



Northamptonshire
County Council

my
county
council

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

Received: 29 October 2010
Valid: 1 November 2010

Application No.:

NCC: 10/00076/WAS
KBC: KET/2010/0751

Particulars and location of development

Application 10/00076/WAS to remove condition 16 (Highway Safety and Access) of planning permission 09/00033/WAS 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:-

Note: This consent supersedes, consolidates and updates planning permission 09/00033/WAS.

In the interests of clarity the following is a list of conditions originally granted on planning permission 09/00033/WAS with various amendments and updates reflecting planning permission 10/00076/WAS. Conditions that are struck through have been deleted or updated as they have been dealt with or are no longer appropriate.

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 of Development

1. ~~The development hereby permitted shall be begun before the expiration of five years from the date of this permission. This permission has been implemented.~~

~~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.~~

Scope of Planning Permission

2. This planning permission shall only relate to the area edged in red on the submitted "Site Location Plan", Drawing Number: 083885/1 dated April 2008, hereafter referred to as the "site". The development hereby permitted shall only be carried out within the site in accordance with the details set out in the submitted application forms, certificates, supporting information, plans and drawing as listed in Appendix A to this permission.
3. The development hereby permitted shall not exceed a total annual throughput of 30,000 tonnes per annum and materials entering the site shall not exceed this quantity per annum.
4. The developer shall ensure that systems are in place to ensure that the site accepts and processes only waste of a non hazardous nature and that systems are in place to deal with any prohibited wastes delivered to site.
5. ~~The applicant shall notify the Waste Planning Authority in writing of the date upon which the proposed anaerobic digestion plant receives its first commercial import of waste for processing. The first commercial import of waste for processing was received on site 6th October 2010.~~

Reason for conditions 2 to 5: 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 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Construction Hours of Working

6. All works relating to construction or demolition 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 the construction on site is carried out within reasonable hours so as to avoid disturbance to land users nearby, having regard to Policy 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

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.

Documentation

7. 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.

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

Odour and Dust

8. Odour shall be controlled in accordance with the scheme of control measures identified in the submitted planning application (Dust and Odour Impact Assessment report ref 36575-01 dated April 2009) involving a documented management system which will monitor the plant operation and maintenance and unless otherwise agreed in writing by the Waste Planning Authority this shall include:
- a. monitoring instrumentation and process control for correct pressure and temperatures;
 - b. installation of a bio-filter capable of receiving extracted air from the reception building (equivalent to 10 air changes per hour) and displaced air from the pre-storage tanks, and that shall be appropriately maintained and effective in controlling odour;
 - c. a requirement that the Anaerobic Digestion processing and storage tanks will be fully covered and sealed;
 - d. the reception building will be sealed and placed under negative pressure; and
 - e. automatic fast acting roller doors fitted at all vehicular entrances on the reception building.
9. In the event that complaints regarding, odour or dust are received by the WPA 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 WPA no later than 5 working days from the receipt of the complaint, unless otherwise agreed in writing by the Waste Planning Authority.

Reason for Odour Conditions: To protect the interests of the area as a whole and in particular nearby residential occupiers, having regard to Policy 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Noise

10. All plant and machinery shall be noise attenuated.

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.

11. The noise at the nearest residential 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 and, except as may otherwise be agreed in writing by the Waste Planning Authority in consultation with the Environmental Protection Officers at the Local District Councils.
12. The enclosure surrounding the machinery shall be tested prior to commencement of use to ensure that the noise reduction quoted is achieved.
13. Manufacturer's guidelines relating to the servicing and maintenance of the silencers shall be followed and maintenance carried out at the appropriate intervals.
14. In the event that complaints regarding noise are received by the WPA 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 noise conditions: To protect the interests of the area as a whole and in particular nearby residential occupiers, having regard to Policy 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Lighting

15. ~~Prior to the commencement of construction, a lighting scheme shall be submitted to the Waste Planning Authority for approval in writing. The scheme shall:~~
 - a. ~~Take into account lighting needs during operational hours;~~
 - b. ~~Reduce lighting to a minimum outside of operational hours;~~
 - c. ~~Minimise the risk of light spillage beyond the operational areas and into the sky;~~
 - d. ~~Ensure lighting is off when the site is not occupied;~~
 - e. ~~Minimise potential effects on bat flight paths through the use of low brightness lighting (such as low pressure sodium) and restriction of lighting hedgerows; and~~

~~Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details Formally discharged 25th January 2010 and now updated as follows:~~

Lighting shall be implemented and maintained in accordance with the lighting scheme submitted 18th November 2009 (Drawing FB/BR/09/007 Rev C) subject to the hours of use being controlled as proposed, particularly in respect of the lighting columns around the tank farm area which should only be utilised for maintenance works. These lights shall be angled down to prevent light spillage beyond the site.

