



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant	Name and address of agent (if any)
T W Composting Kentle Wood House Browns Road Daventry NN11 4NS	Mr Christian Smith ICon Innovation Centre Eastern Way Daventry NN11 0QB

Part I - Particulars of application

Date of Application	Application No.
26 March 2018	NCC Ref: 18/00015/WASFUL DDC Ref: 18/2018/0332

Particulars and location of development

Bulking, storage, and transfer of dry-mixed recyclables and food waste at Kilsby Landfill Site, Daventry Road, Kilsby, Northamptonshire, CV23 8UW.

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 expiration 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 seven days of such commencement.

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. Temporary Permission

The development hereby permitted shall cease by 30th September 2019 by which time use of the site for the bulk, storage and transfer of kerbside collected waste (dry mixed recyclables and food waste) shall have ceased.

Reason: To ensure the temporary nature of the development is maintained in the interests of local amenity having regard to Policy 18 of the NMWLP (2017).

3. Scope of the Permission

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

- Application forms dated 9 March 2018;
- Planning Statement Version 3, dated 7 March 2017;
- Drawing No. GPP/SP/KIL/18/01 Rev 2 Site Location Plan;
- Drawing No. GPP/SP/KIL/18/02 Rev 4 Site Plan;
- Drawing No. GPP/SP/KIL/18/03 Rev 1 Site Layout Plan; and
- Flood Risk Assessment dated 7 March 2018.

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

4. The range of wastes that may be imported to, stored on, handled on and ultimately exported off site shall be solely confined to materials that are inert, degradable and putrescible in nature (including bonded asbestos). No hazardous wastes (with the exception of bonded asbestos, cathode ray tubes, refrigerators, fluorescent tubes and category 2 & 3 clinical waste) shall be permitted at the site.

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

5. The total amount of waste imported for recycling shall not exceed 12,000 tonnes per annum.

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

6. External stockpiles of materials shall not exceed 3 metres in height.

Reason: In the interests of visual amenity having regard to Policy 18 of the NMWLP (2017).

7. Maintenance of Highway and Access Road

No mud or debris shall be deposited on the public highway and the access road from the junction with the A361 Daventry Road shall be kept free of mud, dust and detritus materials to ensure that such material is not carried onto the public highway.

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Reason: In the interest of highway safety and safeguarding local amenity having regard to Policy 18 of the NMWLP (2017).

8. Vehicle Sheeting

All operational vehicles arriving at and leaving the site shall be sealed or sheeted to prevent material spillage, wind blow and odour nuisance.

Reason: In the interest of highway safety and safeguarding local amenity having regard to Policy 18 of the NMWLP (2017).

9. Hours of Working

Except as may otherwise be agreed in writing by the Waste Planning Authority, the development hereby permitted shall only be carried out during the following times:

- i. 07.30 to 17.30 hours Mondays to Fridays including public and bank holidays;
- ii. 08.00 to 13.00 hours Saturdays; and
- iii. No working on Sundays.

Reason: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to amenity having regard to Policy 18 of the NMWLP (2017).

10. Noise

a) Except as may otherwise be agreed in writing by the Waste Planning Authority all plant, equipment and machinery used on site, including vehicular traffic, shall be designed and maintained to reduce noise levels to a minimum and be operated in accordance with manufacturer's instructions.

b) All plant, equipment and machinery used on site, including vehicular traffic, capable of being fitted with the appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained.

Reason: To ensure that plant, equipment and machinery is adequately sound-proofed in the interests of the amenities of local residents having regard to Policy 18 of the NMWLP (2017).

11. Pollution/Waste Control

Any facilities for the storage of oils, fuels or chemicals shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected

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from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment having regard to Policy 18 of the NMWLP (2017).

12. Flood Risk

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref. S020-02/FRA/KAD, dated March 2018 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Waste Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 18 of the NMWLP (2017).

13. Fire Prevention Plan

Prior to the use of the building to recycle and store waste materials, a Fire Risk Management Plan (FRMP) identifying the measures to mitigate and manage the risk of fire associated with waste storage on the application site shall be submitted to and approved in writing by the Waste Planning Authority. The plan as agreed in writing shall be implemented and maintained thereafter unless any changes to the plan are subsequently agreed in writing by the Waste Planning Authority. In the event that any measures stipulated in the FRMP conflict with measures subsequently agreed as part of the Environmental Permit (EP) for the waste facility then the measures in the EP shall supersede those agreed by the Waste Planning Authority.

Reason: In the interests of safety having regard to Policy 23 of the NMWLP (2017).

14. Complaints

In the event that complaints are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the occupier, an assessment of the complaint shall be undertaken by the occupier and notified to the Waste Planning Authority. Where the Waste Planning Authority consider the complaint is substantiated 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 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 approved proposals shall be implemented in accordance with the agreed programme and shall be maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy 18 of

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the NMWLP (2017).

15. Public Right of Way

Operations shall be controlled to ensure that the existing public right of way along the eastern boundary of the site shall remain undisturbed and unaffected by the development hereby permitted.

Reason: In the interests of amenity and highway safety having regard to Policy 18 of the NMWLP (2017).

POSITIVE AND PROACTIVE MANNER 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.

INFORMATIVES

1. Prior to the site becoming operative as a waste transfer station, a permit issued under the Environmental Permitting (England & Wales) Regulations 2016 must be granted by the Environment Agency, this permit must seek to ensure environmental impacts are adequately controlled on-site to protect the amenity of local residents living in the near vicinity of the site.
2. No works affecting any existing public right of way may commence without the express written permission of the local highway authority's Rights of Way Team.
3. The developer is reminded to apply to the Local Planning Authority for any proposed diversion of a right of way under Section 257 of the Town and Country Planning Act 1990 required to facilitate the development of 18/00015/WASFUL the alternative route for such a diversion must be agreed with the local highway authority's Rights of Way Team and be available for public use prior to the closure of any existing route.
4. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:

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- The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under Section 137 HA 1980.
- There must be no interference or damage to the surface of the right of way as a result of the construction. Any damage to the surface of the path must be made good by the applicant, specifications for any repair or surfacing work must be approved by the local highway authority, under Section 131 HA 1980.
- If as a result of the development, the Right of Way needs to be closed, a Temporary Traffic Regulation Order would become necessary. An application form for such an order is available from Northamptonshire County Council website, a fee is payable for this service and a period of six weeks' notice is required. Please contact the highway authority at defmap@kierwsp.co.uk
- www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx
- Any new path furniture (e.g. gates preferred over stile) needs to be approved in advance with the Access Development Officer, standard examples can be provided.
- Please do not rely on the position of features on site for an accurate position of the public rights of way. This must be taken only from the Definitive Map and Statement 2016.

Date 21st May 2018Signed G.P. WatsonFor 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, see leaflet PCS4 available at http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf*

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