



**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 (if any)**

ABDS Ltd  
West Trenethick Farmhouse  
Helston  
Cornwall  
TR13 0BT  
United Kingdom

**Part I - Particulars of application**

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**Date of Application**

13 June 2013

**Application No.**

**NCC Ref:** 13/00052/WASFUL

**KBC Ref:** KET/2013/0370

**Particulars and location of development**

Installation of additional de-sulphurization tank at Rothwell Lodge, Kettering Road, Rothwell, Kettering, Northamptonshire, NN16 8XF.

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**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 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.

## 2. Scope

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:

- Application forms dated 7 June 2013
- Location Plan, Drawing number F/RK/13/006 dated 5 January 2012
- Proposed Site Plan, Drawing number F/RK/13/002 dated 31 May 2013
- Proposed Elevations, Drawing number F/RK/13/004 dated 31 May 2013
- Tank Details, Drawing number F/RK/13/005 dated 31 May 2013
- Design and Access Statement and Planning Statement dated June 2013

Reason: To specify the approved documents in the interests of amenity and flood risk having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (2010).

## 3. Restoration

In the event of the permitted waste operations at the Rothwell Lodge Farm Anaerobic Digestion Facility ceasing for a period in excess of 18 months a restoration scheme for the site shall be submitted to the Waste Planning Authority for approval in writing. The approved scheme shall be implemented thereafter in accordance with the approved timescales.

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

## REASONS FOR APPROVAL

Seven objections have been received from local residents regarding the proposed development and all object on odour grounds. The improved de-sulphurization unit would however contribute to improved odour management at the site with no discernible impact on visual amenity and landscape character. There are no objections to the application by the statutory consultees and it is considered that there are no significant amenity or landscape issues which would justify refusal of the application. The development is considered to be acceptable having regard to Policy CS14 of the Northamptonshire Minerals and Waste Development Framework Core Strategy DPD (2010), and Policies CMD8 and CMD10 of the Northamptonshire MWDF Control and Management of Development DPD (2011).

## 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. Responses on the submitted application have been considered by the Waste Planning Authority and conveyed to the applicant/agent and are addressed by conditions where appropriate. The

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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.

## INFORMATIVE

1. The applicant's attention is drawn to the following comments from the Environment Agency in their letter dated 25 June 2013:

The maintenance schedule for the proposed de-sulphurization plant will need to be detailed in the site management plan and will be imposed via the existing Environmental Permit. Should you wish to discuss this matter further, please do not hesitate to contact Pat Kelly (Environment Management) on number 01536 385153.

Date 19<sup>th</sup> July 2013 Signed G.P. Watson

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](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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