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.

Reason: To ensure that the Waste Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit. This condition is imposed, having regard to Policy 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Highway Safety and Access

16. ~~No part of the development shall be occupied until the mitigation shown on drawing number 10260/03/001G, including any subsequent revisions resulting from the implementation of the recommendations of the Road Safety Audit, has been completed to the satisfaction of the Waste Planning Authority after consultation with the Highways Agency. Deleted by planning permission 10/00076/WAS.~~

Wheel Cleaning and Vehicle Sheeting

17. 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.
18. 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 Highway Safety, Wheel Cleaning and sheeting conditions: 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 8 of the Waste Local Plan (March 2006).

Vehicle Routing

19. 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 Policies 8 and 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Consignment Note Records

20. 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

21. 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

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.

Authority within seven days of a written request. All such information supplied will be treated on a confidential basis.

22. 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 performance with catchment area controls (Condition 23) and as required by the above monitoring condition (Condition 21). 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 20, 21 & 22: 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 order to prevent the long distance travelling of imported wastes in accordance with Policy CS9 of the Core Strategy DPD (2010).

Catchment Area

23. 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 order to prevent the long distance travelling of imported wastes in accordance with Policy CS9 of the Core Strategy DPD (2010).

Visual Amenity and Design

24. ~~Prior to the commencement of the construction of the new buildings, full details of the colour, design, external appearance, and materials to be used in the construction of any new building or plant permitted by this planning permission shall be submitted to the Waste Planning Authority for approval in writing. Upon approval, the development shall be constructed and maintained in accordance with the approved details. (also see Informative 2).~~ *Formally discharged 25th January 2010 and now updated as follows:*

The development shall be implemented and maintained in accordance with the approved elevation Drawing FB/BR/09/003 Rev D and the further details of brickwork received 18th November 2009.

Reason: To protect the interests of local amenity, having regard to Policy 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Habitat Creation and Enhancement, Restoration and Landscaping

25. Biodiversity enhancement and landscaping shall be implemented in accordance with details provided with the application as detailed by drawing ref 08046/6a entitled 'Landscape Proposals' dated April 2009, and then managed and monitored for their intended biodiversity and screening benefits in accordance

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.

with the 'Outline Ecological Appraisal for Rothwell Lodge Farm' dated April 2009 provided with the application and in particular section 5.2 'Summary of recommendations for mitigation and enhancement', and unless otherwise agreed in writing by the Waste Planning Authority, these provisions shall include:

- Planting / biodiversity enhancement shall take place in the first planting season following substantial completion of construction works;
- Grassland clearance to take place outside of the bird nesting season (March to September inclusive)
- Should it be necessary to remove any area of hedgerow, prior advice from the Waste Planning Authority shall be sought and vegetation removal shall take place using hand tools and in a careful manner, with removed vegetation replaced on a like for like basis.
- Provision of a strip of rough tussocky grassland along the southern margin of the site to provide foraging for birds and bats.
- Suitably qualified personnel shall position at least four Schwegler 1B bird boxes and four Schwegler 2FN bat boxes as part of the landscaping scheme for enhanced biodiversity on the site within one year of the commencement of anaerobic digestion operation;
- All plant species and grass seed mixes shall be native, of local provenance and include a high diversity of species in order to provide varied food sources for native birds as well as visual screening and general biodiversity functions;
- The plantings shall be appropriately maintained for the life of the facility and any plants which die or become diseased in this period shall be replaced in the following planting season;
- Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive, except when approved in writing by the Waste Planning Authority, once a survey report has been submitted to establish that breeding birds will not be adversely affected by lost habitat; and
- A written management and maintenance plan shall be submitted to the Waste Planning Authority for approval prior to completion of landscape planting.

Reason: To protect the interests of design, landscape character, biodiversity and local amenity, having regard to Policies 7, 9 and 15 of the Waste Local Plan (March 2006) and Policy CS14 of the Core Strategy DPD (May 2010).

Reinstatement

26. 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 the landscape character should the development be temporary, having regard to Policy 9 and 15 of the Waste Local Plan (March 2006).

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.

