Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Welland Waste Management Ltd
Pebble Hall
Bosworth Road
Theddington
Northamptonshire
LE17 6NJ

Name and address of agent (if any)
Gill Pawson, GP Planning Ltd
The Stables
Long Lane
East Haddon
Northampton
NN6 8DU

Part I - Particulars of application

Date of Application
8 January 2014

Application No.
NCC Ref: 13/00117/WASFUL

DDC Ref: DA/2014/0045

Particulars and location of development

Resubmission of an application for a change of use of a building to include food waste processing by means of Thermophilic Aerobic Digestion and use of biofuel from food derived oil for generation of renewable energy for export to the national grid. A 223 square meter extension to the North-West elevation of the building to measure 12.2 meters by 18.3 meters at Pebble Hall Farm, Theddington Road, Marston Trussell, Northamptonshire, LE17 6NJ.

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:-

1. Commencement

The development to which this relates shall be begun not later than the expiration of THREE YEARS beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 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 conform with the requirements of Section 91 of the Town and Country Planning Act 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:

**Planning Documents**

Application Forms dated 17 December 2013;
Planning Statement dated December 2013;
Design and Access Statement dated December 2013;

**Drawings**

GPP/WWM/PH/12/01 Site Location Plan
GPP/WWM/PH/12/02 v2 Site Plan
GPP/WWM/PH/12/03 v10 Site Layout Plan
GPP/WWM/PH/12/04 v1 Existing Building Elevations
GPP/WWM/PH/12/05 v9 Proposed Building Elevations
GPP/WWM/PH/12/06 v4 Catchment Area
GPP/WWM/PH/12/07 v1 Photograph Panel A
GPP/WWM/PH/13/08 v1 Existing Site Layout Plan
GPP/WWM/PH/13/09 v1 Illustrative Cross Section
GPP/WWM/PH/13/10 Photograph Panel B
GPP/WWM/PH/13/11 Photograph Panel C
GPP/WWM/PH/13/12 v1 Photograph Panel D
GPP/CL/PH/09/04 v2 Landscape & Biodiversity Plan
GPP/WWM/PH/14/09 v2 Landscape Plan
GPP/C/PH/REGF/14/21 v1 Hothorpe Cross Sections
GPP/C/PH/REGF/14/22 v1 Hothorpe Photo Panels
GPP/C/PH/REGF/14/23 v1 Illustrative Photo Location Plan

**Technical Reports**

Origin Transport Consultants Transport Statement v3 dated January 2014;
Abington Consulting Engineers Flood Risk Assessment Revision D dated 26 March 2014;
Walker Beak Mason Noise Report dated 28 May 2014;
Sound Barrier Solutions Report and Covering note dated 20 March 2014;
GFE Atmospheric Dispersion Modelling - Thermophilic Aerobic Digestion Facility dated June 2013;
Welland Waste Ltd - Working Plan v2 dated October 2012;
ADAS Odour Impact Report dated 16 December 2013;
ADAS Odour Management Plan dated December 2013;
ADAS Clarification Note dated 8 April 2014;
GFE Clarification Note dated 8 April 2014;
Supplementary LVIA dated April 2014;

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Advanced Organics Letter - Odour Control Measures dated 8 April 2014;
ADAS Odour Letter - Cumulative Impact with Green Waste Composting dated 16 April 2014;
Annual Landscape Maintenance Report dated 9 April 2014;
GFE Assessment of Potential Impact on Local wildlife Sites dated 20 April 2014;

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

3. Waste Inputs

The development hereby permitted shall not exceed a total annual throughput of 36,000 tonnes per annum of imported food waste.

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. Waste Types

The developer shall ensure that systems are in place to ensure that the site accepts and processes only food waste of a non hazardous nature and that systems are in place to deal with any prohibited wastes delivered to site. A management plan with details of the systems to be employed shall be submitted to the Waste Planning Authority for agreement in writing prior to waste imports to the site commencing. The management plan shall thereafter be implemented and maintained.

