Removal of condition on planning permission 11/00067/WAS : condition 23 (waste catchment area)
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1.0 INTRODUCTION

1.1 The following planning statement has been prepared in support of this planning application to remove one of the conditions attached to planning permission 11/00067/WAS granted 16th December 2011 which is the current planning permission the anaerobic digestion waste processing plant at Rothwell Lodge Farm, Rothwell currently operates under.

1.2 The condition is as follows:

**Condition 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 local planning authority.

1.3 This application proposes to remove the condition restricting the catchment area radius to reflect more accurately the operational requirements of the plant.

1.4 The statement will set out how the proposed development complies with local and national policy and is set out as follows:

1.0 Introduction

2.0 Site Description

3.0 Planning History

4.0 Planning Policy

5.0 Planning Analysis

6.0 Conclusion
2.0 SITE DESCRIPTION

2.1. The site is located adjacent to the A14 at Rothwell Lodge Farm and can be accessed off both the east and west bound carriageways. The anaerobic digestion plant was granted planning permission in October 2009 (09/00033/WAS) and has been operational for a number of years.

2.2. The site itself currently features a purpose built building along with one digester tank (two permitted), two pre storage tanks, one feedstock buffer tank and one digestate storage tank (two approved). There is some bunding around the existing tanks and extensive hardstanding to the frontage of the building to allow for the manoeuvring of HGV’s. Additional planting to the boundary of the site has been introduced to improve the setting of the site.

2.3. The nearest property is Rothwell Lodge Farm adjacent to the property. The surrounding area to the south of the A14 is agricultural, however to the north of the A14 lies Rothwell along with the highway and a service area.
3.0 PLANNING HISTORY

3.1. The planning history for the site is as follows:

ROTHWELL LODGE FARM, ROTHWELL, KETTERING

KE/94/0240 – Permission for machinery & grain store. (08/06/1994).


KE/97/0394/AG – Agricultural determination that extension to potato store was permitted development. (25/07/1997)

KE/02/0520/AG – Agricultural determination that erection of agricultural building was permitted development. (19/07/2002)

KE/03/0649 – Permission for conversion of traditional buildings to a single residential unit with home office. (01/10/2003)

KET/2007/0354 – Permission for dwelling with extended driveway. (15/06/2007)

09/00033/WAS – Permission for proposed construction and operation of anaerobic digestion waste processing facility, including: reception building; digestion and storage tanks; bio-filtration and ancillary development located on land at Rothwell Lodge Farm, Rothwell, Northamptonshire. (22/10/09) (Alternative Reference – KET/2009/0295)

10/00076/WAS – Permission to remove Condition 16 (Highway Safety & Access) of Planning Permission 09/00033/WAS at the anaerobic digestion waste processing plant, Rothwell Lodge Farm, Rothwell, Northampton, NN16 8XF. (26/01/11) (Alternative Reference – KET/2010/0751)


11/00067/WAS – Permission to vary Condition 3 (waste handling capacity) of Planning Permission 10/00076/WAS to increase total annual throughputs to 49,000 tonnes per annum at the anaerobic digestion waste processing plant, Rothwell Lodge Farm, Rothwell, Northampton, NN16 8XF. (16/12/11) (Alternative Reference – KET/2011/0657)
ROTHWELL LODGE COTTAGES, ROTHWELL, KETTERING

KE/02/0672 – Permission for continued outline permission for farm shop with ancillary horticultural sales. Demolition of existing dwellings. (10/10/2002)

ROTHWELL LODGE PADDOCK

KE/01/0845/TC – Permission for 15m Monopole, equipment cabinet, 6 antennas, 2 dishes. (20/12/2001)
4.0 PLANNING POLICY

4.1. The following planning policy is considered to be applicable to the proposed development.

NATIONAL PLANNING POLICY

4.2. The following national planning policies are considered relevant to the proposed planning application.

NATIONAL PLANNING POLICY FRAMEWORK

4.3.1 The National Planning Policy Framework was adopted in March 2012, and had the effect of replacing existing national policy contained within Planning Policy Statements/Guidance (PPS’s and PPG’s) and Circulars. The main underlying principle of the NPPF is the “presumption in favour of sustainable development.”

4.4 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.5 Paragraph 14 outlines the presumption in favour of sustainable development which runs through the National Planning Policy Framework. For decision making this means:
• Approving development proposals that accord with the development plan without delay; and
• Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted

4.6 Paragraph 17 contains twelve core land-use planning principles which should underpin both plan-making and decision-taking. The sixth principle states that planning should,

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).”

