



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Earthworm Energy Limited
Browns Road
Royal Oak
Daventry
Northamptonshire
NN11 4NS

Name and address of agent (if any)

GP Planning
The Stables
Long Lane
East Haddon
Northamptonshire
NN6 8DU

Part I - Particulars of application

Date of Application

19th August 2015

Application No.

NCC Ref: 15/00065/WASFUL

DDC Ref: DA/2015/0798

Particulars and location of development

Change of use of an existing IVC facility to a Biomass Renewable Energy Generation Plant and associated Waste Water Treatment Plant including a 100 square metre extension of existing building and the relocation of an existing biofilter at Earthworm Plc, Browns Road, Royal Oak, Daventry, Northamptonshire, NN11 4NS

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:-

Commencement and Compliance

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 sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with 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.

Scope of the Permission

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

Planning Documents

- Application forms received 17 August 2015
- Planning Statement received 19 August 2015
- Supplementary Report dated 30 October 2015

Drawings

- Drawing No. GPP/EW/BRD/15/01 Rev 1 Site Location Plan
- Drawing No. 1534-SI-012B Existing Site Plan/Location Plan
- Drawing No. 1534-SP-013C Full Proposed Site Plan
- Drawing No. 1534-EV-006C Proposed South & East Elevations
- Drawing No. 1534-EV-014B Proposed East & West Elevations
- Drawing No. 1534-EV-015C Proposed East & West Elevations
- Drawing No. 1534-EV-016B Proposed North & South Elevations

Technical Reports

- Noise Impact Assessment, ref. 10/05958 R2, prepared by Hoare Lea Acoustics
- Dust Management Plan, ref. 2417.01.EAR.LCLS.B0, prepared by Caulmert Limited dated July 2015
- Odour Management Plan, ref. 2417.01.EAR.LCLS.B0, prepared by Caulmert Limited dated July 2015
- Air Quality Assessment prepared by ADAS dated October 2015
- Odour Impact Assessment prepared by ADAS dated July 2015
- Odour, Drainage & Noise Supplementary Note prepared by GP Planning dated December 2015
- Odour Impact Assessment - Addendum Technical Note prepared by ADAS dated December 2015

Reason: To specify the approved documents in the interests of amenity.

Waste Throughputs

3. The amount of imported wood waste shall not exceed 30,000 tonnes per annum.

Reason: In the interests of amenity protection and highway safety having regard to Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

4. The amount of imported waste water shall not exceed 45,000,000 litres (45,000 liquid tonnes) per annum.

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Reason: In the interests of amenity protection and highway safety having regard to Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

Waste Types

5. The development hereby permitted shall be restricted to the import, storage and processing of pre-shredded wood waste and waste water. No hazardous waste or radioactive waste shall be imported to the site.

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

Storage and Processing

6. No external processing or storage of wood waste shall take place on site outside of the buildings and the waste water shall only be stored in waste water storage tanks in the location identified on Drawing No. 1534-SP-013C.

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

Hours of Working - Operational

7. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) all deliveries of waste shall be restricted to between the hours of 07:00 and 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays and 08:00 to 13:00 on Sundays or Public and Bank Holidays.

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

Hours of Working - Construction

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

HGV Movements

9. The total number of HGV movements associated with the operational phase of the development hereby permitted shall not exceed the following limits:
 - 60 HGV movements [30 in and 30 out] per day

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No HGV movements shall take place outside the hours of operation authorised in condition 7 of this permission.

Reason: In the interests of amenity protection and highway safety having regard to Policies 22 and 23 of the Minerals and Waste Local Plan (2014).

Vehicle Sheeting/Mud on the Road

10. 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 Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

11. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris 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 Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

Landscaping

12. Prior to the commencement of development, a detailed scheme of landscaping incorporating native species shall be submitted to the Waste Planning Authority for approval in writing. Once approved, the scheme shall be fully implemented during the first available planting season following the completion of development.

Reason: In the interests of biodiversity, visual, landscape and residential amenity having regard to Policies 22, 24 and 25 of the Minerals and Waste Local Plan (2014).

