope of the Permission**

This storage of inert material hereby permitted only extends to the material currently stored on the field to the west of the operational in-vessel composting site. No additional material shall be imported to the site for storage.

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

5. **Landscaping**

The approved planting shall be undertaken within the first available planting season following the date of this permission and the landscaping scheme

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shall be implemented in full within 12 months of the date of this permission. The landscaping shall be maintained in accordance with the approved maintenance scheme, except as may be otherwise approved in writing by the Waste Planning Authority under condition 6 of this permission.

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).

6. Landscaping

An annual landscaping report shall be submitted in writing to the Waste Planning Authority by 31 December each year for five years from the date of this permission. Each report shall detail the planting and landscape maintenance work undertaken in the previous 12 months and set out the intended planting and landscape maintenance work proposed for the following 12 months. The proposed planting and landscape maintenance works as approved by the Waste Planning Authority shall be implemented in full.

Reason: To ensure appropriate implementation and maintenance of the approved landscaping having regard to Policy CS13 of the Northamptonshire MWDF Core Strategy (May 2010) and Policies CMD7 and CMD8 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

7. Landscaping

Trees and shrubs planted in accordance with the approved scheme (condition 5) 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).

REASONS FOR APPROVAL

The proposed development provides a solution to slumping of the southern bund and retains the excavated material on site. Subject to recontouring the storage of this material is acceptable in landscape and amenity terms and will have no negative impacts on ecology. Implementation of the revised landscaping scheme will help limit the impact of the site on the character of the area and address an outstanding compliance issue. Retention of the existing lagoon for flood relief is considered to be acceptable and should have no adverse impacts on amenity. There are no objections to the application by the statutory consultees and no representations have been received. 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 CMD7 and CMD8 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 protection given to Great crested newt and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981. It is an offence for anyone intentionally to kill, injure or disturb a great crested newt, to possess one (whether live or dead), or sell or offer for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by great crested newt for shelter.

Date: 13th January 2014

Signed: [Signature]

For Assistant Director of Environment and Planning

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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.

4. Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:

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