



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

DMP Metals Limited
115P Olympic Avenue
Milton Park
Milton
Abingdon
OX14 4SA

Name and address of agent (if any)

GP Planning Ltd
Icon Innovation Centre
Eastern Way
Daventry
NN11 0QB

Part I - Particulars of application

Date of Application

11 June 2020

Application No.

NCC Ref: 20/00033/WASFUL

ENC Ref: 20/01112/NCC

CBC Ref: 20/00244/COC

Particulars and location of development

Construction of a Non-Ferrous Recycling Facility including the construction of 2no. fire water storage tanks, pump house, office/mess portacabin, attenuation pond and dust extraction system at the Former Kirby Lodge IVC Facility, Gretton Brook Road, Weldon, Northamptonshire NN17 3AS

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.

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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 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 plans and documents:

Planning Documents

- Application Forms dated 10 June 2020
- Planning Statement dated June 2020

Drawings

- Drawing No. GPP/DMP/KLC/20/01/Rev3 Site Location Plan
- Drawing No. GPP/DMP/KLC/20/02/Rev1 Site Layout Plan
- Drawing No. GPP/DMP/KLC/20/03/Rev1 Elevations of Modular Office Building
- Drawing No. GPP/DMP/KLC/20/04/Rev1 Elevations of Fire Water Storage Tank
- Drawing No. GPP/DMP/KLC/20/06/Rev1 Drainage Plan
- Drawing No. GPP/DMP/KLC/20/07/Rev2 Catchment Area Plan
- Drawing No. KB-KL-DMP-01a Landscaping, Maintenance and Ecological Enhancement Plan
- Drawing No. 7944-01 Filter Layout General Arrangement (Dust Extraction System)

Supporting/Technical Information

- Landscaping, Maintenance and Ecological Enhancement Scheme Rev 1 dated September 2020, prepared by Katie Burfitt
- Revised Noise Assessment dated July 2020, prepared by LF Acoustics Consulting Engineers Ltd
- Noise Management Plan dated July 2020, prepared by LF Acoustics Consulting Engineers Ltd
- Odour Assessment of Emissions to Atmosphere dated 17 August 2020, prepared by Atmospheric Dispersion Modelling Ltd
- Odour Assessment Management Plan dated August 2020, prepared by GP Planning Ltd
- Flood Risk Assessment, Drainage and Fire Water Containment dated August 2020, prepared by JPP Consulting Ltd
- Correspondence ref. 21262/WA/001 dated 16 October 2020, prepared by JPP Consulting Ltd
- Fly Management Plan dated August 2020, prepared by GP Planning Ltd
- Air Quality and Emissions Mitigation dated October 2020, prepared by GP Planning Ltd
- Construction Management Scheme received 11 June 2020

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- FAQ Sheet received 7 October 2020, prepared by DMP Metals
- External Site Illumination for the Purposes of Planning Submission dated 6 November 2020, prepared by Grove Electrical Engineers

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

3. The development hereby permitted shall not exceed an annual throughput of 16,000 tonnes per annum and the waste materials to be processed shall be confined to those specified in the application (contaminated non-ferrous metals) of a non-hazardous nature and no waste derived from Incinerator Bottom Ash waste shall be imported to the site unless it has been through appropriate pre-treatment processes to clean and decontaminate this waste material to comply with the non-hazardous requirement.

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

4. Other than the movement of waste materials between the processing building and storage area, no operations shall take place on site outside the confines of the buildings approved for this purpose and no loose waste materials shall be deposited or stored on adjacent areas (except in an emergency e.g. in the event of a fire).

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

Hours of Working (Construction)

5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Waste Planning Authority:
 - 08:00 to 18:00 hours Monday to Friday;
 - 08:30 to 13:30 hours Saturday; and
 - No working on Sundays, Public or Bank Holidays.

This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

Reason: To protect the amenities of nearby occupiers of property from noise and other disturbance having regard to Policy 18 of the NMWLP (2017).

Hours of Working (Operational)

6. Except as may otherwise be agreed in writing by the Waste Planning Authority the development hereby permitted shall be restricted to the following times:
 - 06:00 to 22:00 hours Monday to Friday (no deliveries permitted before 07:00 and after 19:00);
 - 06:00 to 13:00 hours Saturday (no deliveries permitted before 07:00);

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- No working on Sundays, Public or Bank Holidays.

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).

Vehicle Sheeting/Mud on the Road

7. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and dust nuisance.
8. All operational vehicles leaving the site shall be free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason for conditions 7 and 8: In the interests of highway safety and local amenity having regard to Policy 18 of the NMWLP (2017).

Vehicle Routing

9. All lorries or other heavy commercial vehicles based at or visiting the site shall be routed to and from the site via Gretton Brook Road to the west of the site entrance. No lorries or other heavy commercial vehicles based at or visiting the site shall travel along the minor roads leading to the site i.e. Kirby Lane (to/from the village of Deene) and Gretton Road to the south of the site entrance and Corby Road (to/from the village of Gretton) off Gretton Brook Road to the west. Accordingly, no heavy commercial vehicles associated with the development shall travel through the villages of Gretton or Deene unless the delivery or collection point is at these locations.

