



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Corby Limited
c/o Icen Projects
Da Vinci House
44 Saffron Hill
London
EC1N 8FH

Name and address of agent

Mr Jon Wright
Icen Projects
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Part I - Particulars of application

Date of Application

14 August 2020

Application No.:

NCC Reference: 20/00047/WASFUL
Corby BC Reference: 20/00383/COC

Particulars and location of development

Formation of temporary construction compound with associated access in connection with the construction of the Energy Recovery Facility approved under planning permissions 19/00027/WASFUL and 20/00048/WASVOC.

Land east of Shelton Road, Willowbrook Industrial Estate, Corby NN17 5XH.

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

1. The development hereby permitted shall be begun within three years of the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

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

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, plans and mitigation measures:
 - Planning Statement 14-08-2020
 - Site Layout and Elevations 31-07-2020
 - Site Location Plan Rev P1 14-10-2020
 - Botanical Survey Report 14-08-2020
 - Construction Traffic Management Plan 14-08-2020
 - Ecological Summary 14-08-2020
 - Flood Risk assessment 14-08-2020
 - Hedgerow Report 14-08-2020
 - Otter Survey 14-08-2020
 - Preliminary Ecological Appraisal 14-08-2020
 - Preliminary Geo-Environmental Assessment 14-08-2020
3. The development hereby permitted shall be utilized solely in connection with the construction of the Energy Recovery Facility approved under planning permissions 19/00027/WASFUL and 20/00048/WASVOC at Shelton Road, Corby.

Reason for conditions 2 and 3: To define the scope of this permission and specify the approved documents and secure the mitigation measures set out in the interests of amenity and the environment having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Construction Management Scheme

4. Prior to the commencement of development a Construction Management Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The Construction Management Scheme shall include the relevant mitigation measures set out in the Environmental Statement and specify the provision to be made for the following:
 - a. Overall strategy for managing environmental impacts which arise during construction;
 - b. Measures to control the emission of dust and dirt during construction;

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- c. Control of noise emanating from the site during the construction period;
- d. Construction Plant Directional signage (on and off site);
- e. Provision for emergency vehicles;
- f. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
- g. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- h. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- i. Storage of plant and materials used in constructing the development;
- j. Measures for the protection of trees, shrubs and hedges; and
- k. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from construction works including confirmation of any material exports, routeing and deposition.

The approved Construction Management Scheme shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Construction Traffic Routeing Management Scheme

- 5. Construction traffic and associated HGV routeing relating to the construction compound shall be controlled in accordance with the submitted Construction Traffic Management Plan by Entran Limited dated August 2020.

Construction Traffic Management Plan

- 6. Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted which covers the following:
 - a) Detailed work programme / timetable.
 - b) Site HGV delivery / removal hours with these concentrated between 10.00 and 16.00 hours.
 - c) Detailed routeing for demolition, excavation, construction and abnormal loads.
 - d) Supply of pre-journey information on routeing and site restrictions to contractors, deliveries and visitors.

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- e) Detailed plan showing the location of on-site stores and facilities including the site compound, contractor & visitor parking and turning as well as un/loading point, turning and queuing for HGVs.
- f) Breakdown of number, type, size and weight of vehicles over demolition & construction period.
- g) Details of debris management including location of wheel wash, programme to control debris spill/ tracking onto the highway to also include sheeting/sealing of vehicles and dust management.
- h. Details of public impact and protection to include road, footway, cycleway and PRow. Details of TROs and road / footway / cycleway / PRow closures and re-routeings as well as signage, barriers and remediation
- i. Public liaison position, name, contact details and details of public consultation/liaison.
- j. Route details as required covering culverts, waterways, passing places, tracking of bends/junctions and visibility splays.
- k. Pre and post works inspection of the highway between points A and B as requested to identify remediation works to be carried out by the developer. Inspections are to be carried out in the presence of a member of the Highway Authorities Inspection team. To also include the removal of TROs, temporary signage, barriers and diversions
- l. Details of temporary construction accesses and their remediation post project.
- m. Provision for emergency vehicles.