4.7 Paragraph 97 of the Framework emphasises the responsibility on all communities to contribute towards energy generation from renewable sources. When determining applications, local planning authorities should (paragraph 98):

• Not require applicants to demonstrate the need for their proposal
• Approve the application if its impacts are (or can be made) acceptable

4.8 Paragraph 215 in Annex 1 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework – the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Specific policies relating to waste developments are not included within the National Planning Policy Framework although the general principles are. The National Planning Policy Framework does not replace Planning Policy Statement 10: Planning for Sustainable Waste Management which remains extant.
PLANNING POLICY STATEMENT 10: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT

4.9 This document outlines the Government’s policy towards waste management. Paragraph 1 emphasises the overall policy objective of minimising waste production and using it as a resource. This document has recently been republished (March 2011) following the publication of the revised waste hierarchy as set out within the revised Waste Framework Directive (2008/98/EC).

4.10 The only changes within this revision are to Paragraph 1 and Annex C. Paragraph 3 stresses the objectives of localising waste management and securing the recovery of waste without harming human health. Paragraph 22 states that when waste management proposals are in line with an up to date development plan, there is no requirement to demonstrate that there is a need for the proposal. Paragraph 24 states that unallocated sites should be considered favourably when they are consistent with the criteria outlined in paragraph 21. These are:

- The extent the proposal supports the policies in the PPS
- The physical and environmental constraints on the development including the existing and proposed land uses
- The cumulative effect of previous waste disposal facilities
- The capacity of the transport infrastructure
- Within this priority should be given to Previously Developed Land and redundant agricultural and forestry buildings and their curtilages

4.11 In paragraph 29, local planning authorities are advised to consider the local environmental impacts of proposals. Paragraph 30 stresses that well run facilities should pose little threat to human health. Paragraph 32 outlines the scope of planning conditions.

4.12 The revised Annex C of the PPS explains the waste hierarchy:

1. Prevention
2. Preparing for re-use
3. Recycling
4. Other Recovery
5. Disposal

- The most efficient environmental solution is often to reduce the generation of waste, including the re-use of products - prevention;
- Products that have become waste can be checked, cleaned or repaired so that they can be re-used – preparing for re-use
- Waste materials can be reprocessed into products, materials, or substances - **recycling**
- Waste can serve a useful purpose by replacing other materials that would otherwise have been used – **other recovery**
- The least desirable solution where none of the above is appropriate - **disposal**

4.13 This section emphasises the importance of recycling and composting, and energy recovery with waste disposal only being an option when none of the other options are appropriate. Annex E of the PPS outlines the locational criteria which should be used to test the suitability of sites. These are:

Annex E

Locational Criteria

a. Protection of water resources;
b. Land instability;
c. Visual intrusion.
e. Historic environment and built heritage
f. Traffic and access
g. Air emissions, including dust
h. Odours
i. Vermin and birds
j. Noise and vibration
k. Litter
l. Potential land use conflict

4.14 Paragraph 8.1 of this guide clarifies that normally proposals for anaerobic digestion are County Matters.
4.15 Paragraph 8.4 refers to unallocated sites. This emphasises the importance of not missing good opportunities where sites come forward outside of the plan led approach. Where proposals are consistent with the policies of Planning Policy Statement 10: Planning for Sustainable Waste Management and the Waste Planning Authority’s Core Strategy, the proposal should be considered favourably. Applicants should be able to demonstrate how their proposal encourages movement of waste up the waste hierarchy but otherwise there is no need for them to demonstrate need.

4.16 Paragraph 8.6 considers the concept of BPEO (Best Preferred Environmental Option). This clarifies that Planning Policy Statement 10: Planning for Sustainable Waste Management does not require this and that there is no policy requirement for this to be placed on an applicant. Rather the proposal needs to be consistent with the policies of Planning Policy Statement 10: Planning for Sustainable Waste Management.

4.17 Paragraph 8.7 emphasises the importance of good design and layout.

WASTE MANAGEMENT PLAN FOR ENGLAND ADOPTED DECEMBER 2013

4.18 This Plan was adopted by Government at the end of last year. At page 13, the Government clearly supports anaerobic digestion because of its value in dealing with organic waste and avoiding, by capture and treatment, the greenhouse gas emissions associated with disposal of organic waste to landfill. At page 23, anaerobic digestion is identified as the best technology currently available for treating food waste. Finally the Government outlines its commitment to recycle at least 70% of food waste in anaerobic digestion by 2015 (page 34).

4.19 The Consultation Draft of the Updated National Waste Policy: Planning for Sustainable Waste Management (July 2013) is also material although not yet finalised. This states (paragraph 4) that although the proximity principle is encouraged, waste planning authorities should recognise that new facilities will need to serve catchment areas large enough to justify the investment in appropriate facilities.

LOCAL PLAN POLICY

4.20 Since the original 2009 application the Northamptonshire Minerals and Waste Development Framework Core Strategy has been adopted and as such replaces the Waste Local Plan.
4.21 The Core Strategy was adopted in May 2010. However since the publication of a revised PPS10 (March 2011), the waste hierarchy as set out within the Core Strategy does not match the more detailed one within the Waste Management Plan for England which specifically refers to anaerobic digestion as an “other recovery” activity. Section 5 of this document sets out the vision and objectives of the plan and includes at Objective 1 ‘development of a modern network of sustainable waste management facilities’.