13. Any hedgerow plants, trees or shrubs removed, dying, being seriously damaged or becoming seriously diseased within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted, or such other species as may be agreed.

Reason: In the interest of visual, landscape and residential amenity having regard to Policies 22 and 24 of the Minerals and Waste Local Plan (2014).

Ecology/Biodiversity

14. Operations that involve the destruction and removal of buildings, trees, shrubs, hedgerow and other vegetation shall not be undertaken during the months of March to September inclusive, unless an ecologist report is submitted to demonstrate that breeding birds will not be affected and this has been submitted to and approved in writing by the Waste Planning Authority.

Reason: In the interests of biodiversity having regard to Policies 22 and 24 of

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the Minerals and Waste Local Plan (2014).

Noise

15. 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 Minerals and Waste Local Plan (2014).

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

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

17. Noise emanating from the site must not exceed 35dB(A) when measured as a LA90 over 60mins during daytime and 5mins during night time at the boundary of the nearest residential property (Elderstubbs Farm).

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

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

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

Odour

19. 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 28 of this permission by the Waste Planning Authority.

Reason: To protect the local amenity interests and human health risks, in particular relating to nearby residential occupiers having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Dust

20. Dust management at the site shall be carried in accordance with the

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submitted Dust Management Plan, ref. 2417.01.EAR.LCLS.B0, prepared by Caulmert Limited dated July 2015.

Reason: To safeguard amenity having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

External Lighting

21. Any external lighting including existing 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 and shall not be operated outside the permitted working hours at the site.

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

Drainage

22. Prior to the commencement of the development the applicant shall provide a detailed drainage plan for the application site, to include details of foul and surface water collection and disposal methods, this shall include details of any water saving measures to be employed on the application site. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that all services are effectively connected to the described system having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Building, Plant & Machinery

23. The development hereby permitted and associated plant, buildings and machinery shall be built in accordance with the dimensions identified in the submitted application as indicated on Drawing Nos. 1534-EV-006C, 1534-EV-014B, 1534-EV-015C and 1534-EV-016B.

Reason: 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).

24. The fuel hall building extension, structures, plant and machinery shall be erected in accordance with the locations identified on Drawing No. 1534-SP-013C 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: 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).

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Fire Risk Management

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

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

Catchment Area

26. All waste materials to be processed on the site shall originate from locations within the area shown on the indicative catchment area plans ref: GPP/EW/BRD/15/06 Revision 1 dated 22 July 2015 and GPP/EW/BRD/15/07 Revision 1 dated 14 October 2015 unless expressly agreed otherwise by the Waste Planning Authority in writing.

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

Monitoring

27. 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 of vehicle movements demonstrating compliance with conditions 9 and 26. The annual report shall also incorporate records that demonstrate compliance with condition 26. This information required by this condition shall also be supplied at any other time on request within the 12 month period by the Waste Planning Authority, within three weeks of a receipt of this request in writing.

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

Complaints

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28. In the event that complaints 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 Minerals and Waste Local Plan (2014).

Site Access

29. Prior to the commencement of operations involving the importation of waste to the site, a scheme detailing the improvements to the existing site access from the public highway including surfacing shall be submitted to the Waste Planning Authority for approval in writing. The scheme as approved shall be implemented prior to the bringing into operational use of the development hereby permitted and thereafter maintained.

Reason: In the interests of highway safety and local amenity having regard to Policies 22 and 27 of the Minerals and Waste Local Plan (2014).

Bunding

30. Prior to the commencement of operations involving the importation of waste to the site, a scheme shall be submitted to the Waste Planning Authority for approval in writing detailing bunding around the water storage tanks. The scheme shall be implemented as approved.

Reason: To prevent flooding and pollution, both on and off site having regard to Policy 22 of the Minerals and Waste Local Plan (2014).

Informative(s)

1. The applicant's attention is drawn to the advice given in the Environment Agency's letter dated 25th September 2015.
2. The applicant's attention is drawn to the advice given in the response from Northamptonshire Highways dated 25th August 2015.

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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 based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

Date... 3rd March 2016

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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