



**Variation of Conditions,
Planning Permission 08/00012/WAS
for Shanks Waste Management Limited
at Old Telford Way, Kettering**

1. BACKGROUND

1.1. The location of the application site is shown on Plan No GPP/SWM/WC/08/01 and the application site is shown on Plan No GPP/SWM/WC/08/02. Planning permission 08/00012/WAS for the variation of conditions to two previous permissions was granted on 23 May 2008. However, due to a number of concerns regarding the wording of three of the conditions on the new permission it has not yet been implemented.

1.2. The new permission allows for additional hours of operation, to facilitate a two-shift system and it authorises the use of the outside processing equipment at any time.

1.3. The new permission changed the wording of two conditions of the previous permissions such that the existing activities at the site are unreasonably constrained. A meeting with Planning Officers of Northamptonshire County Council established that the intention of the changed wording was to make the conditions more enforceable rather than seeking to impose additional constraints. However, the only way to remedy the situation is by means of a new planning application to vary the wording of the conditions. In addition, in changing the wording of the conditions relating to hours of operation the authorisation to receive municipal waste on Bank Holiday afternoons has been removed.

1.4. The conditions for which changes in wording are sought are as follows:
Condition 3 states that “The development hereby permitted shall be restricted to the recycling, temporary storage, processing (excluding food waste processing) and transfer of inert and non-hazardous waste”

Condition 11 states that “All materials to be processed at the site shall originate from sources within a 20 mile radius of the site”.

Condition 5a) states that “ Except as may otherwise be agreed in writing with the Waste Planning Authority the receipt of waste and all waste processing activities inside the buildings and via the outside automated system of conveyors shall be restricted to between the hours of 06.00hrs and 22.00hrs Monday to Friday, 07.00hrs and 13.00hrs Saturdays and with no receipt of waste on Sundays. The receipt of waste on Bank Holidays shall be confined to municipal waste contracts only and to between the hours of 07.00hrs and 13.00hrs.”

2. PROPOSED CHANGES

- 2.1 This application seeks the changes as highlighted below; removing the text struck through and replacing them with the text in bold.

Condition 3 states that “The development hereby permitted shall be restricted to the recycling, temporary storage, processing (excluding ~~food waste processing~~ **composting or anerobic digestion**) and transfer of ~~inert, and non-hazardous~~ waste.”

Condition 11 states that “All materials to be processed at the site shall originate from sources within a ~~20~~ **30** mile radius of the site **and separately collected paper, card and plastics inputs for baling shall originate from sources within a 50 mile radius**”.

Condition 5a) states that “ Except as may otherwise be agreed in writing with the Waste Planning Authority the receipt of waste and all waste processing activities inside the buildings and via the outside automated system of conveyors shall be restricted to between the hours of 06.00hrs and 22.00hrs Monday to Friday, 07.00hrs and 13.00hrs Saturdays and with no receipt of waste on Sundays. The receipt of waste on Bank Holidays shall be confined to municipal waste contracts only and to between the hours of 07.00hrs and ~~13.00hrs~~ **18.00hrs.**”

3 REASONS FOR THE CHANGES.

- 3.1 **Condition 3** as it is worded in the new permission does not allow the site to handle the types of waste that are now classified as hazardous, since their reclassification in 2006. These include items such as TV and computer monitors, florescent tubes, oils, paint, garden pesticides and chemicals, car batteries and asbestos sheets. The site has handled these wastes since it was built and needs to be able to continue to do so.
- 3.2 The proposed change is to remove any reference to waste types, as these are fully controlled by the Environment Agency through the Environmental Permit for the site, which specifies each separate waste type authorised to be handled at the site, by reference to the European Waste Codes. If the operator were to seek to handle a wider range of waste types, a formal modification to the Permit would be required and an application would be referred to the County Council during the consultation process. At this time, the Council would have the ability to challenge the suitability of the site for handling the proposed wastes. Therefore, the proposed change would not authorise any wastes that the site is not already handling.

- 3.3 If the County Council is concerned that the proposed re-wording of the condition would provide insufficient control over the amount of hazardous waste received at the site, the applicant would be prepared to accept a tonnage limit within the condition. In which case, it is proposed that the limit be 10 tonnes per week.
- 3.4 Condition 3 also sought to clarify the range of activities relating to food waste received at the site, by excluding processing. However, on occasion processing has been interpreted to include sorting. As it is necessary to sort any food waste from loads of mixed waste delivered to the site, it is suggested that the wording is changed to relate to the specific food waste processing activities of composting and anaerobic digestion.
- 3.5 **Condition 11** has introduced a specific distance control to replace the condition on the extant permissions that states “*To ensure that the waste materials are dealt with close to their source in order to prevent the long-distance travelling of imported waste in accordance with the ‘proximity principle’ outlined in policies W3 of the Northamptonshire County Structure Plan (2001) and 1 of the Northamptonshire Waste Local Plan (2006).*’ This wording is considered to be difficult to enforce, as it depends on the interpretation of ‘close to their source’.
- 3.6 The proposed change to a 20 mile radius would effectively prevent the operator in handling a significant part of the existing waste inputs to the site. Shanks Waste Management has a network of Materials Recycling Facilities in Bedford, Milton Keynes, Peterborough, Leicester and Kettering and they are worked together to provide the most efficient and economic service to their customers. The proposed restriction would mean that these operations could no longer take place as all of the other MRFs are outside the 20 mile restriction.
- 3.7 In the Preferred Options of the Northamptonshire Minerals and Waste Development Framework Core Strategy it sets out Categories of waste management facilities as follows:
The classification of waste management facilities should identify the capacity (relating to the facility catchment area) and function (by level of treatment) of facilities within Northamptonshire’s sustainable waste management network.
The capacity of waste management facilities should be defined as:
National - Facilities with a catchment area which extends beyond two regions from Northamptonshire (generally more than 100 miles).
Regional - Facilities receiving waste from at least three sub-regions either within the East Midlands or adjacent to Northamptonshire (generally more than 50 miles).
Sub-regional - Facilities receiving waste from at least two sub-regions either within the East Midlands or adjacent to Northamptonshire (generally 30 to 50 miles).
Local - Facilities receiving waste from within Northamptonshire (generally 30 miles).

- 3.8 In this case it is accepted that the mixed waste handling facility at Kettering is appropriate to be considered as a local facility, therefore a catchment of 30 miles is relevant. In addition, under the existing planning permission, Shanks has recently installed a baler at the site to handle paper, card and plastics. This has a capacity of 600 tonnes per week, but is currently only working at a rate of 40 tonnes per week. To maximise the benefit of this expensive equipment and to ensure an equivalent trading position with its competitors, a catchment of 50 miles is required.
- 3.9 It should be noted that the justification for the proposed catchment distances does not appear to be based on the Regional Waste Strategy and no other evidence to justify these distances has been provided in the documentation published so far during the preparation of the Waste Development Framework.
- 3.10 The re-wording of the conditions relating to operational hours has in **Condition 5a** removed the permission to receive municipal waste on Bank Holiday afternoons. The proposed change seeks to re-instate this facility.

4 CONCLUSIONS

- 4.1 The changes seek only to clarify wording and re-instate permission for operations currently taking place at the site. Therefore, they should not be contentious.