Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant       Name and address of agent
Purepower                            GP Planning Ltd
Unit 17 Cirencester Office Park     Mill House
Tetbury Road                         Long Lane
Cirencester                          East Haddon
Gloucestershire                      Northamptonshire
GL7 6JJ                              NN6 8DU

Part I - Particulars of application

Date of Application:                Application No.:
18th June 2008                       08/00053/WAS / DA/2008/0685

Particulars and location of development

Construction of a renewable energy generation facility at Pebble Hall, Bosworth Road, Theddingworth, Leicestershire, LE17 6NJ

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

Reason: To conform with the requirements of Section 91 of the Town and

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Scope of Permission

2. This planning permission shall only relate to the area edged in red on the submitted plan, GPP/PP/PH/08/02, hereafter referred to as the “site”. The development hereby permitted shall only be carried out within the site in accordance with the details set out in the submitted application forms, certificates, drawings and supporting information.

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

3. The development hereby permitted shall not exceed a total annual throughput of 40,000 tonnes per annum.

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

Finish of Structure

4. Prior to the construction of the new building on site, full details of the design, external appearance, colours and materials to be used in the construction of the 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.

Reason: To ensure that the proposed development is in keeping with the existing buildings and does not prejudice the appearance of the locality and in accordance with policies 7 and 15 of the Northamptonshire Waste Local Plan (2006).

5. The building/structures shall not be re-clad or recoloured unless the Waste Planning Authority has agreed the specification for such changes.

Reason: For the avoidance of doubt and in the interests of visual/landscape amenity in accordance with policies 9 and 15 of the Northamptonshire Waste Local Plan (2006).

Access and Highway Safety

6. The development shall not be commenced unless and until the use of the vehicular access in connection therewith has been approved, for which a separate application has been made to Leicestershire County Council.

Reason: In the interests of highway safety and in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

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7. All vehicles leaving the site in connection with this development shall be controlled to ensure no mud or other debris is deposited on the public highway.

**Reason:** In the interests of highway safety and in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

8. Heavy Goods Vehicle movements associated with the development hereby permitted shall be restricted to a maximum of 90 movements per week (i.e. 45 in and 45 out) and recorded details of the number of HGV vehicular movements shall be kept and submitted to the Waste Planning Authority on a quarterly basis unless otherwise agreed in writing.

**Reason:** To control any additional pressure on the existing infrastructure, in the interests of highway safety and convenience in accordance with policy 8 of the Northamptonshire Waste Local Plan (2006).

**Lighting**

9. Exterior lighting shall be confined to downward facing 500w lights mounted on the building as proposed in the submitted application and no additional permanent or mobile exterior lighting, (other than on working mobile plant) shall be installed unless otherwise agreed in writing by the Waste Planning Authority.

**Reason:** To protect the amenities of local residents from the intrusion of floodlighting and in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

10. The exterior lighting on the building shall be switched off no later than 30 minutes after the hours working stipulated in condition 16 of this permission, and not switched on earlier than 30 minutes before the stipulated working hours.

**Reason:** To protect the amenities of local residents from the intrusion of floodlighting and in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

**Landscaping**

11. Within 3 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. Planting shall take place in the first planting season following the approval of the scheme. All plants shall be appropriately maintained for a period of 5 years following planting and any plants which die or become diseased within this period shall be replaced in the following planting season.

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**Reason:** The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interest of visual amenity and in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

**Re-Contouring**

12. The land to be re-contoured shall be in accordance with submitted plan reference GPP/PP/PH/08/05, and the re-contouring works shall be completed prior to the bringing in to operation of the new Renewable Energy Facility, and the surface of re-contoured area shall be covered with suitable soil materials and grass seeded.

**Reason:** In the interests of visual amenity of the area in accordance with policy 9 of the Northamptonshire Waste Local Plan (2006).

13. The re-contoured area shall be landscaped in accordance with the landscaping scheme required under condition 11 of this planning permission.

**Reason:** In the interests of visual amenity of the area in accordance with policy 9 of the Northamptonshire Waste Local Plan (2006).

**Proximity Principle**

14. All waste materials to be processed at the site shall originate from sources within a 30 mile radius of the site.

**Reason:** In the interests of sustainable waste management, and in order to comply with the proximity principle in accordance with policies 4 and 20 of the Northamptonshire Waste Local Plan (2006).

**Consignment Note Records**

15. 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 within 5 working days upon request in writing.

**Reason:** In the interests of sustainable waste management, and in order to comply with the proximity principle in accordance with policies 4 and 20 of the Northamptonshire Waste Local Plan (2006).

**Hours of Working/Import of Materials/Engineering Operations**

16. Except as may otherwise be agreed in writing by the Waste Planning Authority the operations involving the importation of waste and engineering operations involved in the site preparation works hereby permitted, shall be restricted to between the hours of 07.00 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.

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Holidays.

Reason: To ensure that waste importation and site preparation engineering operations are carried out within reasonable hours so as to avoid disturbance to nearby residential properties in accordance with policy 15 of the Northamptonshire Waste Local Plan (2006).

Monitoring

17. The operators of the site shall at a minimum of 12 monthly intervals provide in writing to, and upon request by, the Waste Planning Authority detailed information on the quantities and types of all waste materials brought on to the site for re-use, recovery, and disposal. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.


18. The operating company shall keep records of the quantity of waste received by weight and its source and the number of traffic movements to and from the site and these records shall be provided to the Waste Planning Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.


Informative(s)

1. The applicants' attention is drawn to the informative comments of the Environment Agency in its letter dated 3 September 2008 which has been attached to this permission.

2. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows:


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Summary of Reasons for Approval

It is considered that the proposed development is in accordance with the Regional Waste Strategy and Northamptonshire Waste Local Plan objectives of promoting sustainable waste management and reducing waste disposal at landfill. The proposal is also in accordance with policies 4 (Development of Local Waste Facilities) and 20 (Waste to Energy Recovery) of the Waste Local Plan which deal with local waste management facilities and composting. The proposal has been assessed against the environmental, amenity, landscape, flood risk and open countryside policies in the Development Plan and it is considered that there are no justifiable reasons to refuse the application.

Date: 17 September 2008

Signed: C.P. Watson

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 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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