4.22 Objective 5 goes onto say that the Council should ‘facilitate the delivery of a strategic urban-focused flexible waste management network which supports the treatment of waste close to where it has been generated, with particular encouragement of integrated waste recovery and treatment facilities’.

4.23 Section 6 sets out the capacity of waste management which needs to be met through the life of the plan.

4.24 Box CS3 and Plan CS3 set out the spatial strategy for waste management within Northamptonshire and the locational hierarchy. This includes the acceptability of Rothwell as a location for development.

4.25 Policy CS1 sets out Northamptonshire’s waste management capacity and Policy CS2 the spatial strategy for waste management.

**Policy CS1: Northamptonshire’s waste management capacity**

The development of a sustainable waste management network to support growth within Northamptonshire will involve the provision of facilities to meet the following indicative waste management capacities during the plan period:

- Recycling (MSW and C&I) capacity of 439,000 and 516,000 tonnes per annum for 2016 and 2026 respectively,
- Biological processing (MSW and C&I) capacity of 423,000 and 498,000 tonnes per annum for 2016 and 2026 respectively,
- Waste management or advanced treatment (MSW and C&I) capacity of 392,000 and 456,000 tonnes per annum for 2016 and 2026 respectively,
- Inert recycling (C&D) capacity of 928,000 and 1,089,000 tonnes per annum for 2016 and 2026 respectively, and
• Hazardous waste management of 72,000 and 82,000 tonnes per annum for 2016 and 2026 respectively. This provision will come from a mix of extensions to existing sites, intensification or re-development of existing sites and new sites, providing they all meet the spatial strategy for waste management and are assessed as meeting environmental, amenity and other requirements. Allocations that will contribute to meeting provision will be identified in the Locations for Waste Development DPD.

**Policy CS2: Spatial strategy for waste management**

Northamptonshire’s waste management network, particularly advanced treatment facilities with a sub-regional or wider catchment, will be focused within the central spine, and the sub-regional centre of Daventry. Development should be concentrated in Northampton, Wellingborough, Kettering, Corby and Daventry. Development in the smaller towns should be consistent with their local service role.

Facilities in urban areas should be co-located together and with complementary activities.

At the rural service centres, facilities with a local or neighbourhood catchment will provide for preliminary treatment in order to deal with waste generated from these areas.

In the rural hinterlands only facilities with a local or neighbourhood catchment providing for preliminary treatment, or that are incompatible with urban development, should be provided. Where it is the latter they should deal with waste generated from identified urban areas and be appropriately located to serve those areas.

Facilities in rural areas should, where possible, be associated with existing rural employment uses.

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**ADOPTED NORTH NORTHAMPTONSHIRE CORE STRATEGY JUNE 2008**

4.26 This plan effectively replaces the Kettering Local Plan and has become the statutory development plan document for East Northants, Corby, Kettering and Wellingborough Districts along with other documents that form the Local
Development Framework. It is currently under review but the revised Strategy is not expected to be submitted to the Secretary of State for examination until summer 2014. The plan contains a specific chapter on addressing climate change and paragraph 4.14 states that:

“There is a national requirement to reduce carbon emissions by 60% from their levels in 2003 by 2050 and for 20% of electricity generation to be obtained from renewable sources by 2020.”

4.27 The Core Strategy sets a very ambitious target of providing 30% of the demand for energy on new large development sites to be provided on site from renewable or low carbon sources, although the Joint Planning Unit now accepts that stand alone energy projects will also be required to achieve this. Paragraph 4.14 goes on to say that:

“In recent reviews of renewable energy potential, the Southern Sub Area (which includes North Northamptonshire) of the East Midlands Region has been found to offer the best opportunity for new carbon neutral development.”

4.28 This is in line with new and emerging Government and Regional policy, which also advocates new sites for renewable energy developments. Whilst there is currently no specific policy in the Core Strategy, with regard to the location of renewable energy sites that include biomass plants, paragraph 4.14 continues to state that:

“...decentralised biomass fuel plants will, in principle, be considered favourably in North Northamptonshire.”

4.29 An Inspector’s report into this document was published 16 May 2011 and a corresponding document for adoption was published some days later with formal adoption in June 2011. This document covers aspects of controlling and managing minerals and waste development such as development criteria and locally specific issues.

4.30 Policy CMD1 provides guidance on development criteria to be applied to waste management facilities.

*Policy CMD1: Development criteria for waste management facilities (non-inert and hazardous)*
Proposals for waste management facilities on non-allocated sites (including extensions to existing sites and extensions to allocated sites) must demonstrate that the development:

- does not conflict with the spatial strategy for waste management,
- promotes the development of a sustainable waste network and facilitates delivery of Northamptonshire’s waste management capacity requirements,
- clearly establishes a need for the facility identifying the intended functional role, intended catchment area for the waste to be managed, market base for any outputs, and where applicable the requirement for a specialist facility,
- is in general conformity with the principles of sustainability (particularly regarding the intended catchment area),
- facilitates the efficient collection and recovery of waste materials, and
- where intended for use by the local community, is readily and safely accessible to those it is intended to serve.

