



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Shanks Waste Management Ltd
Dunedin House
Auckland Park
Mount Farm
Milton Keynes
MK1 1BU

Name and address of agent

GP Planning Ltd
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application

Received: 24 March 2011
Valid: 8 April 2011

Application No.:

NCC: 11/00020/WAS
KBC: KET/2011/0229

Particulars and location of development

Application 11/00020/WAS to vary condition 2 (approved documents) of planning permission 10/00059/WAS to amend the layout of the site at the Kettering Material Recycling Facility, Telford Way, Telford Way Industrial Estate, Kettering, NN16 8UN

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:-

The following is a list of conditions originally granted on planning permission 10/00059/WAS with various amendments and updates reflecting planning permission 11/00020/WAS. Text that has been struck through has been deleted or updated to reflect conditions that have been discharged or updated or are no longer appropriate. New text has been italicised.

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.

Commencement of Development

1. The development to which this relates must be begun not later than the expiration of three years beginning with the date of this permission 26th January 2014.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Scope of Planning 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:

Document Reference	Document Title
	1APP Form received 31 August 2010 as varied by 1APP Form received 24 March 2011 (application 11/00020/WAS)
	Planning Statement dated August 2010 as varied by Minor Material Amendment Statement dated April 2011 (application 11/00020/WAS)
	Design and Access Statement dated August 2010
	Noise Assessment dated August 2010 as varied by Minor Material Amendment Noise Assessment dated March 2011 (application 11/00020/WAS)
	Flood Risk Assessment dated September 2010
	Transport Assessment dated August 2010
	Travel Plan dated November 2010
	Supplementary Report dated January 2011
	Vehicle Routing Scheme dated January 2011
GPP/SWM/KT/10/02, Rev 3	Site Plan dated 21 July 2010
GPP/SWM/KT/10/04, Rev 7 GPP/SWM/KT/11/01	Proposed Site Layout dated 27 July 2010 15 March 2011
4522/01/02B 4522/01/02D	Proposed Building elevations dated 05/08/10
4522/01/03A 4522/01/03B	Existing and Proposed Building Section dated 05/08/10
E500, Rev P2	Proposed external lighting layout and levels layout dated 13/08/10
E501, Rev P2	External lighting planning elevations dated 13/8/10

3. The development hereby permitted shall be restricted to the recycling, temporary storage, processing and transfer of waste.
4. No chipping of timber or crushing of aggregates shall take place on site.

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5. The development hereby permitted shall not exceed an annual throughput of 215,000 tonnes per annum.

Reason for Condition 2, 3, 4 and 5: To define the scope of the permission and in the interest of clarity, amenity protection and highway safety in accordance with Policy CS14 of the Core Strategy DPD (2010) and Policies 8 and 15 of the Waste Local Plan (2006).

Construction Hours of Working

6. Prior to the commencement of works a construction method statement, including detail of proposed excavations and earthworks, shall be submitted to the Waste Planning Authority for approval in writing. The methodology shall include consideration of potential impacts on Network Rail property. All works shall be in accordance with the approved scheme.

Reason: To protect assets in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy (2008).

Landscaping and Biodiversity

7. Prior to the commencement of works a scheme for re-profiling the bund along the eastern boundary of the site shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include details of the numbers, size and species of trees and shrubs proposed as well as a maintenance programme. The scheme shall also give consideration to potential impacts on Network Rail property. All works shall be in accordance with the approved scheme.
8. The planting shall be undertaken in accordance with the approved scheme in the first planting season following the commencement of works.
9. Any plants which die or are damaged within five years of planting shall be replaced.
10. Prior to the commencement of works a scheme for biodiversity enhancements shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include the introduction of bird and bat boxes to enhance biodiversity. All works shall be in accordance with the approved scheme.

Reason for conditions 7 to 10: To protect the interests of local amenity in accordance with Policy CS14 of the Core Strategy DPD (2010) and Policy 15 of the Waste Local Plan (2006) and enhance biodiversity in accordance with Policy 9 of the Waste Local Plan (2006).

