Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Earthworm Ltd
Burnham Landscapes Ltd
Browns Road
Daventry
NN11 4NS

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

Part I - Particulars of application

Date of Application: 15th January 2009

Application No.: NCC Ref: 09/00005/WAS
DDC Ref: DA/2009/0030

Particulars and location of development

Establishment of an In-Vessel Composting (IVC) plant for the composting of mixed biodegradable municipal waste and with a capacity of 21,000 tonnes per annum. The development consists of a waste reception building, an enclosed conveyor system, 10 individual VCU units and a maturation building; at land at Burnham Landscapes Ltd, Browns Road, Daventry, Northamptonshire, NN11 4NS.

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 3 years beginning with the date of this permission. The commencement date shall be notified in writing within seven days to the Waste Planning Authority.

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.
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.

Scope of Planning Permission

2. This planning permission shall relate to the area outlined in red on the plan of GP Planning Ltd GPP/BL/BR/08/02, dated 15 December 2008, hereafter referred to as “the site”. The waste development hereby permitted shall only be carried out within “the site” in accordance with the details set out in the submitted application forms and supporting information.

Reason: To define the area of the site and in the interest of clarity.

Type of Waste

3. The development hereby permitted shall not exceed an annual throughput of 21,000 tonnes per annum and the waste materials to be processed shall be confined to biodegradable wastes of a non-hazardous nature.

4. The developer shall ensure that systems are in place to ensure that the site accepts and processes only waste of a non-hazardous nature and that systems are in place to deal with any prohibited wastes delivered to site.

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

Consignment Note Records

5. 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.

Reason: In the interests of waste management and quality accountability and in accordance with Policy 8 of the Northamptonshire Waste Local Plan (2006).

Hours of Working

6. Except as may otherwise be agreed in writing by the Waste Planning Authority, any operations involving the importation of waste, removal of processed compost or non-compostable waste and outside movement of wastes shall be restricted to between the hours of 0700 hours and 1900 hours on Mondays and Fridays; 0700 hours and 1300 hours on Saturdays; and 0800 and 1300 on Sundays and Bank Holidays.

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Reason: To ensure that the operation of the site is carried out within reasonable hours in the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Building Materials

7. The materials to be used on the external surfaces of buildings constructed in the development hereby permitted shall be in accordance with the details supplied as part of the application.

Reason: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Access and Highway Safety

8. Prior to the commencement of works on the development hereby permitted, a scheme for access improvements shall be submitted to the Waste Planning Authority for approval in writing. This scheme shall include the following:
   - Design details for the proposed access and footpath (including layout, cross section, long section) identifying maximum gradients;
   - Hard surface materials;
   - Means of drainage;
   - Maximum gradients.

The scheme as approved shall be implemented fully prior to the commencement of the development and thereafter maintained.

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

Wheel Cleaning and Vehicle Sheeting

9. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and odour nuisance.

10. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

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

Odour, Noise and Dust

11. Prior to the commencement of development works an odour risk assessment shall be submitted to and approved in writing by the Waste Planning Authority.

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12. Suitable measures shall be adopted to ensure dust is kept to a minimum including the use of water spray facilities in periods of dry weather.

13. All buildings, plant, equipment and machinery, including vehicles shall be noise attenuated and, where capable, be fitted with silencers, baffles, cladding or rubber linings, and be maintained so as to reduce noise to a minimum and operated in accordance with manufacturer's instructions.

14. In the event that complaints regarding, odour, noise, or dust 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.

Reasons: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Bioaerosols

15. Prior to the commencement of development works a bioaerosol risk assessment and monitoring scheme shall be submitted to and approved in writing by the Waste Planning Authority. Development shall proceed fully in accordance with the scheme as approved.

Reason: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Pests

16. Prior to the commencement of development works a scheme for the pest management shall be submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Drainage

17. Prior to the commencement of development works a scheme to treat the contaminated water and potentially contaminated water shall be submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall be implemented as approved.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

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writing with the Waste Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Waste Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: In the interests of maintaining water quality and avoiding pollution and in accordance with Policy 13 of the Northamptonshire Waste Local Plan (2006).

