Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
B J Reading and Son
Manor Farm
Deene
Corby
Northamptonshire
NN17 3EJ

Name and address of agent
GP Planning Ltd
Mill House
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application
16th April 2008

Application No.:
08/00048/WAS / EN/08/01066/NCC

Particulars and location of development

Extension of the area for In-vessel Composting at Kirby Lodge, Corby.

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:-

Scope of the Planning Permission

1. The development hereby permitted is limited to the site realignment works as detailed in the application material including the surface water attenuation pond, access track and composting operation.

Reason: To define the scope of the permission and in the interest of clarity.

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.
Time Limit

2. The development to which this permission relates must be begun not later than 16th September 2010.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and link to the time period for the existing permission.

Archaeology

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Minerals and Waste Planning Authority.


Water Resources and Flooding

4. Prior to the commencement of development, a drainage strategy for the management of surface water runoff shall be submitted to, and approved in writing by the Minerals and Waste Planning Authority.

Reason: To ensure that flood risk to this or adjacent sites is not increased as a result of the proposed development and in accordance with Policy 13 of the Northamptonshire Waste Local Plan (2006).

INFORMATIVE

None

Summary of Reasons for Approval

The proposed development is considered to be acceptable and will not adversely impact upon the surrounding area and there are no significant environmental, amenity or highway safety issues which would justify the refusal of the application.

The proposed development is considered to acceptable in accordance with policies 1, 2, 4, 7-9, 12, 13, 15, 17 and 18 of the Northamptonshire Minerals Local Plan (2006).

Date: 27 August 2008

Signed:  

On behalf of the 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 of 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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APPENDIX 1 – CONDITIONS FOR REFERENCE APPLYING TO EXISTING PLANNING PERMISSION Ref NCC-07/00007/WAS District Ref EN/07/00984/EXT – Decision dated 17th September 2008

Commencement

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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.

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-compostible 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.

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.

Landscaping

8. Within three months of the date of this permission a comprehensive landscaping scheme shall be submitted to the Waste Planning Authority for its approval in writing. Details shall be provided of the location, numbers, types and species of trees and shrubs proposed to be planted and be in general accordance with the application material including plan reference GPP/BRS/KL/07/03 and section 3.1 of the application report “Proposed in-vessel composting plant and associated development” by GP Planning Ltd and dated May 2007.

9. Planting shall take place in the first planting season following the approval of the scheme and be complete within 12 months of that date. 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.

Highways/Access

10. Prior to the commencement of development works authorized by this permission a scheme for access improvements shall be submitted to and approved in writing by the local planning authority. This scheme shall include the following:

- Design details for the proposed access (layout, cross sections and long section) identifying maximum gradient
- Hard surface materials
- Means of drainage
- Maximum gradients
- Stopping up existing access points

The scheme as approved shall be implemented fully prior to the commencement of the development and thereafter 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 and Deene) leading to site unless to the delivery or collection point is at these locations.

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Wheel Cleaning and 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.

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.

Proximity Principle

15. All waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site.

Visual Amenity

16. Prior to the construction of any new buildings on site, external appearance, colour, and materials to be used in the construction of any new building permitted by this planning permission shall be submitted to the Waste Planning Authority for approval in writing. Upon approval, the development shall be constructed and maintained in accordance with the approved details.

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.

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.

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Surface Water Drainage/Controlled Waters/Flood Risk

19. Prior to the commencement of new construction works, a scheme for the provision of surface water drainage works taking into account the requirements and guidance of the Environment Agency in its letter dated 21st August 2007 (attached to this permission) shall be submitted to the Waste Planning Authority for approval in writing. The scheme as agreed shall be implemented forthwith following its approval and in accordance with the timescale agreed as part of the scheme.

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

21. Further details of the design (including location, dimensions and preventative flow mechanisms) of the pad and sump should be submitted to the Waste Planning Authority for approval in writing. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

22. Prior to the commencement of new construction works, details of overland flow routing on the site prior to, and after development, shall be submitted to the Waste Planning Authority for approval in writing. Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

23. Prior to the commencement of new construction works, a site plan detailing the exact location and design of bunds shall be submitted to the Waste Planning Authority for approval in writing. Upon approval in writing, the bunds shall be constructed in accordance with the approved details.

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.

Archaeology

25. At least 14 days notice of commencement of a soil stripping programme shall be given to the Mineral Planning Authority and the developer shall afford access at all reasonable times to archaeologists nominated by the Mineral Planning Authority who shall be allowed to observe the excavations and record items of interest and finds.

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Protected Species

26. 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.

27. 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.

Reinstatement

28. 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.

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