

**Town and Country Planning Act 1990****PLANNING PERMISSION****Name and address of applicant**

Think Environmental Limited
7 Mitchell Court
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Name and address of agent

Adams Hendry Consulting Limited
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Part I - Particulars of application

Date of Application

6th March 2009

Application No.:

NCC Ref: 09/00014/WAS

KBC Ref: KET/2009/0128

Particulars and location of development

Bio-drying and pyrolysis waste management facility at Blackbridge Farm, Cranford Road, Kettering, NN15 5JJ

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

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

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Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Permission

2. This planning permission shall only relate to the area edged in red on the submitted site plan, Drawing 2 (Planning Application Drawing), 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, and supporting information.
3. The development hereby permitted shall not exceed a total annual throughput of 50,000 tonnes per annum.

Reason for conditions 2 to 3: To specify the scope of the permission, commencement date of waste operations and in the interests of clarity and to ensure compliance with Policy 4 of the Waste Local Plan (March 2006).

4. The developer shall ensure that systems are in place to ensure that the site accepts and processes only commercial and industrial waste of a non hazardous nature with no more than a maximum content of 20% food waste and that systems are in place to deal with any prohibited wastes delivered to site.

Reason: To specify the waste materials permitted to be processed on the site and to set a limit on the amount of food waste in the interests of local amenity having regard to Waste Local Plan Policies 1 and 15.

5. The applicant shall notify the Waste Planning Authority (WPA) in writing of the date upon which the proposed facility receives its first commercial import of waste for processing.

Reason: To enable the Waste Planning Authority to be advised of the commencement of waste imports in the interests of local amenity (Waste Local Plan Policy 15).

Construction Hours of Working

6. All works relating to construction or demolition shall be carried out only between the hours of 8.00am and 6.00pm Mondays to Fridays, 8.30am and 1.30pm on Saturdays thereafter and at no time on Sundays and Bank Holidays unless otherwise agreed in writing by the Waste Planning Authority.

Reason: To ensure that the construction on site is carried out within reasonable hours so as to avoid amenity disturbance to nearby local residents (Waste Local Plan Policy 15).

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Documentation

7. From the date of the commencement and throughout development, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display at the site office for inspection during normal working hours.

Reason: To ensure this planning permission and associated documents are available on site for reference and inspection.

Odour, Noise, Dust

8. Prior to the commencement of operations involving the importation of waste to the site a management plan of measures proposed to control odour, noise and dust (including bioaerosols) has been submitted to, and approved in writing by the Waste Planning Authority. The measures as approved shall thereafter be implemented, along with any subsequent remedial measure agreed under the requirements of condition 9 of this permission by the Waste Planning Authority.
9. In the event that complaints regarding, odour, noise and/or dust (including bioaerosols) 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 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 to be undertaken shall be submitted to the WPA no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the Waste Planning Authority.
10. Noise emanating from activities carried out upon the site shall not exceed 50 dB LAeq, 1 hour during the hours 07:00 – 21:30 or 42 dB LAeq, 5 minutes during the hours 21:30 – 07:00 at a free-field position at the boundary of any residential premises which have planning consent at the time this permission is granted.
11. Manufacturer's guidelines relating to the servicing and maintenance of the silencers shall be followed and maintenance carried out at the appropriate intervals.

Reason for Odour, Noise & Dust Conditions 8 to 11: To protect the local amenity interests and human health risks, in particular relating to nearby residential occupiers (Waste Local Plan Policy 1 and 15).

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Lighting

12. No lighting shall be installed at the site unless a scheme of lighting has been submitted to and approved in writing by the WPA.

Reason: To ensure that the Waste Planning Authority retains control over these matters, in the interests of the visual amenity and to prevent light pollution (Waste Local Plan Policies 1 and 15).

Highway Safety and Access

13. All vehicles (including Heavy Goods Vehicles) shall only enter and leave the site via the existing access point onto the Cranford Road shown on Drawing No. 07C (Proposed Site Plan) and the submitted swept path drawing TS/1.

Wheel Cleaning and Vehicle Sheeting

14. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.
15. The developer shall put in place a system to ensure that all operational vehicles arriving at and leaving the site are appropriately sealed or covered so as to prevent material spillage, wind blow and odour nuisance.

Reason for Highway Safety, Wheel Cleaning and sheeting conditions: To ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety (Waste Local Plan Policies 18 and 31).

Monitoring

16. Heavy Goods Vehicle movements associated with the development hereby permitted shall be restricted to an annual average of 18 movements per day (i.e. the combination of imported waste and materials exported totalling 9 in and 9 out per day) and recorded details of the number of HGV vehicular movements, including the weight and category of waste delivered or collected, shall be provided to the Waste Planning Authority within seven days of a written request.

Reason: To control any additional pressure on the existing infrastructure, in the interests of highway safety (Waste Local Plan Policy 8).

17. The operators of the site 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 annual report shall incorporate the records required by condition 16 above. Information of

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commercial sensitivity will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 1 of the Waste Local Plan and the objectives of the National Waste Strategy for England 2007.

Proximity Principle

18. All waste materials to be processed on the site shall originate from locations within a radius of 30 miles of the application site, unless expressly approved in writing by the Waste Planning Authority.

Reason: In order to: reflect the proximity principle and to minimize the transportation of waste from source and across waste planning authority boundaries; and the long term local nature of the facility; and in the interests of sustainability (Waste Local Plan Policy 1, 4 and 20).