Development should also, where appropriate, and particularly in the case of advanced treatment facilities:

- ensure waste has undergone preliminary treatment prior to advanced treatment,
- integrate and co-locate waste management facilities together and with complementary activities,
- maximise the re-use of energy, heat, and residues, and
- maximise the use of previously developed land (particularly existing and designated industrial land, and derelict, despoiled, or brownfield urban land), or redundant agriculture and forestry buildings (and their curtilages).

4.31 In the accompanying text at paragraph 3.6 and following, the use of catchment areas for facilities is explained. This stems from the Council’s concerns that Northamptonshire could become a sub-national waste hub due to its central location within the country. The purpose of catchment areas appears to be to ensure Northamptonshire does not end up processing large amounts of waste from outside its administrative boundary. This is to be reinforced through practical implementation measures such as the application of specific catchment areas for individual facilities. Cross boundary waste movement is still accepted but the aim is to ensure waste is managed as close to source as possible (paragraph 3.7). Nevertheless, the text accepts that some facilities will have a highly specialised role with catchment areas extending outside the County and these should not be unnecessarily constrained (paragraph 3.8).

4.32 The overall intention of the catchment area approach is to avoid waste travelling unsustainable distances but they are not intended to form a development constraint
(paragraph 3.13). Rather, they will inform the decision-making process and feed into the MWDF monitoring framework.

4.33 This issue of catchment areas appears to have been discussed extensively at the Development Plan Document’s public examination in January 2011 and features prominently in the inspector’s decision letter at paragraph 15 – 37. The main points he concluded were:

a) The concept of catchment areas, rooted in restricting the flow of waste into the County, has no basis in national planning policy (paragraph 15).
b) Their rigid application would be an unreasonable and impractical restriction on the commercial activities of waste businesses and could result in facilities being under-used (paragraph 17).
c) The imposition of catchment areas by the use of conditions would not comply with government guidance on the use of conditions (paragraph 22).
d) There is a lack of evidence to justify the approach (paragraph 26).
e) While it is acceptable to require operators to provide indicative catchment areas as part of new proposals, these should not be a constraint on the business once it becomes operational (paragraph 27).
f) Indicative catchment areas should not be applied slavishly or rigidly but a degree of flexibility is required (paragraph 30).

4.34 These comments were the subject of Proposed Modifications and Suggested Changes during the examination process. Of particular relevance, is his comment in paragraph 34 which required the word indicative to be inserted into paragraph 3.11 when referring to the plan to be used to illustrate a proposed catchment area. He also suggested in paragraph 31 that the review of the Council’s SPD on development management principles would provide the opportunity to provide clearer guidance on how best to approach catchment areas.

4.35 At paragraph 3.4 and following, catchment areas are referred to. Although Table SPD3 refers to indicative catchment areas, the accompanying text does not and appears to take a rigid approach. In particular, paragraph 3.9 states that permitted development is to be undertaken in accordance with the approved catchment areas and maps. A standard condition is suggested requiring the operation of the
development to be tied to the catchment area with annual monitoring to secure compliance.

4.36 At face value, this SPD does not appear to comply with the flexible approach required by the inspector who carried out the examination into its parent Development Plan Document and is seeking to revert to a rigid application of catchment areas.
5.0 PLANNING ANALYSIS

5.1 This application proposes removal of condition 23 which controls the catchment area which the existing plant can source waste from – this change to the existing operation can be accommodated within the existing site, facilities and infrastructure which have already been approved.

CATCHMENT AREA

5.2 The main issues to address are:

a) The consistency of the catchment area approach with national planning policy
b) The consistency of the catchment area approach with local planning policy
c) The consistency of the catchment area approach with government policy and guidance on the use of conditions
d) The operational and commercial difficulties encountered by the applicant
e) Site specific issues
f) The emerging approach to waste recycling uses

NATIONAL PLANNING POLICY

5.3 National planning policy is still contained within PPS10 which has yet to be superceded by the National Waste Policy which is still at draft consultation stage. Although applicants must demonstrate how their proposal encourages waste to move up the hierarchy, they are not required to demonstrate need. There is no reference to the use of catchment areas by waste planning authorities nor to the policy objective pursued by Northants CC of restricting waste being imported into the County. Both these points have been confirmed by the inspector dealing with the public examination into the Control of Development Development Plan Document.

5.4 Furthermore, the Draft National Waste Policy states that although the proximity principle is encouraged, waste planning authorities should recognise that new facilities need to serve catchment areas large enough to justify investment in the facilities required. This is a clear statement of intent on the part of Government that, as long as site specific and environmental issues are acceptable, the commercial needs of a proposal should take precedence over a waste authority’s aspirational requirements.

