



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Mick George Ltd
6 Lancaster Way
Ermine Business Park
Huntingdon
PE29 6XU

Name and address of agent (if any)

Part I - Particulars of application

Date of Application

2 September 2015

Application No.

NCC Ref: 15/00067/WASVOC

KBC Ref: KET/2015/0726/NCC

Particulars and location of development

Variation of Condition 8 of Planning Permission 11/00049/WAS for extended operating hours of recycling operations at: Rushton Landfill Site, Oakley Road, Rushton, Kettering, Northamptonshire, NN14 1QS

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:-

This consent supersedes, consolidates and updates planning permission 11/00049/WAS.

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 with the requirements of Section 91 of the Town and Country Planning Act 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.

- Written notification of the date of commencement of the development shall be provided to the Waste Planning Authority within seven days of such commencement.

Reason: To formally establish the date when the development commenced.

Scope of Permission

- This planning permission shall only relate to the area edged in red on submitted drawing R14/102.
- Unless otherwise agreed in writing by the Waste Planning Authority and except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the documents approved under planning permission 11/00049/WAS and as submitted with this application as follows:

Document Reference	Document Title
R14/10/601 Rev A	Site Setting
R14/10/602	Existing Site Situation
R14/10/604	Restoration Plan
	1App Forms dated 11/08/2011
	Environmental and Supporting Statement
Annexure 2	Waste Market Appraisal
Annexure 3	Visual and Landscape Appraisal
Annexure 4	Soil Assessment
Annexure 6	Noise Assessment
Annexure 7	Traffic Appraisal
Annexure 8	Hydrological Assessment
Annexure 9	Ecology Survey
	Addendum to Flood Risk Assessment dated September 2011 as revised 21/10/2011
	HGV Routing Plan received 21/10/2011
	<u>Application Form 18/08/15</u>
	<u>Supporting Letter dated 18 August 2015</u>
<u>Drawing R14/13/01 Rev b</u>	<u>Waste Reception Area-Schematic Layout Proposals</u>
	<u>LF Acoustics Noise Assessment July 2015</u>

Reason for conditions 3 to 4: To define the scope of the permission and in the interest of clarity.

- From the date of commencement of the 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 available at the site for inspection during normal working hours.

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

Waste Processing

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.

6. Materials to be processed at the site shall be restricted to asbestos and non hazardous waste and shall exclude radioactive waste.

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

Hours of Working

7. The delivery of waste into ~~the waste management building~~ this application site shall be confined to between 07:00 hours and 18:00 hours Mondays to Fridays and 07:00 hours to 16:00 hours on Saturdays, Sundays and Bank Holidays, excluding Christmas Day, Boxing Day, New Year's Day and Easter Sunday.
8. Waste recycling operations and associated activities shall be confined to between 06:00 hours and 23:00 hours Mondays to Fridays and 07:00 hours to 18:00 hours on Saturdays with no such works undertaken on Sundays, Public or Bank Holidays. Within these hours no waste movements or processing shall take place outside of the permitted waste recycling and materials building and extension, between the hours of 06:00 – 07:00 and 18:00 – 23:00 hours Monday to Friday.
9. Except as may otherwise be agreed in writing with the Waste Planning Authority, the delivery of waste on Saturdays between 1300 hours and 1600 and on Sundays and Bank Holidays (excluding Christmas Day, Boxing Day, New Year's Day and Easter Sunday) shall be restricted to up to 20 Heavy Goods Vehicles per day delivering only non hazardous waste.

Reason for conditions 7 to 9: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to amenity having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Site Access, Lorry Routing, Wheel Cleaning and Vehicle Sheeting

10. The vehicular access shall be in accordance with Figure 1, Drawing No.12066-08 as approved under planning permission 11/00046/WAS. The scheme as approved shall be implemented fully and thereafter maintained.
11. The revised access constructed in accordance with condition 10 shall be the sole vehicular access in association with this development.
12. All Heavy Goods Vehicles shall be routed in accordance with the submitted Heavy Goods Vehicle Routing Plan (received 21/10/2011) and no Heavy Goods Vehicles shall pass through the village of Rushton.
13. All Heavy Goods Vehicles leaving the site shall turn right onto Oakley Road.
14. Signs informing vehicle drivers of the requirement to only turn right from the site onto Oakley Road shall be erected and maintained in a visible location near to the egress on site in accordance with the scheme on Figure 1, Drawing No.12066-08 as approved under planning permission

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11/00046/WAS. . The scheme as approved shall be implemented fully and thereafter maintained.

