



Northamptonshire
County Council

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Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Fernbrook Bio Ltd
158 Washbrook Road
Rushden
Northamptonshire
NN10 6AA

Name and address of agent

Phillips Planning Services Ltd
Kingsbrook House
7 Kingsway
Bedford
MK42 9BA

Part I - Particulars of application

Date of Application

26 September 2011

Application No.:

NCC: 11/00066/WAS
KBC: KET/2011/0656

Particulars and location of development

Application 11/00066/WAS to erect a new digester tank and a plastics recycling building at the anaerobic digestion waste processing plant, Rothwell Lodge Farm, Rothwell, Northampton, NN16 8XF

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 of Development

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

Reason: To allow a reasonable period for commencement whilst conforming to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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Scope of Planning 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 and plans:
 - Application Form dated 2 August 2011
 - Planning Statement dated September 2011
 - Design and Access Statement received 3 August 2011
 - Transport Statement dated September 2011
 - Ventilation Specifications received 3 August 2011
 - Flood Risk Assessment dated June 2011
 - Drawing Ref FB/R/11/002 C – Proposed Site Plan
 - Drawing Ref FB/R/11/003 B – Proposed Plan
 - Drawing Ref FB/R/11/004 B – Proposed Elevations
 - Drawing Ref FB/R/11/005 B – Proposed Site Sections
 - Drawing Ref FB/R/11/006 – Location Plan
3. The development hereby permitted shall be restricted to the recycling and transfer of residual plastic waste from the anaerobic digestion facility on site.
4. The applicant shall notify the Waste Planning Authority in writing of the date upon which the proposed plastics recycling building receives its first import of waste for processing.

Reason for conditions 2 to 4: To specify the scope of the permission, in the interests of clarity and to ensure compliance with Policy CS1 of the Northamptonshire Core Strategy DPD (May 2010) and to control the amenity impacts of the development, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Hours of Working

5. All construction works shall be carried out only between the hours of 7.00am and 7.00pm Mondays to Fridays, 7.00am and 1.00pm on Saturdays thereafter and at no time on Sundays and Bank Holidays unless otherwise agreed in writing by the Waste Planning Authority.

Reason: To ensure that construction works on site are carried out within reasonable hours so as to avoid disturbance to land users nearby, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Documentation

6. From the date of the commencement and throughout development, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be on display at the site office for inspection during normal working hours.

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Reason: To ensure this planning permission and associated documents are available on site for reference and inspection.

Odour and Dust

7. Unless otherwise agreed in writing by the Waste Planning Authority, odour shall be controlled in accordance with the scheme of control measures identified in the submitted planning application, namely Planning Statement sections 5.68 to 5.73 and the Plastics Recycling Facility Ventilation Specification. These measures shall be in place before the first import of plastics to the building and shall be maintained thereafter.
8. In the event that complaints regarding, odour or dust are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. 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 to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the Waste Planning Authority.

Reason for Conditions 7 to 8: To protect the interests of the area as a whole and in particular nearby residential occupiers, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Noise

9. All plant and machinery shall be noise attenuated.
10. The noise at the nearest noise sensitive properties should not breach background levels by more than 5dB(A) when measured as a 15 minute LAeq or exceed 5 LA(MAX) above 82 dBA in any one hour period at night time, except as may otherwise be agreed in writing by the Waste Planning Authority in consultation with the Environment Agency and the Environmental Protection Officers at the relevant local authority.
11. In the event that complaints regarding noise are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. 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 to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint.

Reason for conditions 9 to 11: To protect the interests of the area as a whole and in particular nearby residential occupiers, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

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Lighting

12. Any external lighting shall be downward facing to minimise the risk of light spillage beyond the operation 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 the visual and rural amenities of the area having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Wheel Cleaning and Vehicle Sheeting

13. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.
14. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and odour nuisance.

Reason for conditions 13 to 14: To ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Vehicle Routing

15. No lorries or other heavy commercial vehicles based at or visiting the site shall travel along the minor roads off the A14 including those leading to Loddington, Thorpe Malsor and minor Rothwell roads, unless collecting food waste from these settlements.

Reason: To control the impacts of traffic utilising the site in the interests of highway safety and traffic amenity having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Consignment Note Records

16. Consignment note records and waste transfer note records relating to materials imported to, stored on or taken away from the site shall be made available to the Waste Planning Authority upon written request.