5.5 Within the recently Adopted Waste Management Plan for England 2013, there is strong support for anaerobic digestion as the most effective way of dealing with food waste with a commitment to recycle 70% of food waste by 2015. Although the
proximity principle is referred to, this appears to be with reference to the European context in that member states are expected to deal with their own waste where possible.

5.6 Finally, the National Planning Policy Framework was published by Government in March 2012. This introduces a presumption in favour of sustainable development which lies at the heart of the Framework and is a constant theme running through it. The application to vary the catchment area condition does not propose new development as such but seeks to relax a restriction on the existing operation. The proposal is considered to benefit from the presumption in favour of sustainable development within the National Planning Policy Framework for the following reasons:

- The use itself is inherently sustainable. It takes organic waste and converts it into two beneficial products – methane gas which can be used to generate electricity or exported to the grid; and bio-digestate which can be used as soil conditioner and fertiliser.
- Organic waste left to its own devices will generate methane naturally and is 23 times more harmful as a greenhouse gas compared to carbon dioxide. By capturing the methane, the anaerobic process can generate energy and in the process convert the methane to carbon dioxide significantly reducing greenhouse gas emissions.
- Waste received and processed by the plant outside of the existing catchment area is still a sustainable process in its own right. This is preferable to such waste being deposited to landfill which is the most likely option. Waste generated in, for example, Norfolk is not likely to be transported to Rothwell if there is an anaerobic digestion plant available close at hand.

5.7 An obvious theoretical objection to a wider catchment area is the need to reduce vehicle movements and the shipping of waste long distances. However, the carbon expended in shipping waste to any site needs to be balanced against the carbon saved within the recycling process itself. In their submission last year for a similar proposal, Biogen pointed out that a fully laden HGV produces around 1,000g of CO2 per kilometre travelled. The anaerobic digestion process gives a carbon benefit of 905kg per tonne of food waste treated compared to disposal to landfill. This means that a 25tonne HGV could travel about 7,000 miles to a treatment plant and back before anaerobic digestion became the more inferior carbon option. By contrast, the road journey from John O’Groats to Landsend is 837 miles. It can be seen therefore that the distance food waste travels to the plant has a very limited effect on the relative sustainability or otherwise of the operation. This is particularly the case given the relatively long distances food products normally travel from source to processing.
LOCAL PLANNING POLICY

5.8 The sole policy basis for the use of catchment areas is contained within Policy CMD1 of the Control and Management Development Plan Document 2011. This was adopted before the National Planning Policy Framework was introduced and so, as with all planning policy documents, needs to be assessed in relation to its consistency with the Framework as required by paragraph 215 of Annex 1. The National Planning Policy Framework introduced a presumption in favour of sustainable development. In the preceding section it has been demonstrated that the facility is inherently sustainable regardless of what catchment area waste is sourced from. Restricting the catchment area of waste is therefore running against this general policy objective – as a matter of principle, it is preferable from waste further afield to be delivered and processed at Rothwell than it will be for it to be deposited to landfill close at hand to its source.

5.9 The National Planning Policy Framework also introduced a more positive approach to development and is particularly keen to encourage commercial activity with an emphasis on the planning system being proactive and creative rather than simply about scrutiny (paragraph 17). As long as their impacts are acceptable, there is a presumption in favour of developments generating renewable energy (paragraph 98).

5.10 It can be seen therefore that the use of catchment areas within Policy CMD1 as a matter of principle is not consistent with the National Planning Policy Framework because it is inherently unsustainable and artificially restricts commercial activity. This proposal therefore falls to be considered under the terms of paragraph 14 of the Framework where it should be approved unless the adverse impacts outweigh the benefits. These relate to site specific matters which will be addressed below.

5.11 Having said that, large parts of Policy CMD1 are compliant with the National Planning Policy Framework. Maximising the use of previously developed land is encouraged which is a key policy objective of the Framework. The existing site is clearly brownfield and no new plant is required to cope with any changes to the condition.

5.12 It is quite clear that the rigid use of catchment areas was a controversial issue at the Public Examination into the relevant Development Plan Document and the inspector clearly, in his report, clarified that he expected these to be used as indicative plans to assess the impacts of new proposals rather than as constraints on commercial operations. The Development Plan Document was modified to reflect these concerns. Catchment area plans are to be indicative; specialised facilities will need quite wide catchment areas and these should not be constrained; they are not to form a development constraint. The relevant SPD however appears to revert back to a more rigid approach. At local level, there appears therefore to be significant
inconsistency between the inspector’s binding report (which the Council accepted), the Development Plan Document, the Supplementary Planning Document and the current way officers are applying the catchment area approach.

5.13 On this basis, it does not appear to be clear that local policy does actually justify the application of a rigid waste catchment area to an existing facility. The whole purpose of Public Examination of Development Plan Documents is to expose them to a significant level of external scrutiny which will result in them being long term, robust policy instruments which will have the support of business, developers and local communities. The policy basis for the rigid use of catchment areas of itself therefore appears to be relatively weak while it is not consistent with the National Planning Policy Framework.