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Odour, Noise and Dust

11. Prior to the commencement of works, odour, noise and dust management schemes shall be submitted to the Waste Planning Authority for approval in writing. All operations on site shall be in accordance with the approved schemes along with any subsequent remedial measure agreed under the requirements of condition 13 of this permission by the Waste Planning Authority.
12. Unless otherwise agreed in writing with the Waste Planning Authority, the noise management scheme required under condition 11 shall:
 - a) Include a methodology for monitoring of noise emitted from the development hereby permitted and ensure that a competent person carries out noise monitoring within one month of the commencement of operations of the development and on a second occasion no more than six months after the first monitoring exercise.
 - b) Require a report to be submitted to the Waste Planning Authority detailing the results of noise monitoring within four weeks of each monitoring exercise being undertaken.
 - c) ~~Include additional physical structures in the north-eastern corner of the site to mitigate potential noise impacts on neighboring property. See revised drawings under condition 2~~
13. 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 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 otherwise agreed in writing by the Waste Planning Authority. The management plan required under condition 11 of this permission shall thereafter be modified and resubmitted to reflect the remedial measures and works that have been agreed.
14. Only modern, well-maintained plant (fitted with noise-reduction kits where available) is to be used on the site and mobile plant is not to be fitted with tonal audible warning signals (modern vehicle reversing safety systems are to be used instead).

Reason for Conditions 11 to 14: To protect the interests of local amenity in accordance with Policy CS14 of the Core Strategy DPD (2010) and Policy 15 of the Waste Local Plan (2006).

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Hours of Working

15. Except as may otherwise be agreed in writing with the Waste Planning Authority, the receipt of waste into the buildings and all waste activities inside the extended tipping building and in the associated baled material storage area as shown on Drawing GPP/SWM/KT/11/01 ~~GPP/SWM/KT/04 Rev 7~~ shall be confined to the hours of 06.00 to 22.00 Monday to Friday and 07.00 to 13.00 on Saturdays. No works shall be undertaken on Sundays.
16. Except as may otherwise be agreed in writing with the Waste Planning Authority, all other waste management operations not permitted under condition 15 of this permission shall be confined to the hours of 06.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays. No works shall be undertaken on Sundays.
17. Bank Holiday working shall be confined to the receipt of municipal waste contracts only and shall be confined to the hours of 07.00 to 18.00.

Hours of Construction

18. Except as may otherwise be agreed in writing by the Waste Planning Authority all construction works shall be confined to the hours of 07.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays, with no construction works on Sundays or Bank Holidays.

Reason for conditions 15 to 18: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to land users in accordance with Policy CS14 of the Core Strategy DPD (2010) and Policy 15 of the Northamptonshire Waste Local Plan (2006).

Wheel Cleaning and Vehicle Sheeting

19. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that no mud or debris is deposited on the public highway.
20. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage, wind blow and odour nuisance.

Reason for Conditions 19 and 20: In the interests of highway safety and in accordance with Policy CS14 of the Core Strategy DPD (2010) and Policy 8 of the Northamptonshire Waste Local Plan (2006).

Storage of Materials

21. External storage and/or stockpiling of materials shall be no more than 6 metres in height and no materials susceptible to wind blow shall be stored

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outside. Areas of external storage shall be controlled and managed to maintain a satisfactory appearance.

Reason: In the interests of visual amenity and in accordance with Policy 15 of the Northamptonshire Waste Local Plan (2006) and Policy 13 of the North Northamptonshire Core Spatial Strategy (June 2008).

Monitoring

22. The operating company shall keep records of the quantity of waste received by weight, type and source as well as the number of traffic movements to and from the site. These records shall be provided to the Waste Planning Authority within seven days of a written request.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the waste management capacities in Policy CS1 and the principles in Policy CS9 of the Core Strategy DPD (2010) and the objectives of the National Waste Strategy for England 2007.

Catchment Area

23. Except as may otherwise be agreed in writing by the Waste Planning Authority, all waste materials to be processed at the site shall originate from sources within a 30 mile radius of the site except for separately collected paper, card and plastic inputs for baling which shall originate from sources within a 50 mile radius.
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 annual report shall incorporate such records that demonstrate compliance with catchment area controls (Condition 23).

Reason for Conditions 23 and 24: To ensure that waste materials are dealt with close to their source in order to prevent the long distance travelling of imported wastes in accordance with Policy CS9 of the Core Strategy DPD (2010).

INFORMATIVES

1. The applicant has undertaken to establish and facilitate a Local Liaison Group.
2. The applicant's attention is drawn to the full list of Network Rail requirements provided in their consultation response dated 27th September 2010.
3. Environment Agency notes to the applicant:
The mixed, non-hazardous waste associated with this development will

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require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via our main website (<http://www.environment-agency.gov.uk>).

REASONS FOR APPROVAL

This application is to vary the approved documents to allow an amendment to the previously approved site layout. It is considered that the proposed changes would not materially alter the impact of the operations as assessed under planning permission 10/00059/WAS. The overall design and appearance of the revised proposals is considered acceptable having regard to the Development Plan. Similarly there are no amenity impacts to justify the refusal of the application having regard to Policy CS14 of the Core Strategy, Policy 15 of the Waste Local Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Date: 13th June 2011

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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