The scheme as approved shall be implemented in full throughout the construction operations

Reason for conditions 4 and 5: In the interests of amenity protection and highway safety having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Hours of Working – Construction Phase and Deliveries and Collection

- 7. Except as otherwise approved in writing by the Waste Planning Authority all construction activities shall be restricted to between the hours of 07.00 and 19.00 Mondays to Fridays and 07.00 to 16.00 Saturdays with no construction activities on Sundays or Public and Bank Holidays

Site Access and Highway Safety

- 8. The sole vehicular site access shall be as identified on submitted Site Location Plan, drawing MSJ DWG No 220049-0101.
- 9. 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

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there is no nuisance dust and no mud or debris deposited on the public highway.

10. All HGVs arriving at and leaving the site during the construction and operational phases shall be sheeted or enclosed to prevent material spillage or wind blow. HGV's importing or exporting hazardous materials shall be within enclosed vehicles.

Reason for conditions 4 to 9; To safeguard amenity, the environment and highway safety having regard to Policy 18, of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Construction Environmental (Biodiversity) Management Plan

11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Waste Planning Authority. The CEMP (Biodiversity) shall include the following
 - a) Reptile method statement to cover site clearance and preparation.
 - b) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Waste Planning Authority.

12. Where the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within one year from the date of the planning consent, further ecological surveys shall be commissioned to i) establish if there have been any changes in the presence and/or abundance of otters and ii) identify any likely new ecological impacts

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that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

13. Operations that involve the destruction and removal of trees, shrubs, hedgerow and other vegetation shall not be undertaken during the months of March to August inclusive, unless an ecologist report is submitted to demonstrate that breeding birds and other protected species will not be affected and this has been submitted to and approved in writing by the Waste Planning Authority
14. Within four years of the date of this permission and prior to the reinstatement of the site an ecological restoration, enhancement and management scheme incorporating the recommendations in the submitted Botanical Survey (Design Strategies) shall be submitted to the Waste Planning Authority for approval in writing. The scheme as agreed shall be fully implemented and managed for a minimum aftercare period of five years.

Protection of Trees and Hedgerows

15. All trees, hedgerows and shrubs to be retained shall be protected from any development, including site clearance and the storage of earth and materials, by means of appropriate fencing in accordance with the provisions of the BS5837:2005. The fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Waste Planning Authority.

Reason for conditions 10 to 14: In the interests of biodiversity and landscape character and having regard to Policies 18, 20 and 21 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policies 4 and 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Land Contamination

16. Unless otherwise agreed by the Waste Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the recommendations in chapter 7 of

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report reference 20-0359.01 dated 24th July 2020 by Delta-Simons have been implemented and completed. Confirmation of completion shall be provided in writing to the Waste Planning Authority prior to works commencing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Informative: This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification).

17. In the event that unexpected contamination is found at any time when carrying out the development hereby approved, it must be reported immediately to the Local Planning Authority. Development works at the site shall cease and an investigation and risk assessment undertaken to assess the nature and extent of the unexpected contamination. A written report of the findings shall be submitted to and approved by the Waste Planning Authority, together with a scheme to remediate, if required, prior to further development on site taking place. Only once written approval from the Waste Planning Authority has been given shall development works recommence

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Informative: This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management' (or any guidance revoking and replacing this guidance with or without modification).

Landscaping and Hedgerow / Grassland Reinstatement

18. The hedgerow removed, or damaged as a result of this development shall be reinstated in the first planting season following the completion of use of the construction compound in accordance with a landscaping scheme for planting of trees, shrubs, hedgerows and species rich grassland (based on the Design Considerations in the submitted Hedgerow Report) with details of numbers, size, and species and species shall be submitted to the Waste Planning Authority for agreement in writing. The scheme as agreed shall be

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implemented in full in the first planting season following the completion of the plant construction works.

