Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant | Name and address of agent
Earthworm Ltd | GP Planning
Browns Road | The Stables
Daventry | Long Lane
NN11 4NS | East Haddon
NN6 8DU

Part I - Particulars of application

Date of Application | Application No.:
Valid – 15th February 2012 | NCC – 12/00010/WAS
| DDC – DA/2012/0143

Particulars and location of development

Construction of a biofilter to be used in conjunction with the permitted In-Vessel Composting facility at Burnham Landscapes Ltd. Browns Road, Daventry 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:

Time Limit

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.

Reason: To conform to the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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.
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 submitted application:

- Application forms dated 26th January 2012;
- Planning Statement dated January 2012;
- Odour Management Plan Version 2.0;
- Noise Assessment dated January 2012;
- GPP/EW/DAV/12/01 Rev 1 Site Location Plan;
- GPP/EW/BR/12/03 Rev 1 Site Plan;
- 6109 T-02 Rev D Proposed Site Layout Plan;
- 6109 T-06 Rev B Proposed Elevations.

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

Building Materials

3. The materials to be used on the external surface of the structure 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 CS14 of the NMWDF Core Strategy DPD (2010).

Odour

4. An Odour Management Plan (Version 2.0) was approved by the Waste Planning Authority on 9th March 2012. 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 CS14 of the NMWDF Core Strategy DPD (2010).

INFORMATIVE

1. Attention is drawn to planning permission reference 09/00005/WAS for the In-Vessel Composting plant (approved on 30th March 2009) and the planning conditions contained therein.

2. With respect to construction works to be carried out in close proximity to and using Public Rights of Way as access, please note the following standard requirements:

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• The routes must be kept clear, unobstructed, safe for users, and no structures or material placed on the right of way at all times, it is an offence to obstruct the highway under s35 HA 1980;
• 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;
• If as a result of the development the right of way needs to be closed by applying for a Temporary Traffic Regulation Order. An application form for such an order is available from Northamptonshire County Council, a fee is payable for this service and a period of six weeks notice is required. Please follow the link below: www.northamptonshire.gov.uk/en/councilservices/transport/row/legal/pages/temptros.aspx
• 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.
• Please do not rely on the position of features on site for an accurate position of the publics rights of way. This must be taken only from the Definitive Map and Statement 2010.

REASONS FOR APPROVAL

The proposal is for the construction of a biofilter to be used in conjunction with the permitted In-Vessel Composting facility (Ref. 09/00005/WAS) at Browns Road, Daventry. Given the space available on the site a larger biofilter is proposed than was previously permitted which should be more than adequate to ensure correct odour control. Given that the proposal is for the construction of a biofilter at a permitted in-vessel composting facility, the principle of its use is acceptable in accordance with Policies CS1 and CS2 of the MWDF Core Strategy DPD. Potential local amenity impacts were considered in detail when planning permission 09/00005/WAS was determined, and suitable conditions imposed to control impacts. However, given the revised size and location of the new separate biofilter, potential amenity impacts have been re-considered. No issues have been raised which cannot be adequately dealt with by suitable planning conditions and therefore the proposal is considered acceptable in accordance with Policy CS14 of the MWDF Core Strategy DPD. The environmental performance of the operator would be controlled by the Environment Agency through the environmental permit.

Date: 16th May 2012
Signed...[signature]

For Assistant Director of Environment and Planning

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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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