



Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and address of applicant	Name and address of agent (if any)
Fernbrook Bio Ltd Rothwell Road Kettering Northamptonshire NN16 8XF	Mr Al Morrow Phillips Planning Services Ltd Kingsbrook House 7 Kingway Bedford MK42 9BA

Part I - Particulars of application

Date of Application	Application No.
11 March 2014	NCC Ref: 14/00015/WASVOC KBC Ref: KET/2014/0188

Particulars and location of development

Removal of condition 23 (waste catchment area) on planning permission 11/00067/WAS at Rothwell Lodge Farm, Rothwell Road, Kettering, NN14 1SS

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 refused** for the carrying out of the development referred to in Part I hereof for the following reason:-

REASON FOR REFUSAL

1. The application is contrary to the principle of catchment areas as established in the Northamptonshire Minerals and Waste Development Framework Core Strategy Development Plan Document (DPD) (May 2010) and in particular would be inconsistent with Policy CMD1 of the Control and Management of Development DPD (June 2011). There are no other material considerations that outweigh the policy requirement for a catchment area.

POSITIVE AND PROACTIVE MANNER STATEMENT

During pre-application discussions and in determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Policy concerns regarding the submitted application have been discussed

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with the applicant and matters raised during consultation have been considered. Potentially acceptable options for variations to the existing catchment area condition were put to the applicant who has made an informed decision to proceed with this application. The 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.

Date 10th June 2014 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*

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