Visual Amenity and Design

19. Unless otherwise approved in writing by the Waste Planning Authority alterations to the existing building which is to be retained and the construction of new buildings shall only take place in accordance with the submitted details and as shown on Drawing Nos. 08, 09 and 10, and paragraph 3.4 of the Planning Statement and Appendix 8 of the submitted planning application document.

Reason: To protect the interests of local amenity (Waste Local Plan Policies 7 and 15).

Biodiversity and Landscaping

20. Landscaping, planting and maintenance/management shall be undertaken in accordance with the submitted details as set out in Drawing Nos. 11 and 12 and Appendix 7 of the submitted planning application document.

21. Within 3 months of the date of commencement of the development further details shall be submitted to the Waste Planning Authority for its approval in writing with the objective of increasing the biodiversity of the site including:

- Installation of bat and bird nesting boxes around the industrial sites margins within existing trees or on appropriate alternative structures where necessary;
- Box and bat box placement and any other biodiversity enhancement shall take place in the first winter following the approval of the scheme;
- Bird and bat boxes shall be positioned by suitably qualified personnel and both number at least 20 suitably designed boxes;

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- Replacement planting shall use species that are native, of local provenance and include a high diversity of species in order to provide varied food sources for native birds as well as visual screening and general biodiversity functions;
- The plantings and boxes shall be appropriately maintained for the life of the facility and any plants which die or become diseased in this period shall be replaced in the following planting season.
- Measures for the enhancement and management of the existing pond within the site.

Reason: To protect the interests of design, landscape character, biodiversity and local amenity (Waste Local Plan Policies 7, 9 and 15).

Environment Management

22. Contaminated water contained within the sub-soil tank shall only be disposed to a suitable waste water treatment works in accordance with the letter dated 4th April 2009 from Adams Hendry Consulting Limited. There shall be no discharge from the tank to controlled waters, soakaway or any other receptor.

Reason: To prevent pollution of controlled waters.

23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas for less than 50 spaces and hard standings should be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of controlled waters having regard to Policy 13 of the Waste Local Plan.

Groundwater and Contaminated land

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

Reason: To protect controlled waters having regard to Policy 13 of the Waste Local Plan.

25. Prior to the commencement of operations involving the importation of waste to the site a working method statement to cover the operation and maintenance of the underground waste water storage tank shall be submitted to and agreed in writing by the Waste Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme

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and any subsequent amendments shall be agreed in writing with the Waste Planning Authority.

26. All wastes accepted onto site must be handled (stored, separated and treated) in an enclosed area and on an impermeable surface with a sealed drainage system.
27. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein.
28. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway.

Reason for conditions 25 to 28: To prevent pollution of the water environment having regard to Policy 13 of the Waste Local Plan.

Informative(s)

1. Memorandum dated 30th March 2009 from Kettering Borough Council Environmental Health Service.
2. Letters dated 7th April 2009 and 16th April 2009 from the Environment Agency.

Summary of Reasons for Approval

The proposal has been considered against the Development Plan and other relevant material planning considerations such as Central Government guidance and policy in: Waste Strategy for England 2007; UK Climate Change Programme, the Energy White Papers in 2003 and 2007 and Energy Review 2006; The UK Biomass Strategy 2007; PPS1 Delivering Sustainable Development; PPS10 Planning for Sustainable Waste Management; and PPS22 Renewable Energy particularly as it supports the Government's objectives of diverting waste from landfill and generating electricity from waste.

It is considered that the principle of the proposed development which is for: the provision of a local waste management facility which will contribute to a sustainable waste management system for Northamptonshire; and be located on existing industrial, brownfield land; and will divert waste from landfill and generate electricity from waste; accords with the Development Plan. In particular Northamptonshire

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Waste Local Plan (March 2006): Policy 1 (Principles for Waste Development); Policy 4 (Development of Local waste Facilities); Policy 17 (Waste Transfer, Recovery and Recycling); and Policy 20 (Waste to Energy Recovery); and East Midlands Regional Plan: Policy 1 Regional Core Objectives); Policy 38 (Regional Waste Strategy); Policy 39 (Regional Priorities for Waste Management); Policy 41 (Regional Priorities for Renewable Energy). The development is also considered acceptable having regard to the North Northamptonshire Core Spatial Strategy: Policy 8 (Economic Prosperity); Policy 9 (Distribution and Location of Development); and Policy 13 (General Sustainable Development Principles).

Careful consideration has also been given to various concerns raised by nearby residents and the views expressed by both Cranford Parish Council and Burton Town Council in respect of possible local amenity impacts, most particularly in respect of odour/air-quality and noise emissions. However, no objections in principle have been raised by the Kettering Borough Environmental Protection Officer, the Environment Agency or the Health Protection Agency subject to appropriate planning conditions. These organizations have other pollution and health regulatory controls which may be exercised, in particular by the Environment Agency through the requirements for the applicant to obtain an Environmental Permit, It is therefore concluded that, on balance, there are no justifiable reasons to refuse the application having regard to Policy 15 (Local Amenity) of the Waste Local Plan. Furthermore it is considered that there are no justifiable reasons for refusal having regard to other policies in the Northamptonshire Waste Local Plan 2006, particularly: Policy 7 (Design); Policy 8 (Traffic and Access), Policy 9 (Natural Historic Environment-Local Landscape Character); Policy 13 (Water Resources and Flooding); Policy 14 (Rights of Way); and Policy 20 (Monitoring). It is therefore concluded that, subject to the imposition of planning conditions to control and mitigate the development, the application should be approved.

Date: 20th May 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.*
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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