USE OF CONDITIONS

5.14 Paragraph 206 of the National Planning Policy Framework states that planning conditions must be:

- Necessary
- Relevant to planning
- Relevant to the development permitted
- Enforceable
- Precise, and
- Reasonable in all other respects

5.15 This summarises the more detailed guidance contained in Circular 11/95 on the use of conditions in planning. The inspector who conducted the Public Examination concluded that the rigid use of waste catchment areas by way of a planning condition did not meet the tests of this Circular – as an experienced planning inspector this conclusion carries significant weight. Moreover, a more detail analysis reveals this to be the case.

5.16 **Necessary** : the purpose of planning conditions is to make a development acceptable which otherwise would be unacceptable. There are numerous other conditions which control how the facility operates to ensure that it does so in an acceptable manner given the constraints of the site. The catchment area condition is unnecessary. In relation to the operation of the site and it immediate impacts, it is irrelevant in land use planning or environmental terms whether waste comes from within the County or further afield.

5.17 **Relevant to planning** : given the general drive to encourage sustainable development, recycle waste and generate renewable energy it is not clear how restricting the catchment area of waste sources is particularly relevant. For the
waste recycling industry to develop efficiently it needs to be able to operate at a national and regional level without artificial controls at a county level. The proximity principle of course is to be encouraged but the waste recycling market itself will address this point as more anaerobic digestion plants are developed throughout the country.

5.18 **Relevant to development**: the main potential adverse effect of anaerobic digestion plants is odour. It is irrelevant where the waste comes from. Given the site’s location beside the A14 trunk road, waste will be delivered along the national road network not local roads.

5.19 **Enforceable**: local planning authorities’ enforcement powers are discretionary and should only be exercised when it is expedient to do so in the public interest. Enforcement action by way of an enforcement notice, injunction or stop notice would be counterproductive as they would shut down a plant which forms part of the local waste recycling infrastructure. A Breach of Condition Notice could be served but it is not clear what its subsequent prosecution would achieve. Any fine would simply exacerbate the existing situation by adding further cost to a business which is already obviously struggling to locate waste locally.

5.20 **Precise**: the local planning authority is only able to attempt to enforce the catchment area condition based on the monitoring information which the site operator submits. This depends on the good will of the operator. Furthermore, the condition has a degree of uncertainty in that it refers to the sources of waste – does this mean the original source or where it has been shipped from? It is quite common for waste to be bulked up before shipment but this can often occur some distance from where it originates.

5.21 **Reasonable**: waste recycling is now a significant sector of British industry. No other sector is restricted in relation to where it can source raw materials from. It is inherently unreasonable to seek to restrict the current facility in such a manner. It makes it uncompetitive and prevents the wider environmental benefits being achieved of recycling as much organic waste as possible.

### OPERATIONAL DIFFICULTIES

5.22 Fernbrook Bio is a commercial operation which largely depends on the receipt of waste to generate income although the energy generated is also an income source. The company has won the Northamptonshire and Daventry MSW contracts which were expected to deliver 12,000 tonnes pa. However, these contracts are both underperforming and are only providing a total of 4,000 tonnes pa. The firm was
unsuccessful in bidding for the East Northants waste contract while Kettering, Wellingborough, Market Harborough and Rugby currently do not collect food waste. Generally speaking, domestic food waste recycling percentages in Northamptonshire appear to be significantly lower than other areas, such as London, where the local authorities have promoted domestic food waste recycling more effectively. In the future, this situation may improve but in the meantime the company still needs to source waste to keep the facility profitable. Ultimately, this is of direct benefit to Northamptonshire as a modern, organic waste processing facility will be available within the County to take local waste as and when it becomes available.

5.23 Moreover, at a regional and national level the company has to compete commercially against other waste operators which are not restricted in relation to their waste catchment areas. For example, the Biffa site at Cannock takes Sainsbury’s waste from all over the country. This places the applicant at an unfair disadvantage. These other unrestricted sites are as follows:

<table>
<thead>
<tr>
<th>Site</th>
<th>Capacity</th>
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<tbody>
<tr>
<td><strong>Bedfordshire</strong></td>
<td></td>
</tr>
<tr>
<td>Tempsford airfield, Tempsford</td>
<td>48,000</td>
</tr>
<tr>
<td>Biogen, Twinwoods, Milton Ernest</td>
<td>30,000</td>
</tr>
<tr>
<td>Wykes Engineering, Wymington</td>
<td>255,000</td>
</tr>
<tr>
<td><strong>Buckinghamshire</strong></td>
<td></td>
</tr>
<tr>
<td>Coronation Road, High Wycombe</td>
<td>5,000</td>
</tr>
<tr>
<td>Westcott Venture Park, Aylesbury</td>
<td>48,000</td>
</tr>
<tr>
<td><strong>Cambridgeshire</strong></td>
<td></td>
</tr>
<tr>
<td>Donarbon, Waterbeach</td>
<td>188,000</td>
</tr>
<tr>
<td>Wisbech Road, March</td>
<td>15,000</td>
</tr>
<tr>
<td><strong>Northamptonshire</strong></td>
<td></td>
</tr>
<tr>
<td>Think Environmental, Kettering</td>
<td>50,000 (30mile catchment)</td>
</tr>
<tr>
<td>Orchard House Foods, Corby</td>
<td>20,000 (no catchment restriction)</td>
</tr>
<tr>
<td>Biogen, Westwood, Rushden</td>
<td>65,000 (catchment area widened)</td>
</tr>
<tr>
<td>Blackpits Farm, Helmdon</td>
<td>15,000 (20mile catchment)</td>
</tr>
</tbody>
</table>
Leicestershire

