CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

NOTICE OF PLANNING CONSENT

To: Waste Recycling Group Ltd
Barton House, Darland Lane, Lavister, Wrexham

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 17 November 2010.

viz: Section 73 Application to Vary Condition 4 of Planning Permission 6/02/9020 to allow for opening hours on Sundays and Bank Holidays from 8am to 6pm

Ormsgill Yard, Walney Road, Barrow-in-Furness, LA14 5UY

Subject to due compliance with the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:

   a. The submitted Application Form – dated 9 November 2010
   b. Letter dated 9 November from Waste Recycling Group
   c. Drawing number 800A005 – site layout
   d. Drawing number 800T001`- site location plan
   e. This Decision Notice

Reason: To avoid confusion as to what comprises the approved scheme and ensure the development is carried out to an approved appropriate standard.

3. No operations, including the sorting, processing, loading, unloading or transportation of waste, including scrap metal or operation of plant, including the metal shear, shall take place on the site outside the hours:

   0700 to 1900 hours Mondays to Fridays

   0700 to 1800 hours on Saturdays

   0800 to 1800 hours on Sundays and on Bank or Public Holidays

Reason: To ensure that no operations hereby permitted take place outside working hours which would lead to an unacceptable impact upon local amenity in accordance with Policy 2 of the Minerals and Waste Development Framework (MWDF)

4. All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers' recommendations.

Reason: To safeguard local amenity by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site in accordance with Policy 2 of the MWDF

5. The operator shall suppress dust arising from the permitted development in order that it does not constitute a nuisance outside the site.

Reason: To safeguard local amenity by ensuring that dust does not constitute a nuisance outside the boundaries of the site in accordance with Policy2 of the MWDF

6. There shall be no burning of waste on the site

Reason: In the interests of local amenity and highway safety

7. The height of any external storage of stockpiles shall not exceed 5 metres in height.

Reason: To minimise the visual impact of the development in accordance with Policy 12 of the MWDF

8. From the commencement of the development a copy of this permission including the approved documents shall always be available on site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

Dated the 17 December 2010

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Signed: Paul Feehily
Assistant Director - Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

NOTE

-- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.

- Submissions to discharge conditions may require a fee (see Appendix)

- Any approval to be given by the Assistant Director - Planning & Sustainability, or any other officer of Cumbria County Council, shall be in writing.

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SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

2. Key development plan policies that were taken into account by the County Council before granting permission are as follows:

   Cumbria Minerals and Waste Development Framework (CMWDF)
   Generic Development Control Policies (GDCP) 2009-2020

   Policy DC 2 – General Criteria
   Policy DC 12 - Landscape

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably by mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 17 December 2010

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Signed: Paul Feehily
Assistant Director - Planning & Sustainability, Environment Directorate
on behalf of Cumbria County Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.

2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.

3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.

4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.

5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £85 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.

6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed “Notes in respect of Appeals to The Secretary of State”).

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities & Local Government under Section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.

- If you want to appeal, then you must do so within six months of the date of the notice of decision, using the appropriate form. The types of appeal form available are: Planning Appeal Form; Householder Planning Appeal Form; Listed Building Consent or Conservation Area Consent Appeal Form; or Certificate of Lawful Use or Development Appeal Form. These forms can be obtained from the Planning Inspectorate by contacting them at their Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN (Telephone: 0117 372 6372). If requesting forms from the Planning Inspectorate, please state the appeal form you require.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.