Reason: To restrict the waste types in the interests of amenity and the environment having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

5. Hours of Working

Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) all operations outside the building hereby permitted, including the delivery, despatch or on site movement of waste, shall be restricted to between the hours of 07.00 hrs and 18.00 hrs Mondays to Fridays and 08.00 hrs to 13.00 hrs Saturdays with no such operations on Sundays or Public and Bank Holidays.

6. Except as otherwise approved in writing by the Waste Planning Authority all external construction activities associated with the development hereby permitted shall be restricted to between the hours of 07.00 hrs and 19.00 hrs Mondays to Fridays and 07.00 hrs to 16.00 hrs Saturdays with no construction activities on Sundays or Public and Bank Holidays.

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

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7. **Buildings and Flue Stack**

The building extension hereby permitted shall be built in accordance with the dimensions identified in the submitted application as indicated on Drawing GPP/WWM/PH/12/05 revision 9.

8. Prior to the erection of the flue stack, final details on the dimensions and design shall be submitted to the Waste Planning Authority for prior agreement in writing. The stack shall only be constructed and maintained in accordance with the details as may be agreed in writing by the Waste Planning Authority.

9. The buildings, structures, plant and machinery shall be erected in accordance with the locations identified on GPP/WWM/PH/12/03 Revision 10 and all external materials, colour and finishes shall be in accordance with those on the submitted application form unless alternative details are submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented and operated in accordance with the approved details.

Reason for conditions 7, 8, and 9: To enable the landscape and visual implications of the buildings and final flue stack to be appropriately considered and controlled in the interests of visual amenity and landscape protection having regard to Policy 22 and Policy 27 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

10. **Odour**

No intake of waste to the site shall take place until details of measures to prevent odour nuisance have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details which shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: In the interest of local amenity and having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

11. Prior to the commencement of operations involving the importation of waste to the site a management plan of measures proposed to control odour shall be submitted to, and approved in writing by the Waste Planning Authority. The measures as approved shall thereafter be implemented, along with any subsequent remedial measure agreed under the requirements of condition 8 of this permission by the Waste Planning Authority.

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

12. Within three months of the date of this permission the operator shall submit in writing to the Waste Planning Authority for approval a scheme for odour monitoring. The scheme shall include a programme for olfactometry testing to assess the actual odour impacts of the development hereby permitted. The scheme shall also include proposals for removing, reducing or mitigating any identified adverse effects resulting from the development hereby permitted.

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The scheme shall be implemented as approved.

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

13. Prior to the commencement of the import of waste, the building shall be clad internally and sealed to make it air tight and details of proposed measures to achieve negative air pressure, and a practical test of both of these requirements by a competent expert to demonstrate they have been achieved shall be submitted for approval in writing to the Waste Planning Authority. The building shall be maintained, sealed and at negative air pressure throughout operations.

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

14. Prior to the commencement of the import of waste, full details of a fast opening shutter door system shall be submitted to and approved in writing by the Waste Planning Authority. The system shall be implemented in accordance with the approved details which shall thereafter be retained and maintained for the duration of the development hereby permitted.

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

15. All waste food to be sealed in packaging or containers which are not to be opened until inside the sealed building.

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

16. Storage and Processing

No external processing or storage of waste including packaging; or pellets shall take place on site outside of the building.

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

17. Noise

Prior to the commencement of any part of the development hereby permitted, full details of proposed external plant and equipment including predicted noise levels and the provisions to be made for its control shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details.

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

18. Noise from the development, including from all plant and machinery, shall be

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controlled to ensure that no frequency, when measured as a one third octave band, shall be greater or less than 10dB of its neighbouring frequency. The noise levels shall be determined by a freefield measurement at the boundary of the nearest residential premises, unless an alternative methodology is agreed in writing by the Waste Planning Authority. The nearest residential premises are:

i. Hothorpe Hall;
ii. Hothorpe Hall Eco Lodges;
iii. Pebble Hall Farm;
iv. Woodside Farm;
v. Bosworth Hall

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

19. All plant, equipment and machinery required in connection with the development hereby permitted shall be maintained in accordance with the manufacturer's specification.