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

Surface Water Management/Drainage

10. Prior to the development hereby permitted accepting waste materials a Verification Report for the installed surface water drainage system for the site, based on the Correspondence ref. 21262/WA/001 dated 16 October 2020 prepared by JJP, will be submitted in writing by a suitably qualified independent drainage engineer and approved by the Waste Planning Authority. The report shall include:

- Any departure from the agreed design is keeping with the approved principles.
- Any As-Built Drawings and accompanying photos.
- Results of any performance testing undertaken as a part of the application process (if required/necessary).
- Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- CCTV survey confirming that the system is free from defects, damage and foreign objects.

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Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site having regard to Policy 20 of the NMWLP (2017).

Buildings, Plant and Machinery Details

11. No fixed buildings, structures (including security fencing), plant or machinery shall be erected external to existing buildings until details of the proposed location and external materials, colour and finishes have been submitted to and approved in writing by the Waste Planning Authority. Development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area having regard to Policy 18 of the NMWLP (2017).

Landscaping/Ecology

12. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Waste Planning Authority prior to the development hereby permitted accepting waste materials. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objections.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason: To ensure appropriate implementation and maintenance of the approved landscaping having regard to Policies 18, 20 and 21 of the NMWLP (2017).

13. The approved landscaping scheme (Drawing No. KB-KL-DMP-01a - Landscaping, Maintenance and Ecological Enhancement Plan) shall be undertaken within the first available planting season following the date of this permission and the landscaping scheme shall be implemented in full within 12 months of the date of this permission. The landscaping shall be maintained in

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accordance with the approved maintenance scheme, except as may be otherwise approved in writing by the Waste Planning Authority under conditions 12 and 14 of this permission.

Reason: In the interests of biodiversity and visual, landscape and residential amenity having regard to Policies 18, 20 and 21 of the NMWLP (2017).

14. 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 Policies 18, 20 and 21 of the NMWLP (2017).

15. Trees and shrubs 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.

Reason: To minimise impacts on visual amenity and landscape character having regard to Policies 18, 20 and 21 of the NMWLP (2017).

Noise

16. The development hereby permitted shall be operated in accordance with the noise levels in Section 5.4 of the Revised Noise Assessment dated July 2020, prepared by LF Acoustics Consulting Engineers Ltd and the Noise Management Plan dated July 2020, prepared by LF Acoustics Consulting Engineers Ltd and shall thereafter be maintained in this approved state.

Reason: To prevent an increase in background noise levels and protect the amenity of residents having regard to Policy 18 of the NMWLP (2017).

17. Prior to the development hereby permitted accepting waste materials a report detailing the repair works undertaken to the existing building demonstrating it has been brought up to a good state of repair with no gaps shall be submitted to and approved in writing by the Waste Planning Authority.

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

18. No vehicles or mobile plant used exclusively on site shall be operated unless they have been fitted with broadband 'white noise' reversing alarms or alternative 'quiet' noise systems.

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

Dust

19. Prior to the development hereby permitted accepting waste materials a Dust Management Plan to control airborne dust shall be submitted for approval in writing by the Waste Planning Authority.

Reason: To reduce the amenity impacts of dust disturbance from the site on the local environment having regard to Policy 18 of the NMWLP (2017).

Odour/Flies

20. Odour and flies shall be controlled in accordance with the Odour Assessment Management Plan dated August 2020, prepared by GP Planning Ltd and the Fly Management Plan dated August 2020, prepared by GP Planning Ltd. Measures as approved shall be implemented on the site, along with any subsequent remedial measures agreed under the requirements of conditions 21 and 25 of this permission by the Waste Planning Authority.

Reason: To protect the local amenity interests and human health risks, in particular relating to nearby residential occupiers having regard to Policy 18 of the NMWLP (2017).

21. The applicant shall undertake site odour monitoring in the first three months of operation of the development hereby permitted (in accordance with the Odour Assessment Management Plan), and submit a report of the findings to the Waste Planning Authority with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, if necessary. The remedial measures agreed in writing shall thereafter be implemented and maintained thereafter.

Reason: To protect the local amenity interests and human health risks, in particular relating to nearby residential occupiers having regard to Policy 18 of the NMWLP (2017).

External Lighting

22. No external lighting including mobile 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 (preferably LED down lighting and energy efficient), 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.

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Reason: In the interests of amenity, ecology, site security and sustainability having regard to Policy 18 of the NMWLP (2017).

Catchment Area

23. The indicative catchment area showing the source of wastes for treatment at the facility shall be in accordance with Drawing No. GPP/DMP/KLC/20/07/Rev2 (Catchment Area Plan), unless an alternative regional catchment is submitted and approved in writing by the Waste Planning Authority. The annual report required by condition 23 shall incorporate such records that demonstrate compliance with the indicative 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 Policies 12 and 19 of the NMWLP (2017).

Monitoring

24. 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 3 and 22. 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 10, 12 and 25 of the NMWLP (2017) and to ensure that waste materials are dealt with close to their source in accordance with Policy 19 of the NMWLP (2017).

Complaints

25. In the event that substantiated complaints regarding odour, flies, 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 18 of the NMWLP (2017).

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Informatives

1. Contractors and sub-contractors must have regard to BS 5228-2:2009+A1:2014 "Code of Practice for Noise and Vibration Control on Construction and Open Sites", the IAQM Guidance on the assessment of dust from demolition and construction and the Control of Pollution Act 1974.
2. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days notice to the Waste Planning Authority. Local residents that may be affected by the work shall also be notified in writing, after approval is received from the Waste Planning Authority.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the County 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 18 December 2020

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, 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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