Flood Risk

27. ~~Development shall not commence until a detailed surface water drainage design for the site, within the parameters set out in the revised Flood Risk Assessment (Revision A, ref: M4605T), has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before operation of the proposed facility commences. Formally discharged 20th August 2010 and now updated as follows:~~

The surface water drainage scheme shall be implemented and maintained in accordance with the following approved documents:

M4605/T-E02 Rev P4

M4605/T-E15 Rev P3

M4605/T-E16 Rev P2

M4605/T-E17 Rev P3

M4605/T-E18 Rev P3

JPP Consulting – Stormwater Drainage Calculations – Revision 0, July 2010

Fernbrook Bio – Management Plan – Ref: K114.1~09~006, Issue 2, 11th

February 2010.

Pollution Prevention

28. 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.
29. 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.

Reason for conditions 27 to 29: To prevent increased risk of flooding and pollution of the water environment, having regard to Policy 13 of the Waste Local Plan (March 2006).

Waste

30. All wastes accepted onto site must be handled (stored, separated and treated) in an enclosed area and on an impermeable surface with a sealed drainage system.
31. 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.
32. 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.

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.

Contaminated bund contents shall not be discharged to any watercourse, land or soakaway.

Reason for Waste Conditions: To prevent pollution of the water environment, having regard to Policy 13 of the Waste Local Plan (March 2006).

Appendix A (Previously Informative 1)

For the avoidance of doubt the drawings and documentation to which this permission refers are the 09/00033/WAS application forms, the documents referred to in the conditions and those listed below:

- a. *The following plans:*
 - i. *Site Location Plan drawing No. 083885/1 April 2008*
 - ii. *Site Sections – SHT 1 drawing no. FB/BR/09/005 B 17.03.09*
 - iii. *Site Sections – SHT 2 drawing no. FB/BR/09/006 B 17.03.09*
 - iv. *Proposed Site Plan drawing no. FB/BR/09/001 as revised 16.10.09 Revision K*
 - v. *Proposed Floor Plan drawing no. FR/BR/09/002 as revised 16.10.09 Revision G*
 - vi. *Proposed Elevations – SHT 1 drawing no. FB/BR/09/003 as revised 16.10.09 Revision D*
 - vii. *Proposed Sections / Elevations drawing no. FB/BR/09/004 A 23.02.09*
 - viii. *Section AA drawing no. FB/BR/09/011 Revision C*
 - ix. *Section DD / EE drawing no. FB/BR/09/013 Revision B*
 - x. *Ground Floor Office drawing no. FB/BR/09/016 Revision A*
 - xi. *Proposed First Floor Plan drawing no. FB/BR/09/017 Revision A*
- b. *Design and Access Statement by Alan Brown Development Services Ltd*
- c. *Planning Statement – April 2009 by PPS Ltd*
- d. *Landscape Appraisal – April 2009 by the Landscape Partnership*
- e. *Ecological Appraisal - April 2009 by the Landscape Partnership*
- f. *Archaeological Assessment – 22.04.09 by Albion Archaeology*
- g. *Odour and Dust Impact Assessment – April 2009 by STATS Ltd*
- h. *Noise Impact Assessment – April 2009 by STATS Ltd*
- i. *Transport Statement - June 2009 Doc Ref 10260/TR/04-09/2701 Rev A by Millard Consulting – this Superseded Doc Ref 10260/TR/04-09/2701 - May 2009*
- ~~j. *Preliminary A14 Access Layout drawing no. 10260/03/001 Rev G*~~
- j. *Flood Risk Assessment (Revised) – by JPP Consulting Report ref M5605T revision A dated 17.06.09*
- k. *Ground Pollution Prevention and Control Report – by JPP Consulting Report Ref M4605T dated 31.03.09*
- l. *Ground Investigation Report –by Soiltechnics Rev 1 April 2009*
- m. *Waste Facilities Strategy – April 2009 by PPS Ltd*
- n. *Waste Audit – April 2009 by PPS Ltd*

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.

INFORMATIVES

In the interests of clarity the following is a list of informatives originally listed on planning permission 09/00033/WAS (less informative 1 which is included as Appendix A above) with various amendments and updates reflecting planning permission 10/00076/WAS. Conditions that are struck through have been deleted or updated as they have been dealt with or are no longer appropriate.

