

PLANNING APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION
08/00014/WAS

BOUGHTON QUARRY. BRAMPTON LANE, NORTHAMPTON

PETER BENNIE LTD

October 2010
Version 4
Final



Introduction

Peter Bennie Limited is working with BiProduct Recovery Ltd to produce a recycled product called K-Lime, for use in the local agricultural industry as a fertiliser and soil neutraliser. BiProduct Recovery is a subsidiary of Biwater Services; the Group is focused on the worldwide environmental and renewable energy markets. BiProduct Recovery provides waste recovery and recycling services designed to identify the beneficial properties of industrial by-products. One of its areas of development is the recycling of waste to land.

The proposal is for the use of the recycling building and land at Boughton Quarry to store and process waste from the cement manufacturing industry, to produce a product suitable for farmers to spread on agricultural land. The product will replace agricultural lime and will add potassium as part of the fertiliser requirements of crops.

This application is accompanied by the following drawings:

- Site Location Plan GPP/PBL/BQ/10/11
- Site Plan GPP/PBL/BQ/10/12
- Indicative Site Layout GPP/PBL/BQ/10/13.
- Photopanel A GPP/PBL/BQ/10/14

Planning History

The current planning permission for the site, which allows the landfill and recycling operations, was issued on 9 June 2008; reference 08/00014/WAS. A copy of the permission is included in Appendix 1.

Although this permission expressly allowed the temporary use of the site by Baylis Recycling (see conditions 8 and 9a) it also superseded, consolidated and updated all previous planning permissions for the site. This permission requires the removal of the buildings, hardstandings etc by 30 November 2013, so that the area occupied by them can be filled to ensure final restoration is completed by 30 November 2015.

Subsequent permissions have been granted, one to retain extended hours of operation for Baylis Recycling and one for the parking of 5 rigid-body HGVs and 2 road sweepers. The former is no longer valid as Baylis Recycling no longer use the building. The latter is being used by the applicant and the new proposal will not affect that permission. Instead of being able to park the lorries inside the recycling building as at present, they will have to be parked outside, on the land to the north adjacent to the building.

Proposed Development

In August this year, the Environment Agency issued new guidance on cement production wastes which effectively reclassified K Lime as hazardous, based upon its alkaline level. It is important to note that there has been no change in the nature of the waste prior to or since August. BiProduct Recovery Ltd has worked very closely with the Environment Agency technical specialists during the review and drafting of the new guidance. The EA continues to be fully supportive of the recycling of this material to agriculture and of its storage and processing at this site.

As a consequence of the new guidance, it is necessary to apply to vary Condition 2 of Planning Permission 08/00014/WAS. Until August, the recycling of K-Lime could have been carried out at the site without any additional planning permission.

This reads as follows:

Condition 2. The development hereby permitted is restricted to the extension of the recycling building and its continued use for the recycling of non hazardous wastes (excluding food wastes), construction of the yard area, importation and processing of minerals for bagged aggregates and loam, the continued recycling of inert waste materials and infilling with inert waste materials.

Permission is sought to vary the wording of this condition as follows:

*Condition 2. The development hereby permitted is restricted to the extension of the recycling building and its continued use for the recycling of non hazardous wastes (excluding food wastes) **and K-Lime (cement production waste)**, construction of the yard area, importation and processing of minerals for bagged aggregates and loam, the continued recycling of inert waste materials and infilling with inert waste materials.*

All of the other conditions of the permission will continue to apply to the new activity, although if permission is granted for this variation, the applicant would support changes to Conditions 8 and 9 to remove reference to operations by Baylis Recycling.

Proposed Operations

K-Lime from the Cemex plant at Rugby will be delivered daily using articulated lorries or eightwheel rigid bodied vehicles. K-Lime passes through a 'nodulisation plant' producing a 'conditioned' material by the simple addition of water before leaving the Rugby site. Nodulisation serves to improve handling and reduce any risk of nuisance from dust. K-Lime will therefore arrive in a nodulised state and will be stockpiled to allow stabilisation; these activities will take place in areas 2 and 3 as shown on Drawing GPP/PB/BQ/10/13 Indicative Site Layout. Following tipping, K-Lime will be stockpiled using a loading shovel.

Following a stabilisation period, K-Lime will be processed using a screen or crusher as appropriate whereby any lumps formed during stabilisation and storage will be reduced to a fine uniform product fit for purpose, ie landspreading. These operations will be carried out in either area 4a or 4b as shown on Drawing GPP/PB/BQ/10/13 Indicative Site Layout. If there is space inside the building, the operations will take place in area 4b; if the building is temporarily full of material being stored pending delivery to local farms, the processing will take place in area 4a. Following processing, K-Lime will then either be moved to a storage area inside the building for a further period or loaded directly onto a lorry for further transportation off site.

