Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Biffa Waste Services Ltd
Portland House
Bickenhall Lane
Birmingham
B37 7BQ

Name and address of agent

Part I - Particulars of application

Date of Application
21 May 2012

Application No.:
NCC – 12/000391/WASFUL
DDC – DA/2012/0414

Particulars and location of development
Use of former green waste composting facility for compost maturation and storage at
Kilsby Landfill Site, Daventry Road, Kilsby, CV23 8XF

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 ONE YEAR 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 5 April 2012
- Site Location Plan dated 17 May 2012
- Planning Boundary Drawing dated 4 April 2012
- Cover Letter from Biffa dated 5 April 2012
- Dust, Bioaerosol and Odour Management and Monitoring Plan dated November 2008
- Email from Mary Tappenden of Biffa dated 21 May 2012
- Building Elevation Plan dated August 2001
- Building Drainage Details dated January 2001

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

Waste Types

3. All waste materials to be stored and processed on the site shall be imported from the applicant's in-vessel composting site at Ufton, near Leamington Spa, Warwickshire.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability, having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

4. Storage and processing of compost materials shall be confined solely to inside the existing building.

Reason: In the interests of highway safety and local amenity having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

Waste Throughputs

5. The annual amount of imported waste shall not exceed an annual throughput of 25,000 tonnes per annum.

Reason: To define the scope of the permission and in the interest of clarity, amenity protection and highway safety having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

Consignment Note Records

6. 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.

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Reason: To ensure that waste materials are dealt with close to their source having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

Hours of Working

7. The development hereby permitted shall only be carried out during the following times:

- 0700 to 1800 hours Monday to Fridays
- 0700 to 1300 hours Saturdays

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

Public Rights of Way

8. No loading, unloading or processing of compost materials shall be carried out when the footpath EA4, to the east of the site, is in use.

Reason: To protect the interests of local amenity having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

Maintenance of Access Road

9. The access road from the junction with the A361 Daventry Road shall be kept free of mud, dust and detritus materials to ensure that such material is not carried onto the public highway.

Reason: In the interest of highway safety and safeguarding local amenity having regard to Policy CS14 of the MWDF Core Strategy (May 2010).

Vehicle Sheeting

10. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage, wind blow and odour nuisance.

Reason: In the interests of highway safety and safeguarding local amenity having regard to Policy CS14 of the MWDF Core Strategy (May 2010).

Odour, Noise and Dust

11. 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 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 operator.

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Waste Planning Authority no later than five working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Waste Planning Authority.

**Reason:** To protect the interests of local amenity having regard to Policy CS14 of the MWDF Core Strategy DPD (May 2010).

**Monitoring**

12. 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 control any additional pressure on the existing infrastructure, in the interests of highway safety and convenience, having regard to Policy CS9 and CS14 of the MWDF Core Strategy DPD (May 2010).

13. 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 the condition above. The report shall include detailed information on the types, quantities and sources of all waste materials brought on to the site and taken off the site, including records of vehicle movements demonstrating compliance with condition 26. The information required by this condition shall also be supplied at any other time on request by the Waste Planning Authority. All such information will be treated on a confidential basis.

**Reason:** To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the MWDF Core Strategy DPD (May 2010) and to ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Core Strategy DPD (May 2010) and Policy CMD 1 and CMD 14 of the MWDF Control and Management of Development DPD (June 2011).

**End Date**

12. The compost maturation and storage facility hereby permitted shall cease not later than 31st August 2014 (two thousand and fourteen).

**Reason:** To specify the date when all operations at the site shall cease having regard to policy CS14 of MWDF Core Strategy DPD (May 2010).

**Informatives**

1. The applicant’s attention is drawn to the standard requirements in relation to construction works being carried out in close proximity of a Public Right of Way contained within their email dated 27th June 2012.

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REASONS FOR APPROVAL

The proposal is for the storage and maturation of compost material from the applicant's Ufton near Leamington Spa, Warwickshire and Etwall, South Derbyshire in-vessel composting facilities. As an allocated site within the Northamptonshire Minerals and Waste Development Framework (MWDF) Locations for Waste Development DPD (March 2011) the principle of the development has been assessed and considered acceptable with regard to the development plan. However this application is not to provide for waste from Northamptonshire and is therefore considered to be contrary to Policy CS1. To allow the development to take place could prejudice the allocated site and potentially restrict its use in connection with waste arising in Northamptonshire. The site is currently unused and there are no current applications for it to be used for another waste management purpose. On this basis it is considered that a temporary permission would be acceptable but this should be for a maximum period of 2 years.

The catchment area for the waste materials has been assessed against the MWDF and the importation from South Derbyshire is not considered acceptable for the development proposed which is not a specialist facility justifying a regional catchment area. Accordingly, any permission should restrict the source of the waste to solely from Biffa's in vessel composting site in at Ufton, near Leamington Spa, Warwickshire.

Date........20...9...2012............... Signed ........M.B.Chamt...........

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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