Shawell Quarry, Shawell 50,000
Green Lodge Farm, Huncote 25,500
Sutton Lodge Farm, Sapcote 35,000

5.24 This problem of waste catchment areas hindering commercial efficiency is not peculiar to Fernbrook Bio. Biogen at Westwood have recently negotiated an extension to their catchment area while we are aware other plants in the country have sought increased flexibility – for example, the Donarbon site at Waterbeach and Veolia at Sheffield (see link below).


SITE SPECIFIC ISSUES

5.25 The catchment area from which the plant’s waste arises creates no adverse impacts on the site or within the locality. The site has direct access from the A14 and HGV’s visiting the site travel there along the national road network. They do not travel through any local towns or villages and there are no dwellings nearby which are directly affected by the facility. Operational hours of the plant are already restricted and will continue to be so. The only other potential adverse impact from anaerobic digestion plants can be from odour. A full system of odour control is operated by the applicant. However, the odour generated by the plant is not dependent on where the waste comes from. There is no site specific reason why the catchment area should be widened.

5.26 There are however significant benefits to widening the catchment area of waste being delivered to the site. These are:

- **Increase in energy production**: regardless of where it comes from, the more waste delivered to the site increases the amount of energy it can generate.
- **Carbon savings**: even waste transported significant distances within the UK will still result in significant carbon savings compared to being deposited to landfill.
- **Increased production of digestate**: this of itself is a useful by-product which reduces dependence on scarce traditional fertilisers.
- **Job creation and retention**: regardless of where the waste comes from, it will generate local jobs in the facility and secure those already created. By contrast, if the plant has to operate at below capacity then less employment opportunities will be created.
- **Commercial efficiency**: to be efficient, the business has to be able to source waste as and when it needs it not only to keep the digestor plant itself operational but to smooth out throughput and income generation. A restricted waste catchment area is an artificial constraint on the business which is inherently inefficient. Securing the long term future of the business is a priority.

### THE NATURE OF THE USE

5.27 Waste recycling has become a business sector in its own right. Increasingly, where waste material is used as a raw material and the recycling process creates a new product, it is treated as a B2 General Industrial Use and there is a developing body of case law and appeal decisions which support this. Indeed, we have successfully obtained Lawful Development Certificates from a number of local planning authorities including Northamptonshire CC confirming this. There is a good case to be made for the current plant being a General Industrial Use. Organic waste is taken in, processed and converted into two products – energy and digestate with a minority of residual waste being transferred on to further treatment or disposal to landfill.

5.28 That being the case, it does appear anachronistic that the industrial use operating at the site is subject to restrictions such as the catchment area which other businesses are not subject to. This places the waste processing sector at a significant disadvantage and will not encourage its long term development.
6.0 CONCLUSIONS

6.1 There is clear support for anaerobic digestion at a national level and it is clearly referred to in the adopted Waste Plan for England 2013 as the preferred waste recycling process to deal with organic waste. It is a sustainable process in its own right as it helps to reduce significantly the amount of greenhouse gases organic waste would normal generate if disposed to landfill and it captures methane gas to generate renewable energy. It therefore benefits from the presumption in favour of sustainable development contained within the National Planning Policy Framework.

6.2 The policy basis for restricting the catchment area of waste received into the applicant’s plant appears to be quite weak. This approach is not referred to in any national planning policy or guidance and has limited weight given the comments of the inspector at the public examination into the Control and Management of Waste Development Plan Document.

6.3 Philosophically, there is some strength to the argument that waste should be restricted to local sources only if it is to be deposited into a limited resource such as landfill. Landfill sites are a finite resource both in terms of their location and capacity. Once used up they are gone and cannot be replaced. There is therefore a certain amount of sense in a planning authority protecting them as a limited local resource and restricting the waste deposited to local sources only.

6.4 However, the case of modern waste processing operations such as the anaerobic digestion plant at Rothwell is entirely different. This is not a finite resource which needs to be protected or rationed. Rather, it is capable of processing endless amounts of organic waste for as long as the plant itself is capable of operation. It takes waste which is normally difficult to dispose of to landfill (many of the adverse environmental impacts of traditional landfill such as odour, vermin, leachate and methane generation are caused by organic waste) and converts it to renewable energy and a useful soil fertiliser. It is available to process local waste but no harm is created if it accepts waste from further afield as well.