For the majority of the material, a further stockpiling period is anticipated before removal from the site for temporary storage at farm sites prior to landspreading.

The K-Lime recycling operations are to take place at the site under the existing Environmental Permit granted under the Environmental Permit Regulations for the operation of a waste transfer and recycling facility. This Permit will need to be varied to allow the importation of the waste type and this Site

Management Plan will be modified to reflect the arrangements necessary to handle the waste, but otherwise the existing conditions will continue to apply.

K-Lime is an ideal replacement for agricultural limes, which farmers have used for centuries for spreading on acidic soils to neutralise their acidity. Its basic composition is based on calcium compounds including Calcite(eg. chalk/limestone), Portlandite (eg slaked lime) and potassium including Potassium Chloride (eg. Murate of Potash – used by farmers as a source of potassium plant nutrient)

It has the added bonus of containing sulphur and trace elements in significant quantities, which are also beneficial to growing crops.

The material is alkaline with a typical pH of 12.4. This compares with a pH range of 8 -12.4 for various sources of agricultural liming materials. The Environment Agency has set a level of 11.5 above which a material is now classified as hazardous and this is the reason for this application.

Planning Policy

The proposal to handle K-Lime at the site fully complies with planning policy as it is a recycling operation to be carried out at a site for which planning permission already exists and that will have no adverse environmental impacts.

Environmental Impacts

Traffic

The applicants predict that the facility will handle up to 25,000 tonnes of material per year. The inputs will be in bulk loads of 20 – 29 tonnes each, giving the average daily traffic of 4 - 5 loads per day. Outputs will be in similar size loads, thus there will be an average of 4 - 5 loads per day. In total the average will be 16 -20 vehicle movements per day, although this in practice is likely to be less; as far as possible lorries delivering to the site will also take out loads for delivery to the farmers.

At the time of the original consent for the recycling facility, in 1999, the traffic was expected to average 60 loads per day i.e. 120 vmpd. Therefore the proposed use will generate considerably less traffic than if the site continued to operate as a general waste recycling facility.

Surface and groundwater

The site is located on the floor of the old quarry and there is no surface water within the site.

The surface of the rear stockyard area is 20cm reinforced concrete over the first 12m from the building into the yard, laid over a 50cm layer of compacted hardcore. The remaining 19m of the yard from the concrete is again 50cm of compacted hardcore base overlaid with 20cm of rolled tarmac planings.

The front yard covers the whole width of the building, across to the wheel wash and its service roads and the access road from the rear yard to the front yard. This whole area comprises of a base of 50cm compacted hardcore and stone, overlaid by 20cm of rolled tarmac planings.

The whole area of the two yards, below the hardcore is natural in-situ Northamptonshire hard limestone, undug but levelled, below which is Grey London Clay.

Experience of the material stored in stocking areas has shown minimal risk of break down or production of leachate when wet through rain or snow. Where K-Lime has been stored through the winter months, the heaps tend to crust over and repel moisture, particularly when tracked down with a tracked machine.

The risk of significant K-Lime permeating the hardcore and entering the groundwater is therefore considered to be very remote due to the following reasons:-

- the construction of the yard's surfaces and foundations
- stored material tends to form a crust and repel moisture
- K-Lime will not break down through water deluge
- storage heaps will be tracked hard down to compact the surface further repelling and excluding moisture
- uniformity of grain size allows close packing of K-Lime minimizing any cracking or fissuring in the surface of the storage heap

Dust

If material arrives on site inadequately conditioned, there is potential risk of a dust nuisance. In such circumstances, the material would be sprayed with water following unloading using the mobile bowser stationed on site for dust suppression within the landfill and recycling area. Whenever possible, the crushing and screening operations will be carried out inside the building, to reduce the risk of dust blowing around the site.

The existing dust control measures to limit dust from the existing recycling of inert and non-hazardous wastes through the recycling facility and for the deposition of inert waste in the landfill will remain in place. These measures include the

- Dust suppression on equipment: To reduce the dust from crushing operations, dust suppression equipment is fitted on the crusher
- Vehicle Speed Limits: To minimise the emissions of dust arising from the use of site roads, speed limits of 15 mph are imposed for all vehicles using the site.
- Spraying internal access roads: A water bowser is parked on site for use during dry conditions. It is deployed whenever dust is observed from vehicle movements around the site.
- Sweeping the Highway: The highway is swept with a mechanical road sweeper as and when conditions dictate to minimise emissions of dust.
- Sheeting of Vehicles: All vehicles using the site have been instructed to ensure that their loads are adequately sheeted or otherwise contained.
- Cessation of operations: in the event that dust is found to be blowing beyond the site boundaries, the activity that is causing the problem will be stopped until such time as appropriate conditions prevail to allow the operations to be re-started.