15. Wheel cleaning facilities shall be provided and maintained on site so that operational vehicles leaving the site are cleansed of mud and other debris to ensure that none is deposited on the public highway.
16. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

Reason for conditions 10 to 16: In the interests of highway safety and local amenity in accordance with Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Contaminated Land/Risk Assessment

17. The approved Contaminated Land/Risk Assessment (approved on 14 January 2009) shall thereafter be implemented.
18. 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 for conditions 17 to 18: In order to ensure that measures are put in place to adequately address the possibility of contamination of the site and adjoining land, and in accordance with Paragraph 120 of the national Planning Policy Framework).

Water Resources

19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that a pathway for any potential contamination is not made to the underlying strata and to ensure that landfill liners or caps are not put at risk from foundation works having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

20. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

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Pollution control

21. Any facilities, above ground, for storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.
22. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Reason for conditions 20 to 22: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Odour, Noise and Dust

23. Odour, noise and dust control measures shall be in accordance with details contained in section 2.3.1 to 2.3.20 of the Environmental Statement and Annexure 6 (noise assessment) unless otherwise agreed in writing with the Waste Planning Authority.
24. Prior the commencement of the additional working hours referred to in condition 8, the additional noise mitigation measures recommended in paragraph 5.35 and 5.36 of the submitted LF Acoustics Noise Assessment July 2015 shall be implemented in full and details of the works undertaken shall be submitted to the Waste Planning Authority for approval in writing. The measures undertaken shall thereafter be maintained throughout the duration of the operations hereby permitted.
25. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.
26. No vehicle, plant, equipment or machinery used exclusively on site shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and machinery shall be maintained in accordance with the manufacturer's specification.
27. Traffic management operations at the site shall be controlled to ensure that all Heavy Goods Vehicles are routed to minimise reversing manoeuvres.
28. The site shall be worked in accordance with the measures set out in Part 1 (Noise), Section 8 of British Standard 5228: 2009 "Noise and Vibration Control on Construction and Open Sites or subsequent edition thereof. The

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equivalent sound level (LAeq), measured over any 1 hour time period, attributable to the normal operations on site during the day time hours 07.00 to 18.00, as measured free field shall not exceed 55 dBA (1hrLAeq) at the nearest noise sensitive properties.

29. The noise rating level associated with the operation of the Materials Recycling Facility (MRF) shall not exceed a level of less than 3dB(A) above the background level of noise during the evening period (18.00-22.00 hours) and Saturday afternoon period (13.00-18.00 hours), at the boundary of any noise sensitive property measured over a 1 hour period when assessed in accordance with BS4142:2014.
30. The noise rating level associated with the operation of the MRF shall not exceed the background level of noise during the permitted night time working period (22.00 – 23.00 hours and 06.00 – 07.00 hours), at the boundary of a noise sensitive property measured over a 15 minute period when assessed in accordance with BS4142:2014.
31. 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.

Reason for conditions 23 to 31: To protect the interests of local amenity having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Stockpile Heights

32. All stockpiles of either imported inert waste or processed inert waste shall, at no times, exceed 5 metres in height.

Reason: In the interests of the visual and rural amenities of the area having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Lighting

33. Any external lighting shall be downward facing to minimise the risk of light spillage beyond the operational areas and into the sky. The lighting shall be switched off when not required.

Reason: In the interests of the visual and rural amenities of the area having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)

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Soil Handling

34. Soil stripping, handling, storage and replacement during operations, and restoration, shall be as in the scheme submitted to the Waste Planning Authority on 6 February 2012 (and as clarified in the email from Mick George Ltd dated 7 March 2012) submitted in connection with planning application 11/00046/WAS.. All operations shall be in accordance with the approved scheme.

Reason: To prevent damage to soils having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Landscaping and Biodiversity

35. Landscaping along the Station Road boundary of the site shall be in accordance with the scheme submitted to the Waste Planning Authority on 6 February 2012 as amended by further information submitted on the 25 April 2012 in connection with planning permission 11/00046/WAS. The scheme shall be designed to maximise screening of the existing waste management building from views along Station Road. All works shall be in accordance with the approved scheme, which shall thereafter be maintained.

36. Hedgerow improvement works at the site shall be in accordance with the scheme submitted to the Waste Planning Authority on 6 February 2012 as amended by further information submitted on the 25 April 2012 in connection with planning permission 11/00046/WAS. The scheme shall thereafter be maintained to secure sufficient screening in the long term and enhance biodiversity. All works shall be in accordance with the approved scheme.

