



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

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

Name and address of agent (if any)

Part I - Particulars of application

Date of Application

2 September 2015

Application No.

NCC Ref: 15/00068/WASVOC

KBC Ref: KET/2015/0727/NCC

Particulars and location of development

Variation of Condition 20 of Planning Permission 14/00019/WASFUL for extended operating hours of recycling operations : 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 14/00019/WASFUL.

Time Limit

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission. Written notification of the date of commencement shall be provided in writing to the Waste Planning Authority within seven days of such commencement.

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 comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Scope of the Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be implemented and maintained in accordance with the following approved documents and plans:

Permission ref. no. 14/00019/WASFUL:

- Application forms dated 20 March 2014
- Supporting Statement dated April 2014
- Landscape and Visual Impact Assessment dated March 2014 – Table 11 Mitigation measures
- Flood Risk Assessment dated August 2013 – Chapters 4 and 5 Development proposals and SUDS

Drawings

- Waste Reception Area – Schematic Layout Proposals, reference R14/13/01 Rev b dated 8 April 2014
- Waste Reception Building Extension – Typical Front and Side Elevation, reference R14/03/02 dated September 2013
- Solid Recovered Fuel Building – Typical Elevations, reference R14/13/03 dated 6 September 2013
- Proposed Ready Mix Concrete Plant Elevations, reference Figure A dated 3 July 2014
- Indicative Surface Water Drainage Layout, reference D101 dated September 2013

Permission ref. no. 15/00068/WASVOC:

- Application Form 18/08/15
- Supporting Letter dated 18 August 2015
- Drawing R14/13/01 Rev b - Waste Reception Area-Schematic Layout Proposals;
- LF Acoustics Noise Assessment – July 2015

Reason: To secure implementation and maintenance of the development in accordance with the approved documents and plans and secure the mitigation measures set out in the application.

Landscape Scheme

3. Prior to commencement of development a Landscaping Scheme for the new planting shown on the submitted Schematic Layout Proposals drawing shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include types, number and size of species proposed with a focus on native species. The scheme as agreed in writing by the Waste Planning Authority shall be implemented in full within the first available planting season following approval.

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4. Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which within ten years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Waste Planning Authority. All landscaping shall be carried out in accordance with the landscaping scheme approved under condition 3 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

Reason for conditions 3 to 4: In the interests of amenity protection, landscape character and biodiversity having regard to Policies 22, 25 and 26 of the Minerals and Waste Local Plan (October 2014).

Storage and Processing

5. No external processing or external storage of Solid Recovered Fuel shall take place on site.
6. No stockpiles of waste shall exceed 5 metres in height.

Reason for conditions 5 to 6: In the interests of amenity and environment protection having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Fire Risk

7. Prior to the commencement of development a scheme for preventing and fighting fire at the site shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall set out measures to prevent fire on the site, including the establishment of buffers between stored waste and shall include consideration of potential water sources for fire appliances. The approved scheme shall be implemented in full within six months of approval and shall be maintained for the lifetime of the operations hereby permitted.

Reason: In the interests of amenity and environmental protection having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Heavy Goods Vehicle Movements

8. Excluding construction vehicles the total number of Heavy Goods Vehicle movements to and from the site shall not exceed 300 per day [150 in and 150 out] based on a weekly average calculated over six working days. No HGV movements shall take place outside the permitted hours of working.

Reason: In the interests of amenity protection and highway safety having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Phasing

9. Prior to the import of plant and equipment associated with the proposed concrete batching plant the proposed one metre high soil bund shall be

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constructed along Oakley Road. The bund shall be maintained until the final stage of restoration of the site.

Reason: In the interests of amenity protection and landscape character having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Odour, Noise and Dust

10. Prior to the commencement of development an updated scheme for odour, noise and dust management shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall include the mitigation measures previously approved under planning permissions 11/00046/WAS to 11/00049/WAS, and in the Noise Assessment dated July 2015 accompanying this planning application, but should be updated to reflect the new proposals for the site, including the concrete batching operations. The approved scheme shall be implemented and maintained for the lifetime of the development.
11. Prior to the commencement of the additional working hours referred to in condition 23, 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.
12. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms.
13. 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.
14. Traffic management operations at the site shall be controlled to ensure that all Heavy Goods Vehicles are routed to minimise reversing manoeuvres.
15. 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 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.
16. 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.

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17. 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.
18. In the event that complaints regarding noise, odour or dust during construction or operational phases are received by the Waste Planning Authority 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 (if necessary) to be undertaken shall be submitted to the Waste Planning Authority no later than five working days from notification of the complaint to the operator, unless a later date is otherwise agreed in writing by the Waste Planning Authority. The approved remedial measures shall be implemented in full and thereafter maintained.

Reason for conditions 10 to 18: In the interests of the amenities of the area having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Lighting

19. No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Waste Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and details the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angles and luminaire profiles. In addition a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

Reason: In the interests of the amenities of the area, site security and sustainability having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Tree Protection

20. All trees, hedgerows and shrubs to be retained shall be protected from any development, including site clearance and the storage of earth and materials, by means of appropriate fencing in accordance with the provisions of the BS5837:2005. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Waste Planning Authority.

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Reason: In the interests of amenity protection, landscape character and biodiversity having regard to Policy 22, 24 and 25 of the Minerals and Waste Local Plan (October 2014).