Odour

Odour is not known to be a problem with the K-Lime.

Noise

There will be no additional plant or equipment used in the handling of the K-Lime; the existing equipment on site that is used to handle and process inert waste will be used to handle and process the K-Lime. The handling of the incoming material, its crushing and screening and loading is likely to produce less noise than the handling of the much harder inert waste, in the form of concrete, bricks and stone. The K-Lime is much softer than inert waste, therefore requires less force to crush it into the size needed by farmers to spread on their fields using a standard fertiliser spreader. Therefore there will be no additional noise resulting from this proposal and there may be less noise.

Mud on the road

The existing arrangements to prevent mud being tracked on to the highway will continue to apply. There is a wheelwash, which all vehicles leaving the site are required to use during wet weather and a road sweeper is used as necessary to clean the access road and highway, all in accordance with ensuring compliance with existing conditions of the Planning Permission and Environmental Permit.

Appendix 1

Planning Permission 08/00014/WAS



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Peter Bennie
Oxwich Close
Brackmills Industrial Estate
Northampton
NN4 7BH

Name and address of agent

Gill Pawson
GPP Planning
Mill House
East Haddon
Northants
NN6 8DU

Part I - Particulars of application

Date of Application

Received – 3rd March 2008
Valid – 4th March 2008

Application No.:

NCC – 08/00014/WAS
DA – 2008/0510/NCC

Particulars and location of development

Variation of condition 8 of planning permission 07/00024/WAS to retain the extended hours for the recycling operations until 30/11/2013, Boughton Quarry, Brampton Road, Northampton.

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:-

Note:

This consent supersedes, consolidates, and updates the previous planning permissions for the site which were granted, reference DA/95/441C, DA/96/251C, DA/00/818C, DA/99/110C, DA/03/1466C, and 07/00024/WAS (DA/2007/0709NCC).

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.

Commencement

1. The development must be begun not later than the expiration of **THREE** years beginning with the date of this permission.

Scope of Planning Permission

2. The development hereby permitted is restricted to the extension of the recycling building and its continued use for the recycling of non hazardous wastes (excluding food wastes), construction of the yard area, importation and processing of minerals for bagged aggregates and loam, the continued recycling of inert waste materials and infilling with inert waste materials.
3. No materials shall be deposited on the site other than soils and those of a dry inert non hazardous nature comprising soils, clays and other inert materials that are unsuitable for recycling.
4. Production and sales of bagged materials shall be for wholesale purposes only and no retail sales shall take place at the site.

Access and Highway Safety

5. The sole vehicular access for the development hereby permitted shall be by way of the existing access to Brampton Lane. The site entrance and internal haul road shall be maintained in a condition free from potholes while in use and shall be removed when no longer required or during the course of site restoration, whichever is the sooner. A wheel washing facility shall be maintained on site and the wheels of all vehicles leaving the site shall be cleansed of mud and other debris and no such materials shall be deposited on the public highway.

Lorry Routing

6. All heavy goods vehicles visiting and leaving the site shall be directed via Brampton Lane onto the A508 Harborough Road or A5199 Welford Road and no such vehicles shall enter Boughton or Church Brampton villages or travel on other minor roads in the area except for making deliveries or collections to/from nearby villages.

Phasing and Tipping Operations

7. Except as may otherwise be agreed in writing by the Waste Planning Authority the phasing of tipping operations shall be carried out in accordance with the approved Drawing GPP/PBL/BQ 0801 submitted on 4th April 2008.

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.

Hours of Working

8. The development hereby permitted shall be restricted as follows: -

Except as may otherwise be agreed by the Waste Planning Authority, the development hereby permitted and all operations relating thereto, including all deliveries and collections shall be restricted to between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturday with no working on Sundays and Bank Holidays, except for the use of the premises by Baylis Recycling for the purposes of waste plastic and metal recycling when the hours shall be restricted to between 0600 to 2200 Monday to Friday and 0700 to 1300 Saturday with no working on Sundays and Bank Holidays.

Noise

9. a) Except as may otherwise be agreed by the Waste Planning Authority all plant, equipment and machinery used on site; including vehicular traffic shall be designed and maintained to reduce noise levels to a minimum. All plant equipment and machinery shall be fitted with appropriate silencers, baffles, cladding and rubber linings shall be so fitted and maintained.
- b) The fork lift type trucks proposed to be used in connection with the use of the premises by Baylis Recycling during the additional working hours in Condition 8 of this permission shall be fitted with non-tonal, 'white noise' reversing alarms and no tonal reversing alarms shall be used.