19. Trees, shrubs and hedges and grassland planted in accordance with the approved scheme 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, unless otherwise agreed in writing with the Waste Planning Authority. All landscaping shall be carried out in accordance with the landscaping scheme approved under condition 17 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

Noise

20. Noise levels arising from the operations at the site shall be controlled in accordance with BS 5228-2:2009+A1:2014 "Code of Practice for Noise and Vibration Control on Construction and Open Sites". The rating level (as defined in BS4142:2014+A1:2019) of noise emitted at the application site (fixed plant, deliveries, operational activities) shall be no more than 5 dB(A) above background levels during the day (0700-2300 hours) or night (2300-0700 hours) as measured or calculated 3.5m from the façade of any existing residential property at a height of 1.2 or 1.5m at the closest existing noise sensitive windows. The assessment period shall be one hour during the day and fifteen minutes at night at the nearest residential properties. The noise assessment and monitoring scheme in the Entran Technical Note E2589 Corby prepared by Sunil Patel dated 24 April 2020, submitted in connection with Planning Permission 19/00027/WASFUL, shall apply to this development. Any amendments required as a result of reduced traffic levels associated with Covid 19 to be submitted for approval in writing by the Waste Planning Authority)

Noise monitoring results shall be forwarded to the Waste Planning Authority within 14 days of measurement.

21. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with and use white noise reversing alarms. HGV's entering the site shall either be fitted with and use white noise reversing alarms, or other non-tonal alarms, or be routed and managed to minimise reversing manoeuvres.
22. No vehicle, plant, equipment or machinery used exclusively on site shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and machinery shall be maintained in accordance with the manufacturer's specification.

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Reasons for conditions 19 to 21: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Lighting

23. 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. This should be in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK by the Bat Conservation Trust and Institution of Lighting Professionals. The scheme shall also be designed having regard to planning out crime (see attached informative). 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 protection and landscape character having regard to Policies 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

Complaints Procedure

24. In the event that complaints regarding noise, odour or dust during construction phases are received by the Waste Planning Authority and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. A report on the findings, with (if necessary) proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures (if necessary) to be undertaken shall be submitted to the Waste Planning Authority no later than five working days from notification of the complaint to the operator, unless a later date is otherwise agreed in writing by the Waste Planning Authority. The approved remedial measures shall be implemented in full and thereafter maintained

Reason: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy 8 of the North Northamptonshire Joint Core Strategy (July 2016).

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Local Liaison Group

25. A Local Liaison Group shall be facilitated in accordance with the scheme submitted in connection with planning permission 19/00027/WASFUL. The scheme shall be amended prior to the first meeting to take account of Covid 19 public health and safety requirements, and submitted to the Waste Planning Authority for agreement in writing. The amended scheme shall thereafter be implemented in accordance with the agreed details.

Reason: To discuss and review the operator's current working practices and their future intentions and to monitor compliance with the Planning Permission in discussion with local community representatives and regulators having regard to Policy 25 of the Northamptonshire Minerals and Waste Local Plan (July 2017)

Cessation Date

26. The development hereby permitted shall be completed within five years of the date of commencement notified under condition 1 and the site shall be reinstated and restored in accordance with the conditions of this permission within six months of the completion date.

Reason: To ensure that the site is satisfactorily restored in the interest of the amenity, the environment, and biodiversity having regard to Policies 20 and 24 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policies 4 and 8 of the North Northamptonshire Joint Core Strategy (July 2016).

INFORMATIVE

Planning Out Crime

It is strongly suggested that the following recommendations are considered and if implemented will reduce any future likelihood of crime, disorder and anti-social behaviour occurring:


- It is acknowledged that the site perimeter is fully secured with 2.4m high fencing and that the internal northern and eastern boundaries are further secured with a 3m high bund.
- 24/7 Security guards should be considered.
- The site lighting needs to be agreed with regards the use outside of normal working hours.
- CCTV should be installed for both security during working hours and during times when not operational. It should be monitored by security personnel on site or remotely when activated.
- Intruder alarms should be installed to cover both the office complex and external stores holding vulnerable and desirable items. The alarm should have the means to summon an emergency response.

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The Crime Prevention Design Advisor would welcome the opportunity to discuss the above measures with the applicant along with any other prevention/detection issues.

POSITIVE AND PROACTIVE STATEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the application have been assessed against relevant Development Plan policies, the National Planning Policy Framework, the National Planning Policy for Waste and the National Planning Policy Guidance. The Waste Planning Authority has identified all material considerations; considered any valid representations received; liaised with consultees to resolve issues; and, progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This 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) Order 2015.

Date...29 January 2021..... Signed 

For Assistant Director of Environment,
Planning and Transport

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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 is available at <https://www.planningportal.co.uk/info/200207/appeals>*

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