20. Vehicles and mobile plant used on site, excluding off site collection and delivery vehicles, shall not be operated unless they have been fitted with white noise alarms, or other non-tonal alarm as may be submitted to and agreed in writing by the Waste Planning Authority.

21. Noise levels from day time and night time operations at the site shall be controlled to ensure the BS4142 derived 'Rating Noise Level' for the development including cumulatively with the permitted REGF (NCC reference 13/00098/WASFUL and DDC reference DA/2013/0851) shall:

a) not exceed the equivalent background noise levels, L90 dB(A), by more than 5 dB(A), at the following locations;

i. Hothorpe Hall;
ii. Hothorpe Hall Eco Lodges;
iii. Woodside Farm;
iv. Bosworth Hall

b) not exceed the equivalent background noise levels, L90 dB(A), by more than 10 dB(A), at the following locations;

v. Pebble Hall Farm

This requirement shall not apply at times when the Rating Noise Level and the background noise level are deemed by BS4142 to be 'very low'.

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

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22. **Dust**

Suitable measures shall be adopted to ensure dust is kept to a minimum including the use of water spray facilities in periods of dry weather, and for operational areas outside the building, including hard surfaces and roadways.

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

23. **Access and Highway Safety**

The development hereby permitted shall not be commenced unless and until the use of the vehicular access in connection therewith has been approved, for which a separate planning application has been made to Leicestershire County Council.

Reason: In the interests of highway safety and in accordance with Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

24. **Vehicle Sheeting/Mud on the Road**

All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and dust nuisance.

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

25. All construction and operational vehicles leaving the site shall be clean to ensure no mud or other debris is deposited on the public highway.

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

26. **Surface Water Management/Drainage**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Abington Consulting Engineers Revision D dated 26 March 2014 and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1% (1 in 100) plus climate change critical storm so that it will not exceed the run-off from the previously developed site and not increase the risk of flooding off-site (Section 9.2.5, 9.2.6 and Appendix 2 of FRA).
- The built development with the exception of the existing access road will be located in Flood Zone 1.
- Flood Risk Management Plan to be implemented by site manager. The mitigation measures shall be fully implemented prior to occupation and

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subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants having regard to Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

27. Prior to the commencement of the development the applicant shall provide a final drainage plan for the application site, to include details surface water collection and disposal methods, and details of the engineering works related to the construction of the drainage lagoons and any water saving measures to be employed on the application site. The development shall be implemented and maintained in accordance with the detailed drainage plan as agreed in writing and details of the engineering works related to the construction of the drainage lagoons and any water saving measures to be employed on the application site. The development shall be implemented and maintained in accordance with the detailed drainage plan as agreed in writing.

28. Foul drainage disposal shall be by a septic tank, unless an alternative foul drainage system is otherwise agreed in writing by the Waste Planning Authority. Full details of the proposed septic tank (or alternative system agreed in writing), (including Environment Agency Discharge Consent Number, site of unit, design and projected loading of unit, together with final discharge point and maintenance schedule) shall be submitted to the Waste Planning Authority. Only a scheme approved in writing by the Waste Planning Authority shall be implemented at the site and shall be fully operational before the development is occupied and thereafter maintained in perpetuity.

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

29. **External Lighting**

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 amenity, ecology, site security and sustainability in accordance with Policy 22 and Policy 24 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

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30. **Landscaping**

Within **TWO MONTHS** of the date of this permission, a revised landscaping scheme for the Pebble Hall Farm complex shall be submitted to the Waste Planning Authority for approval in writing including any amendments required by the Waste Planning Authority, shall inter alia include:

i. types, number and size of species proposed with a focus on native species;
ii. details of the visual screening bunds to be created;
iii. proposed ecological/biodiversity enhancement proposals;
iv. timescales for planting and phasing;
v. incorporate measures to rectify slow growth and failure from previous planting undertaken at the Pebble Hall Farm Complex which shall be undertaken within three months of the date of this permission.

The approved scheme shall be implemented in full as approved in writing by the Waste Planning Authority.