Hours of Working

21. All construction activities shall be restricted to between the hours of 07:00 and 19:00 Mondays to Fridays and 07:00 to 13:00 Saturdays with no construction activities on Sundays or Public and Bank Holidays.
22. 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.
23. 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.
24. Except as may otherwise be agreed in writing by the Waste Planning Authority, ~~all other waste operations and associated activities, including~~ the operation of the concrete batching plant, ~~not permitted under condition 6~~ shall be confined to between 07:00 and 18:00 hours Mondays to Fridays and 07:00 to 13:00 hours on Saturdays with no such works undertaken on Sundays, Public or Bank Holidays.
25. Except as may otherwise be agreed in writing with the Waste Planning Authority, the delivery of waste on Saturdays between 13:00 and 16:00 hours 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.
26. Soil stripping, bund construction, levelling and restoration operations shall only be carried out between the hours of 07:00 and 18:00 hours Mondays to Fridays and 07:00 and 13:00 hours on Saturdays with no such works on Sundays, Public or Bank Holidays.
27. No soil stripping or replacement works shall be undertaken within 200 metres of any occupied residential property before 0800 hours Mondays to Saturdays with no such works on Sundays, Public or Bank Holidays.

Reason for conditions 21 to 27: To ensure that working on site is carried out within reasonable hours so as to avoid disturbance to amenity in accordance with Policy 22 of the Minerals and Waste Local Plan (October 2014).

Lorry Routeing, Wheel Cleaning and Vehicle Sheeting

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28. All Heavy Goods Vehicles shall be routed in accordance with the Heavy Goods Vehicle Routing Plan (received 21/10/2011) approved under planning permissions 11/00046/WAS to 11/00049/WAS and no Heavy Goods Vehicles shall pass through the village of Rushton.
29. All Heavy Goods Vehicles leaving the site shall turn right onto Oakley Road.
30. 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.
31. All operational vehicles arriving at and leaving the site shall be sheeted to prevent material spillage or wind blow.

Reason for conditions 28 to 31: In the interests of highway safety and local amenity in accordance with Policy 22 of the Minerals and Waste Local Plan (October 2014).

Materials

32. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those detailed in the application. The surfaces shall be maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of amenity protection and landscape character having regard to Policies 22 and 25 of the Minerals and Waste Local Plan (October 2014).

Pollution control

33. 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.
34. 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 33 to 34: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to Policy 22 of the Minerals and Waste Local Plan (October 2014).

Restoration

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35. The final landform/contours following the completion of restoration shall be as shown on Restoration Drawing R14/10/604 approved under planning permissions 11/00046/WAS to 11/00049/WAS.
36. 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.
37. 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 39 or as part of the scheme required under condition 38, whichever is the sooner.

Reason for conditions 35 to 37: To ensure appropriate restoration having regard to Policies 22, 24, 25 and 28 of the Minerals and Waste Local Plan (October 2014).

38. 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 Policies 22, 24, 25 and 28 of the Minerals and Waste Local Plan (October 2014).

End Date

39. The development hereby permitted shall be fully restored in accordance with Restoration Drawing R14/10/604 approved under planning permissions 11/00046/WAS to 11/00046/WAS 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 Policies 22 and 28 of the Minerals and Waste Local Plan (October 2014).

Aftercare

40. 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.

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

Reason for conditions 40 to 41: To ensure appropriate restoration and aftercare having regard to Policies 22 and 28 of the Minerals and Waste Local Plan (October 2014).

Monitoring

42. 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 report shall include detailed information on the types, quantities and sources of all waste materials brought on to the site, including records of vehicle movements demonstrating compliance with condition 8. The annual report shall also incorporate records that demonstrate compliance with the catchment area condition (condition 43). The information required by this condition shall also be supplied at any other time on request by the Waste Planning Authority.

Reason: To ensure that waste materials are dealt with close to their source, in the interests of highway safety and amenity, and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Policies 11, 12, 18, 22 and 23 of the Minerals & Waste Local Plan (October 2014).

Catchment Area

43. Prior to commencement of development hereby permitted the operator shall submit to the Mineral Planning Authority for approval in writing an indicative plan showing the catchment area for waste sources for treatment at the facility based on the previously agreed size of catchment on existing extant planning permissions for the site. The annual report required by condition 42 shall incorporate such records that demonstrate compliance with the indicative catchment area plan. Waste sources related to the development shall be managed to be in accordance with the catchment area as agreed.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability and to monitor progress towards achieving a sustainable waste management network, having regard to Policies 11 and 23 of the Minerals & Waste Local Plan (October 2014).

INFORMATIVES

1. The applicant's attention is drawn to the following informative comments from the EA in their response dated 23 May 2014:

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Consideration should be given to the Duty of Care Regulations and the Environmental Permitting Regulations, with regards to transportation, storage or use of any potential waste material especially during the construction phase.

There is a possibility of landfill gas migrating from the landfill site into the strata below the proposed development. Responsibility for the safe development and secure occupancy of the development rests with the applicant.

No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent, shall be discharged to the surface water drainage system.

The applicant needs to provide us with details including drainage plans for foul water and/or trade effluent disposal for each of the buildings in the proposed development. It appears from the application form that part of the proposed development or activity would require a Waste Management Licence. The applicant is advised to contact Pat Kelly (Environment Management Team) on 01536 385153 at the earliest opportunity to discuss this matter.

Positive and Proactive 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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