HGV Movements & Monitoring

17. The operating company shall keep records of the quantity of waste received by weight, its source and Heavy Goods Vehicle (HGV) movements associated with the development and these records shall be provided to the Waste Planning Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.
18. The operators of the site 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 annual report shall incorporate such records that demonstrate compliance with catchment area

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controls (Condition 19) and as required by the above monitoring condition (Condition 17). Information of commercial sensitivity will only be used in aggregated format as part of an Annual Monitoring Report produced by the Waste Planning Authority.

Reason for conditions 17 to 18: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Core Strategy DPD (May 2010) and to ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Core Strategy DPD (May 2010).

Catchment Area

19. All waste materials to be processed on the site shall originate from locations within a 30 mile radius of the application site, unless expressly approved in writing by the Waste Planning Authority.

Reason: To ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Core Strategy DPD (May 2010).

Visual Amenity and Design

20. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those detailed in the submitted application.

Reason: To protect the interests of local amenity having regard to Policy CS14 of the Core Strategy DPD (May 2010) and Policy CMD10 of the Control and Management of Development DPD (June 2011).

Reinstatement

21. In the event of the Rothwell Lodge Farm Anaerobic Digestion Facility ceasing for a period in excess of 18 months, a restoration scheme shall be submitted to the Waste Planning Authority and agreed in writing. The scheme, as agreed, shall thereafter be implemented.

Reason: To safeguard amenity and landscape character should the development be temporary, having regard to Policy CS14 of the Core Strategy DPD (May 2010) and Policy CMD8 of the Control and Management of Development DPD (June 2011).

Flood Risk and Water resources

22. The surface water drainage scheme shall be implemented and maintained in accordance with the submitted Flood Risk Assessment dated June 2011.

23. There shall be no discharge of surface water to soakaway in any area where waste is openly tipped / moved on site including vehicle loading or unloading bays and storage areas involving chemicals, refuse or other pollution matter.

24. Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage from impermeable hardstandings on site accessed by vehicles shall be passed through an oil interceptor designed to be compatible with the site being drained.

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Reason for conditions 22 to 24: To prevent increased risk of flooding and pollution of the water environment, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Waste

25. All wastes accepted onto site must be handled (stored, separated and treated) in an enclosed building and on an impermeable surface with a sealed drainage system.
26. No external storage of waste material either prior to or post processing shall take place on site.
27. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein.
28. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. There shall be no gravity or automatic discharge arrangement for bund contents. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway.

Reason for conditions 25 to 28: To prevent pollution of the water environment and protect local amenity having regard to Policy CS14 of the Core Strategy DPD (May 2010).

INFORMATIVES

None

REASONS FOR APPROVAL


Applications 11/00066/WAS and 11/00067/WAS are for the erection of a new digester, an increase in the maximum annual throughput of the site from 30,000 tonnes per annum to 49,000 tonnes per annum and the erection of a plastics recycling building. Objections have been received from neighbouring residents and surrounding parish councils, particularly regarding odour but also on landscape and highway matters. These issues have been considered in detail in section 8 of this report. Overall it is considered that the proposed operations, in conjunction with recommended conditions of consent, will not give rise to any significant impacts to justify refusal of the applications. Additional odour controls will be required for the existing waste reception building and pasteurisation room and the proposed plastic recycling building is to be enclosed and incorporate odour control measures. No external storage of waste outside buildings will be allowed under these permissions. It is important to note that the Environment Agency and Kettering Borough Council have not objected to these proposals and that further odour controls will be in place under the pollution control regime. With regard to highway matters, the Highway

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Agency has no objection to these applications subject to a condition limiting waste throughputs to 49,000 tonnes per annum.

The proposals have also been assessed against the local development plan, in particular policies CS1, CS2, CS9 and CS14 of the Northamptonshire Core Strategy DPD (May 2010) and policies CMD1 and CMD10 of the Northamptonshire Control and Management of Development DPD (July 2011). It is considered that the development is acceptable in principle having regard to the local development plan policies and that there are no traffic and access, amenity or landscape grounds for the County Council to refuse these applications.

Date: 16th December 2011

Signed 

For Assistant Director 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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