Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Loco Energy Ltd
28 Bedfordbury
London
WC2N 4BJ

Name and address of agent (if any)
Dallol Energy Ltd
New Hambleton Farm
Swainsea Lane
Pickering
North Yorkshire
YO18 8PW

Part I - Particulars of application

Date of Application
18th May 2016

Application No.
NCC Ref: 16/00020/WASFUL
ENC Ref: 16/01205/NCC

Particulars and location of development

Replacement of an industrial unit to house a Combined Heat and Power plant to convert Refuse Derived Fuel/Solid Recovered Fuel into energy pellets at Land at Upper Higham Lane, Rushden, Northamptonshire, NN10 0SU

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 and Compliance

1. The development hereby permitted shall be begun before the expiry of THREE YEARS 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.

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.
Scope of the Permission

2. 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:

Planning Documents

- Application Forms received 18 May 2016
- Planning Statement prepared by Dallol Energy received on 28 June 2016

Drawings

- Drawing No. CHLV-D-101-020 Revision 2
- Drawing No. CHLV-D-101-021 Revision 3
- Drawing No. CHLV-D-101-022 Revision 1
- Drawing No. CHLV-D-110-001 Revision 3 Sheet 1 of 4
- Drawing No. CHLV-D-110-001 Revision 3 Sheet 2 of 4
- Drawing No. CHLV-D-110-001 Revision 3 Sheet 3 of 4
- Drawing No. CHLV-D-110-001 Revision 3 Sheet 4 of 4
- Drawing No. CHLV-P-001-001 Revision 1

Technical Reports

- Ecological Assessment prepared by Ecological Planning, Design and Management dated August 2016
- Chimney Height Assessment dated April 2016 prepared by GF Environmental Limited
- Surface Water Proposals, ref. J2184, prepared by GTCE Griffin Toomes dated 5 August 2016

Reason: To specify the approved documents in the interests of amenity.

Waste Throughputs

3. The amount of imported commercial and industrial waste shall not exceed 50,000 tonnes per annum.


Waste Types

4. The development hereby permitted shall be restricted to the import, storage and processing of commercial and industrial waste. No hazardous waste or radioactive waste shall be imported to the site.

Reason: To restrict the waste types to those specified in the application in the interests of amenity and the environment having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

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.
Storage and Processing

5. No external processing or storage of waste including ash or pellets shall take place on site outside of the building hereby permitted.

Reason: In the interests of amenity protection having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Hours of Working - Operational

6. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) all deliveries/collections of waste shall be restricted to between the hours of 07:00 and 19:00 Mondays to Fridays, 07:00 to 13:00 Saturdays and with no such operations on Sundays or Public and Bank Holidays.

Reason: In the interests of amenity protection having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Hours of Working - Construction

7. Except as otherwise approved in writing by the Waste Planning Authority all external construction activities associated with the development hereby permitted shall be restricted to between the hours of 07.30 hrs and 17.30 hrs Mondays to Fridays and 08.00 hrs to 13.00 hrs Saturdays with no construction activities on Sundays or Public and Bank Holidays.

Reason: In the interests of amenity protection having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Building & Flue Stack

8. The development hereby permitted shall be built in accordance with the dimensions identified in the submitted application as indicated on Drawing Nos. Drawing No. CHLV-D-110-001 Revision 3 Sheet 1 of 4, Drawing No. CHLV-D-110-001 Revision 3 Sheet 2 of 4, Drawing No. CHLV-D-110-001 Revision 3 Sheet 3 of 4 and Drawing No. CHLV-D-110-001 Revision 3 Sheet 4 of 4.

Reason: In the interests of visual amenity and landscape protection having regard to Policies 22 and 25 of the Northamptonshire Minerals and Waste Local Plan(October 2014)

9. The replacement building shall be erected in accordance with the location identified on Drawing No. CHLV-D-101-021 Revision 3 and all external materials, colour and finishes shall be in accordance with those on the submitted application form unless alternative details are submitted to and

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.
approved in writing by the Waste Planning Authority. The development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of visual amenity and landscape protection having regard to Policies 22, 25 and 27 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

10. Prior to the erection of the flue stack, final details on the dimensions and design shall be submitted to the Waste Planning Authority for prior agreement in writing. The stack shall only be constructed and maintained in accordance with the details as may be agreed in writing by the Waste Planning Authority.

Reason: In the interests of amenity protection having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

HGV Movements

11. The total number of HGV movements associated with the operational phase of the development hereby permitted shall not exceed the following limits averaged over any calendar month period:

- 22 HGV movements [11 in and 11 out] per day

No HGV movements shall take place outside the hours of operation authorised in condition 6 of this permission.