Prevention of Pollution

19. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on 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%. 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 from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: To prevent contamination of the site, in the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Lighting

20. No external lighting shall be installed until a scheme of all lighting provision related to the development hereby permitted has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use.

Reason: In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

Landscaping

21. Prior to the commencement of works on the site, a comprehensive landscaping scheme showing details of all retained and additional plantings shall be submitted to the Waste Planning Authority for approval in writing. Details shall include the location, numbers, types and species of trees and shrubs proposed to be planted on the site.

22. The approved landscaping plan shall be implemented during the first available planting season following commencement of works on the site. Any trees, shrubs or hedges planted in accordance with the approved scheme shall be

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maintained and any plants which within five years of planting either 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 by the Waste Planning Authority.

**Reasons:** In the interests of the amenities of the area as a whole, and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006).

**Proximity Principle**

23. All waste materials to be processed at the site shall originate from sources within a 30 mile radius of the site, unless expressly approved in writing by the Waste Planning Authority.

**Reason:** In the interests of sustainable waste management, and in order to minimise the distance that waste is transported and to comply with the proximity principle (Northamptonshire Waste Local Plan Policies 1 and 4).

**Monitoring**

24. 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 of waste materials brought on to the site for processing. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

25. The operating company shall keep records of the quantity of waste received by weight and its source 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.

**Reasons:** To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Northamptonshire Waste Local Plan (2006) and the objectives of the National Waste Strategy for England 2007.

26. A copy of the terms of this permission, including all documents hereby permitted and any documents subsequently approved in accordance with this permission (or amendments approved pursuant to this permission) shall be displayed at the site office and shall be made known to any person given responsibility for the management or control of operations on the site.

**Reason:** To ensure that the site manager can monitor the implementation of the conditions in accordance with Policy 27 of the Northamptonshire Waste Local Plan (2006).

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1. For the avoidance of doubt the drawings and documentation to which this decision refers are as follows:
   Application Form – December 2008;
   Planning Statement (incorporating Design and Access Statement; Flood Risk Assessment; Waste Minimisation Strategy) – December 2008 (GP Planning Ltd);
   Landscape and Visual Impact Assessment – December 2008 (GP Planning Ltd);
   Desktop Bioaerosol Survey – December 2008 (Compost Advice and Analysis)
   Plans:
   GPP/BL/BR/08/01    – Site Location Plan
   GPP/BL/BR/08/02    – Site Plan
   6109 – 01          – Site Survey Plan
   6109 – 02a         – Proposed Site Layout
   6109 – 03          – Maturation Hall Ground Floor Plan
   6109 – 04          – Reception Building Ground Floor Plan
   6109 – 05          – Maturation Hall and Reception Building Sections
   6109 – 06a         – Proposed Elevations

2. Please note the following requirements for works carried in close proximity to or using Public Rights of Way as access, pursuant to the Highways Act 1980:
   - The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times;
   - 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 Highway Authority;
   - As a result of the development the right of way may need to be closed and a Traffic Regulation Order will be required. An application form for such an order is available from the Northamptonshire County Council, a fee is payable for this service and a period of six weeks notice is required.
   - 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.

3. The applicant’s attention is drawn to the information contained within the Environment Agency’s letter dated 2 March 2009.

Summary of Reasons for Approval

It is considered that the proposal is in accordance with the National Waste Strategy objectives and the East Midland Regional Plan Policies of promoting sustainable waste management and reducing waste disposal at landfill.

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The proposal is also in accordance with Policies of the Waste Local Plan particularly Policy 1 (Principles for Waste Development), 4 (Development of Local Waste Facilities), 7 (Design), 15 (Local Amenity), and 18 (Composting) which deal with local waste management facilities and composting. The development is also acceptable in terms of Daventry District Local Plan Policies, in particular GN1 (General - Protect and Enhance the Environment); GN2 (General - Design); EN25 (Landscaping & Tree Protection); EN42 (Design and Amenity). The impact of the development on the amenity of the surrounding area is not considered to be significant and therefore refusal of the application is not justifiable.

Date: 30th March 2009  
Signed

For 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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