- ~~2. In regards to Condition 24 the colour of the various tanks has not been confirmed but dark green was agreed in principle. Much of the proposed building finish was included in the application, however this condition allows for minor potential variation in these details.~~
- ~~3. The Highways Agency would like the applicant to note that the highway proposals associated with this consent involve works within the public highway, which is land over which the applicant has no control. The Highways Agency therefore requires the applicant to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mr Graham Littlechild of the Agency's Area 7 East Midlands Network Operations Directorate on 0121 678 8034 at an early stage to discuss the details of the highways agreement.~~
4. Central Networks has Network within the proposed site, any alteration, building or ground works proposed in the vicinity of power cables must be notified to Central Networks who also provided the following informative notes:
 - a. For information regarding the safety of working around power cables contact the Cablesafe Team on 0800 015 0921
 - b. For new developments and ground works you can contact Central Networks, New Connections at the address below; and
 - c. To obtain copies of Central Networks records contact the CNDS Department at the address below;
 - d. Toll End Road, Tipton, DY4 0HH
5. Anglian Water - Water Service Note: Some minor rezoning work will be required before this development can be supplied with a peak flow of 0.69 litres per second from the 125mm MDPE in the lay-by of the A14 Kettering Road.
6. National Grid has noted that local gas and electricity distribution network information is necessary to commence the proposed works.
7. The applicant must gain any necessary permits in order to dispose of excess liquid onto nearby land.
8. It is the responsibility of the applicant to ensure that the development will not affect any water features (i.e. wells, boreholes, springs, streams or ponds) in the area, including licensed and unlicensed abstractions.
- ~~9. No works within the existing public highway may commence without the express written permission of the Highway Authority. This planning permission does not give or infer such permission. The Highway Authority, will only give consent to commence works subject to the completion of an Agreement, under~~

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.

~~Section 184 and Section 278 of the Highways Act 1980. Full engineering, drainage and constructional details will be required to process such an agreement. Any details submitted will be subject to a technical and safety audit that may result in changes to the details of the street and junction etc required to discharge the relevant condition above.~~

- ~~10. The attention is drawn to the implementation of the New Road Traffic Management Act 2004, where a three month notice period to allocate road space (for works within the highway) is formally given prior to the commencement of works.~~
11. All the fertilizer produced by the process would still be classed as a waste, unless accredited by an appropriate body (such as the compost Quality Protocol). As such, it must comply with all relevant legislation, including duty of care. To be able to spread any of the fertilizer to ground an exemption, such as Paragraph 7A or 8A, was needed from the Environment Agency at a cost of £546 at the time this advise was given. However, this being reviewed by the Environment Agency and a new system is to be introduced in the near future where this product would be classified as soil improver/fertiliser and not a waste.
12. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity.
13. Every opportunity should be made to harvest rainwater across the site in order to meet a proportion of the water demands associated with the site i.e. toilet flushing. The Environment Agency recommends that all toilets be fitted with either a single 4.5 litre flush or a dual 6/3 litre flush to reduce water use.

Environment Agency Notes to the Applicant (4 June 2009)

14. Environmental permit - The proposed development is for a waste operation that may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2007. Please note that Environmental Permit requirements are irrespective of any Town and Country Planning Act approvals/permissions and is not implied by these comments.
15. It is also possible that amendments to any planning permission may be needed following the permitting process. We therefore recommend that pre-application permitting discussions take place in parallel with the planning discussions to ensure that the design and operation of the scheme is complimentary to both regulatory processes.
16. The secondary containment bund for the digestate tanks shall provide storage of at least 110% of the tank's maximum capacity. If more than one tank is

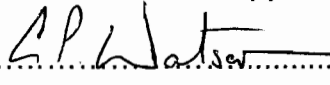
Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

stored, the secondary containment bund shall be capable of storing 110% of the biggest tanks capacity, or 25% of the total tank capacity within the bund, whichever is the greater. This is to ensure that during tank failure the bunded area has sufficient capacity to retain polluted water to prevent the pollution of the water environment.

17. *There shall be no automatic release of water contained within the extended slab surrounding the digestate tanks into the surface water system on site. Water shall only be released after manual inspection. This is to ensure if contaminated water is present within the extended slab it is not released to the surface water system to prevent pollution of the water environment.*

REASONS FOR APPROVAL

The proposal is to remove condition 16 of planning permission 09/00033/WAS relating to highway safety and access at an anaerobic digestion waste facility near Rothwell, Kettering. It is considered fundamental to this application that the Highways Agency, in their capacity as the Highways Authority for the A14, has no objection to this application. The objection of Rothwell Town Council has been drawn to the attention of the Highways Agency who provided a direct response reinforcing their original position. Furthermore the proposal is in keeping with the local development plan, in particular Policy CS14 of the Northamptonshire Core Strategy DPD, Policy 8 of the Northamptonshire Waste Local Plan and Policy 13 of the North Northamptonshire Core Spatial Strategy. On this basis, it is considered that there are no grounds for the County Council to refuse the application.

Date: 26th January 2011 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.

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

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.