Highways Safety and Access

12. All HGV vehicles approaching and leaving the site shall travel via Upper Higham Lane and the A6 Road to the north west of the highway access and no development shall take place until a Transport Plan and scheme for the routing for HGVs to and from the site has been submitted to the Waste Planning Authority for approval in writing. The plan shall include:

i. Monitoring of the approved arrangements;
ii. Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; and
iii. The disciplinary steps that will be exercises in the event of default.

The approved Plan should be implemented in full throughout the life of the permission.


Vehicle Sheeting/Mud on the Road

13. All operational vehicles arriving at and leaving the site shall be appropriately

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.
sealed so as to prevent material spillage, wind blow and dust nuisance.

Reason: In the interests of highway safety and local amenity having regard to Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

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

Reason: In the interests of highway safety and local amenity having regard to Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

**Noise**

15. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured background noise level LA90,T during the day time period at the nearest noise sensitive receptor. For the purpose of the assessment the authority will accept 07.00 –23.00 hours as covering the day time period. Prior to the commencement of the development, to demonstrate compliance a surrogate survey point shall be submitted and agreed in writing with the Waste Planning Authority that results in the criteria being met by calculation. The noise levels shall thereafter comply with the levels specified by this condition.

Reason: To protect the residential amenity of the locality having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

16. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound ) shall be at least 5dB below the existing measured background noise level LA90,T during the night time period at the nearest noise sensitive receptor. For the purpose of the assessment the authority will accept 23:00-07:00 hours as covering the night time period. Prior to the commencement of the development, to demonstrate compliance a surrogate survey point shall be submitted and agreed in writing with the Waste Planning Authority that results in the criteria being met by calculation. The noise levels shall thereafter comply with the levels specified by this condition.

Reason: To protect the residential amenity of the locality having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

**Surface Water Drainage**

17. No development shall take place until full details of the surface water drainage scheme for the site, based on the approved Flood Risk Assessment (prepared by GTCE Griffin Toomes, 5 August 2016) have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall
subsequently be implemented in accordance with the approved details. The details of the scheme shall include:

a) Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.

b) Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.

c) Demonstration that for events with a return-period in excess of 3.3% (1in30), exceedance flow routes are appropriately routed such that there is no residual risk to property and critical infrastructure.

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

18. No development shall take place until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Waste Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason: In order to ensure that the drainage systems associated with the development will be maintained appropriately and in perpetuity, to reduce the risk of flooding due to failure of the drainage system having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

External Lighting

19. No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Waste Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and details the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angles and luminaire profiles. In addition a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

Reason: In the interests of amenity, ecology, site security and sustainability having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

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.
Fire Risk Management

20. Within 3 months of the date of the permission, a Fire Risk Management Plan (FRMP) shall be submitted to and approved in writing by the Waste Planning Authority (see informative). The plan shall also include measures to mitigate the risk of fire associated with waste storage on the site. The plan shall be fully implemented and subsequently maintained, in accordance with the plan, unless any changes are subsequently agreed in writing by the Waste Planning Authority. In the event that any of the measures stipulated in the FRMP conflict with measures subsequently agreed as part of the Environmental Permit for the waste facility then the measures specified in the FRMP shall be superseded by the conflicting measures in the Environmental Permit.


Catchment Areas/Monitoring

21. Prior to commencement of development hereby permitted the operator shall submit to the Waste Planning Authority for approval in writing an indicative plan showing the intended catchment area for waste sources for treatment at the facility. The plan shall be in accordance with a sub-regional catchment. The annual report required by condition 20 shall incorporate such records that demonstrate compliance with the catchment area plan.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interest of self-sufficiency and sustainability having regard to Policy 23 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

22. 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 report shall include detailed information on the types, quantities and sources of all waste materials brought on to the site and taken off the site, including records of vehicle movements demonstrating compliance with conditions 11 and 21. The annual report shall also incorporate records that demonstrate compliance with condition 19. This information required by this condition shall also be supplied at any other time on request within the 12 month period by the Waste Planning Authority, within three weeks of a receipt of this request in writing.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 11, 13 and 29 of the Minerals and Waste Local Plan (2014) and to ensure that waste materials are dealt with close to their source in accordance with Policy 23 of the Minerals and Waste Local Plan (2014)

Complaints

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.
23. In the event that complaints regarding odour, noise, lighting and/or dust 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 for agreement in writing 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. The remedial measures agreed in writing shall thereafter be implemented and maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

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 based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date \[16-8-2016\] Signed \[M.B. Chunt\]

For Assistant Director of Environment, Planning and Transport

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.

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


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.