Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant  Name and address of agent (if any)
Biffa Waste Services Ltd. Poplars Landfill Site
  Lichfield Road Cannock
  Staffordshire WS11 8NQ

Part I - Particulars of application

Date of Application                      Application No.
20 July 2015                               NCC Ref: 15/00059/WASVOC
                                              DDC Ref: DA/2015/0702

Particulars and location of development
Variation of Condition 5 of Planning Permission 14/00038/WASFUL for an extended catchment area at Kilsby Landfill Site, Grove Farm, Daventry Road, Ashby St Ledgers, Northamptonshire.

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:-

Note: This consent supersedes, consolidates and updates planning permission 14/00038/WASFUL.

The following is a list of conditions originally granted on planning permission 14/00038/WASFUL with various amendments and updates to conditions reflecting planning permission 15/00059/WASVOC. Amendments and updates are shown in italics.

1. Time Limit

The development to which this relates must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

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

2. **Scope of Permission**

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 28 May 2014
- Planning Application statement dated May 2014
- Site Location Plan - Drawing No. 1
- Application Area and Land Under Applicant's Control Plan - Drawing No. 2
- Building Layout with Drainage Details - Drawing No. 3
- Building Elevations - Drawing No. 4
- Crestwood Environmental Ltd Extended Phase 1 Habitat Survey Ref: CE-KB0616-RP01-FINAL dated 27 May 2014
- Crestwood Environmental Ltd Great Crested Newt Presence/Likely Absence Survey Ref: CE-KB0616-RP03-FINAL dated 16 June 2014

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

3. **Waste Throughputs**

The annual amount of imported waste shall not exceed an annual throughput of 30,000 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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

4. **Catchment Area**

All waste materials to be processed on the site shall originate from locations within the area shown on the submitted Plan – Green-Waste-Catchment-Area Drawing No. 5 dated 12 May 2014 *Green Waste Catchment Area Drawing No.5 Rev 1*, unless expressly agreed otherwise by the Waste Planning Authority in writing.

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 Policies 13 and 23 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

5. **Consignment Note Records**

Consignment note records and waste transfer note records relating to

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10. **Monitoring**

The operating company shall keep records of the quantity of waste received by weight, type and source and records by weight of the amount of compost and waste leaving the site 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 11 and to ensure that waste materials are dealt with close to their source in accordance with Policies 13, 23 and 29 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

11. **Monitoring**

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 11 above and records of vehicle movements demonstrating compliance with condition 5. The information required by this condition shall also be supplied at any other time on request by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the waste management capacities in Policy 11 and to ensure that waste materials are dealt with close to their source in accordance with Policies 13, 23 and 29 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

12. **Fire Risk Management Plan**

Within 3 months of the date of the permission, a Fire Risk Management Plan (FRMP) shall be submitted to and approved in writing by the Waste Planning Authority (see informative). The plan shall also include measures to mitigate the risk of fire associated with waste storage on the site. The plan shall be fully implemented and subsequently maintained, in accordance with the plan, unless any changes are subsequently agreed in writing by the Waste Planning Authority. In the event that any of the measures stipulated in the FRMP conflict with measures subsequently agreed as part of the Environmental Permit for the waste facility then the measures specified in the FRMP shall be superseded by the conflicting measures in the Environmental Permit.

Reason: In the interests of safety having regard to Policy 27 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

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materials imported to, stored on or taken away from the site shall be made available to the Waste Planning Authority upon request.

Reason: To ensure that waste materials are dealt with close to their source having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

6. **Hours of Working**

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

0700 to 1800 hours Monday to Sunday

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

7. **Maintenance of Highway and Access Road**

No mud or debris shall be deposited on the public highway and 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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

8. **Vehicle Sheeting**

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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

9. **Odour, Noise and Dust**

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 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.

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INFORMATIVES

1. In preparing the fire risk management plan the applicant should refer to Environment Agency (EA) guidance “Fire Prevention Plans” and Waste Industry Safety and Health Forum (W.I.S.H) guidance “Reducing Fire Risk at Waste Management Sites” (section 6) and should use guidance available on the E.A. website to ensure that the latest guidance is used.

2. Materials stored in a building will require a fire suppression system. These systems will usually keep a fire under control and may extinguish the fire quickly and safely. This will mean less damage to your site, the local community and the environment. The system(s) you choose will depend on your site’s risks. For example some fire suppression systems may not be effective at tackling a deep seated fire. If you store processed materials to the maximum capacity outlined in this guidance it is likely that a deep seated fire could occur. You must install a system that detects fire quickly and restricts fire spread.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Concerns and issues raised during consultation on the submitted application have been considered by the Minerals Planning Authority, discussed with consultees and the applicant/agent and are addressed by conditions where appropriate.

The approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

Date: 15th October 2015
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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