37. Operations that involve the destruction and removal of trees and other vegetation shall not be undertaken during the months of March to August inclusive, unless an ecologist report is submitted to demonstrate that breeding birds will be not be affected and this has been approved in writing by the Waste Planning Authority. Should nesting birds be found, development shall be delayed until such time as nesting has ceased.

38. Any plants which die or are damaged within five years of planting shall be replaced.

Reason for conditions 35 to 38: To ensure restoration and habitat creation maximises biodiversity in line with Biodiversity Action Plan regional species and is in accordance with agreed objectives having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Restoration

39. The final landform/contours following the completion of tipping and restoration, including the engineered clay cap and replaced soil profile within the area subject to this planning permission, shall be as shown on Restoration Drawing R14/10/604.

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40. In any part of the site where differential settlement occurs during restoration or aftercare, the applicant, where required by the Waste Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Waste Planning Authority.

41. The access and all buildings, foundations, hard standings, structures, plant, machinery and haul roads associated with this development shall be removed and the site restored in accordance with a scheme to be submitted at least twelve months prior to the date in condition 43 or as part of the scheme required under condition 41, whichever is the sooner.

Reason for conditions 38 to 40: To ensure appropriate restoration having regard to Policy 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

42. In the event that the development hereby permitted ceases for a period in excess of 12 months, a revised restoration scheme shall be submitted to the Waste Planning Authority and agreed in writing. The scheme, as agreed, shall thereafter be implemented.

Reason: To safeguard landscape character having regard to Policy 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

End Date

43. The development hereby permitted shall be fully restored in accordance with Restoration Drawing R14/10/604 no later than 30 September 2030 (twenty hundred and thirty).

Reason: To retain control over the development and in the interests of visual amenity and to ensure that the development does not prejudice the overall restoration of the landfill site in accordance with Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Aftercare

44. A phased aftercare scheme requiring that such steps as may be necessary to bring the land to the required standard for the each afteruse proposed shall be submitted for the approval of the Waste Planning Authority not later than three months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted scheme shall provide an outline strategy in accordance with Annex A of MPG 7 (Reclamation of Mineral Workings) for the five year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system.

45. Before 30 September of every year during the aftercare period, an Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the restoration operations carried out on the land during the previous 12 months and setting out the intended restoration operations for the next 12 months. A site meeting shall be arranged to discuss the report to

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which the Waste Planning Authority shall be invited together with any other parties as necessary.

Reason for conditions 44 to 45: To ensure appropriate restoration and aftercare having regard to Policy 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Monitoring

46. The operators of the site shall at a minimum of 12 monthly intervals provide in writing to, and upon request by the Waste Planning Authority, detailed information on the quantities and types of all waste materials brought onto the site for re-use, recovery and sent for disposal. Such information will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.
47. The operating company shall keep records of the quantity of waste received by weight and its source and these records shall be provided to the Waste Planning Authority within seven days of written request. All such information supplied will be treated on a confidential basis.

Reason for conditions 46 to 47: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 29 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

Catchment Area

48. Unless otherwise expressly approved in writing by the Waste Planning Authority all inert waste materials to be processed at the site shall originate from sources within a 20 mile radius of the site and 95% of all other waste materials to be processed at the site shall originate from sources within a 30 mile radius.
49. 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 48).

Reason for Conditions 48 to 49: To ensure that waste materials are dealt with close to their source in the interests of self sufficiency and sustainability having regard to Policy 13 of the Minerals and Waste Local Plan (October 2014).

INFORMATIVES

1. This permission shall be read in conjunction with the Section 106 Unilateral Undertaking issued by Mick George Ltd and dated 10 November 2011 which details:
 - a) Provision for financial contributions toward maintenance of Oakley Road and Station Road.

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2. Notwithstanding the planning permission(s) that may be granted or extant on the site, any proposed works affecting ordinary watercourses, statutory main rivers, within the indicative floodplain or within the bylaw distance requires the prior written consent of the Environment Agency under the relevant statutory legislation and current land drainage bylaws.
3. Please note that Environment Agency formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by the Environment Agency's comments and it is therefore imperative that early contact is made with the EA for advice regarding their requirements.
4. Throughout the period of working, restoration and aftercare, the operator shall have due regard to the need to adhere to the precautions laid out in the leaflet entitled "Preventing the Spread of Plant and Animal Diseases", published by the Ministry of Agriculture, Fisheries and Food.

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. The applicant has been given advance sight of the draft planning conditions. This 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 8th December 2015 Signed 

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.*
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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