Dust

10. Provision shall be made for suppression of dust, including the use of water spray facilities, as necessary.

Visual Amenities

11. The walls and roof of the recycling building extension shall be faced in materials to match those of the existing building.
12. Stockpiles of waste materials shall not exceed 4 metres in height.
13. No additional external lighting shall be installed until a scheme for such lighting has been submitted to the Waste Planning Authority and agreed in writing. The external lighting shall be implemented in accordance with the approved details.

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.

Landscaping

14. Except as may otherwise be agreed in writing by the Waste Planning Authority the revised Landscaping Scheme dated 19th February 1996 prepared by J. A. Lockhart previously approved on the 8th March 1996 (in connection with permission DA/95/441C and DA/96/251C) shall be carried out within the first available planting season following the completion of the development hereby permitted or the date referred to in Condition 18 of this permission, whichever is the sooner.

Buildings, Plant and Machinery

15. All buildings, moveable structures, hardstandings, works, plant or machinery shall be removed to provide for the final rehabilitation of the tipping site by 30th November 2013 (two thousand and thirteen), or at such earlier times as the Waste Planning Authority may determine that they are no longer required for the purpose they were installed.

Restoration

16. Restoration of the site shall comprise: the removal of all machinery, plant, buildings hardstanding and other structures; and the haul road and vehicular access; the regrading and placement of soil to approved levels and contours in accordance with Drawings ASC/95/31 and ASC/95/32 submitted in connection with permission DA/95/441C, and the restoration of the site to a state suitable for agriculture. All such work shall be carried out prior to the end date in condition 18 below.

Revised Restoration Scheme

17. In the event that tipping operations in all phases are not substantially completed by 30th November 2014 (two thousand and fourteen), a revised restoration scheme shall be submitted showing revised levels utilizing the materials already on site by that date. The revised scheme as may be agreed in writing by the Waste Planning Authority shall be implemented and completed by the end date in Condition 18.

End Date

18. The development hereby permitted shall cease not later than 30th November 2015 (two thousand and fifteen) and the site shall be reinstated in accordance with conditions of this permission by that date.

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.

Aftercare

19. Except as may otherwise be agreed in writing by the Waste Planning Authority, not later than the completion of the operations or by the date referred to in Condition 18 of this permission, whichever date is the sooner the revised aftercare scheme dated 19th February 1996 prepared by J. A. Lockhart, previously approved on the 8th March 1996 (in connection with permission DA/95/441C and DA/96/251C) shall be implemented to bring the land to the required standard for agricultural use.

The reasons for the conditions and the relevant Development Plan policies are: -

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2&3. To define this permission.
4. The site is not allocated for retail purposes and such sales would generate additional traffic and activity to the detriment of the amenities of the area (Daventry District Local Plan Saved Policy EM16, Waste Local Plan Policy 4).
5. In the interests of highway safety (Waste Local Plan Policy 8)
6. In the interest of local amenity and to ensure that all heavy goods vehicles visiting and leaving the site are routed via the principal road network and do not enter nearby villages. (Waste Local Plan Policies 8 and 15)
7. To ensure that the site is restored in an orderly manner (Waste Local Plan Policy 16)
- 8-10. To safeguard the amenities of the area as a whole and Boughton village in particular (Waste Local Plan Policy 15)
- 11-14. In the interests of visual amenity (Waste Local Plan Policy 15)
15. To ensure that the lower part of the site is cleared to provide for its final restoration (Waste Local Plan Policy 16)
16. To provide for the satisfactory restoration of the site (Waste Local Plan Policy 16)
17. To assist the Waste Planning Authority in monitoring the restoration of the site (Waste Local Plan Policy 16)
18. To specify the date when all operations at the site shall cease and restoration shall be completed (Waste Local Plan Policy 16)

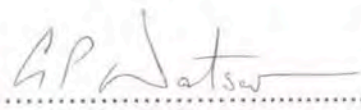
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19. To bring the land back to a standard required for agriculture, and to ensure that proper aftercare provisions are undertaken. (Waste Local Plan Policy 16)

Summary of Reasons for Approval

Planning permission already exists at the site for the recycling of waste materials, including plastic and metals, and for the deposit and recycling of inert wastes. The main relevant consideration is whether there are any detrimental noise impacts to justify refusal of the application. It is considered that there are no noise impacts which would justify such a refusal and that the proposal accords with the provisions of the Development Plan, in particular Policy 15 (Local Amenity) of the Northamptonshire Waste Local Plan 2003-2016 (Adopted March 2006) and therefore, subject to the conditions set out above, planning permission should be granted.

Date: 9th June 2008

Signed 

For Chief Planning Officer

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.