**Reason:** To ensure that the site is adequately screened and in the short term and long-term interests of local visual amenity and biodiversity having regard to Policies 22, 24, 25 and 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

31. **The implementation of the landscaping scheme referred to in Condition (see above for number) of this permission, as approved by the Waste Planning Authority and incorporating such modifications or additions as the Authority may require, shall be implemented in accordance with the phased programme and completed by the end of the first planting season.**

**Reason:** To ensure that the site is adequately screened and in the long-term interests of local visual amenity having regard to Policies 22, and 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

32. **Any trees or shrubs which die or for any other reason fail to become established within five years of planting shall be replaced during the following planting season with trees and shrubs of a similar size and species to those originally required. All landscaping shall be carried out in accordance with the landscaping scheme approved under condition 20 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.**

**Reason:** To ensure that the site is adequately screened and in the long-term interests of local visual amenity having regard to Policies 22, and 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

33. **Ecology**

Prior to the commencement of development, a badger survey shall be submitted to and approved in writing by the Waste Planning Authority. The development shall only proceed in accordance with any mitigation measures approved by the Waste Planning Authority.

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Reason: In the interests of landscape and biodiversity having regard to Policy 24 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

34. **Fire Risk Management**

Within **THREE MONTHS** of the date of this permission, a fire risk management plan identifying the measures to mitigate the risk of the fire associated with waste storage on the site shall be submitted to the Waste Planning Authority for agreement in writing. The plan as agreed in writing shall be implemented and maintained thereafter.

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

35. **Complaints**

In the event that complaints about the TAD development, including at construction stage, regarding odour, noise, lighting and/or dust 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 for agreement in writing 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. The remedial measures agreed in writing shall thereafter be implemented and maintained thereafter.

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

36. **Catchment Area**

Prior to commencement of development hereby permitted the operator shall submit to the Waste Planning Authority for approval in writing an indicative plan showing the intended catchment area for waste sources for treatment at the facility. The plan shall be in accordance with a sub regional catchment. The annual report required by condition 30 shall incorporate such records that demonstrate compliance with the indicative catchment area plan. The source of waste shall be controlled to comply with the catchment area plan as agreed in writing.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interest of self sufficiency and sustainability having regard to Policies 13 and 23 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

37. **Monitoring**

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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 and taken off the site, including records that demonstrate compliance with the limit on imported waste (condition 3) and the indicative catchment area plan (condition 29). 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 principles in Policy 11 of the Northamptonshire Minerals and Waste Local Plan (October 2014, and the requirements in Policies 13 and 29 of the Northamptonshire Minerals and Waste Local Plan (October 2014), and to ensure that waste materials are dealt with close to their source in accordance with Policy 23 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

38. Local Liaison Group

Prior to the commencement of the development details of a Local Liaison Group to be established, including proposed membership and ongoing facilitating arrangements, shall be submitted to the Waste Planning Authority for agreement in writing. The first meeting shall be arranged prior to the date of commencement as notified under condition 1. Subsequent meetings shall be arranged at six monthly intervals, or such other time period as agreed by members of the Local Liaison Group, for the life of the operations.

Reason: To discuss and review the operator's current working practices and their future intentions and to monitor their compliance with the Planning Permission having regard to Policy 29 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

39. Reinstatement

Following the date of first commencement of import of waste food to the TAD if food import ceases for a 12 month (365 days) period, unless an extended period is otherwise agreed in writing by the Waste Planning Authority on the basis that evidence has been submitted which the Waste Planning Authority considers clearly demonstrates that waste food import and processing through the TADs to recommence, a scheme for the decommissioning of the plant, including dismantling the, flue stack and other structures, external to the main waste reception building, and clearance of these from the site, shall be submitted within two months of the end of the 12 month period to the Waste Planning Authority for agreement in writing. The site shall then be cleared in accordance with the scheme and timescales as agreed in writing.

Reason: To safeguard landscape character should the development cease and to enable the site to be appropriately reinstated to an acceptable condition having regard to Policy 25 and Policy 28 of the Northamptonshire Minerals and Waste Local Plan (October 2014).

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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: 24th October 2014
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.


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