6.5 There may be a case to restrict waste sources if a plant such as this generated significant adverse impacts locally. However, this is not the case with regard to the Fernbrook Bio site. It has excellent transport connections directly off the national highway network which avoids local settlements and dwellings. Deliveries to the site do not generate noise and disturbance and the operation of the plant has no impact on any local sensitive receptors – the area around the site is quite noisy because of the A14. Where the waste material is sourced from has no impact on odour generation.
6.6 In terms of carbon savings, it has already been demonstrated that transporting organic waste significant distances is still inherently sustainable. The waste processing industry now forms a significant part of the national economy and operates within its own commercial parameters rather than being arbitrarily restricted to local planning authority boundaries. Transport costs are generally on the increase and the market itself will determine the distances it is economic to transport waste. In time, as these sorts of facilities are established throughout the country, waste will gravitate to its own local facilities. In the meantime, it is still preferable environmentally for waste sourced some distance away to be processed at Rothwell rather than being disposed of to its nearest local landfill site.

6.7 The applicant has also had difficulty sourcing waste locally and the degree of recycling achieved does not appear to have matched aspirations. In the meantime this hopefully will improve but the applicant still has to source waste to generate income to finance the significant investment already made in constructing the plant. This will help secure the immediate future of the plant which in the long term will be of direct local benefit once local waste recovery rates rise.

6.8 The proposals are therefore commended to the 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
26 September 2011

Application No.:
NCC: 11/000671WAS
KBC: KET/2011/0657

Particulars and location of development

Application 11/000671WAS to vary condition 3 of planning permission 10/000761WAS to increase total annual throughputs to 49,000 tonnes per annum 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 10/000761WAS.

The following is a list of conditions originally granted on planning permission 09/00033M1AS with various amendments and updates to conditions reflecting planning permissions 10/000761WAS and 11/000671WAS.

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 three years from the date of this permission.

Reason: To allow a reasonable period for commencement whist 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 49,000 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. No longer applicable.

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 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

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 constructions 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

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.

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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.

   f. installation and commissioning of an additional air handling unit to further control odour from the existing waste reception building and pasteurisation room by 31 March 2012. The unit shall be operated and maintained for the lifetime of the development.

9. 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 8 to 9: 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**

10. All plant and machinery shall be noise attenuated.

11. 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

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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 Environmental Protection Officers at the relevant local authority.

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 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 10 to 14:** 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).

**Lighting**

15. 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.

**Reason:** 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 CS14 of the Core Strategy DPD (May 2010).

**Highway Safety and Access**

16. Condition removed under 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.

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Reason for conditions 17 to 18: 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

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 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 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 compliance 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 to 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 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 accordance with Policy CS9 of the Core Strategy DPD (May 2010).

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Visual Amenity and Design

24. 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 CS14 of the Core Strategy DPD (May 2010) and Policy CMD10 of the Control and Management of Development DPD (June 2011).

Habitat Creation and Enhancement, Restoration and Landscaping

25. Biodiversity enhancement and landscaping shall be in accordance with the approved soft landscape plan Drawing 123411-01 Rev A dated 8 December 2011. The scheme as approved shall be implemented and thereafter maintained and managed in accordance with the approved Soft Landscape Works Maintenance and Management Statement reference 123411/RP01 Rev A, dated 12 December 2011. Unless otherwise agreed in writing by the Waste Planning Authority, the following shall also apply:

- Planting / biodiversity enhancement shall take place in the first planting season following the implementation of this permission;
- 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;
- 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 implementation of this permission;
- 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; and
- 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.

Reason: To protect the interests of design, landscape character, biodiversity and local amenity, having regard to Policy CS14 of the Core Strategy DPD (May 2010) and Policy CMD7 of the Control and Management of Development DPD (June 2011).

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.

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**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**

27. 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

**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 CS14 of the Core Strategy DPD (May 2010).

**Waste**

30. All wastes accepted onto site must be handled (stored, separated and treated) in an enclosed building (including tanks) 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. Contaminated bund contents shall not be discharged to any watercourse, land or soakaway.

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Reason for conditions 30 to 32: To prevent pollution of the water environment, having regard to Policy CS14 of the Core Strategy DPD (May 2010).

Appendix A

For the avoidance of doubt the drawings and documentation to which this permission refers are the documents referred to in the conditions and the planning application forms and accompanying documents submitted with 09/00033/WAS, except where superseded by the planning application forms and accompanying documents submitted with 11/00067/WAS.

09/00033/WAS

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
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
m. Waste Facilities Strategy – April 2009 by PPS Ltd
n. Waste Audit – April 2009 by PPS Ltd

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11/000671/WAS
a. Drawing Ref FB/R/11/002 B – Proposed Site Plan
b. Application Form dated 9 August 2011
c. Planning Statement dated September 2011
d. Design and Access Statement received 10 August 2011
e. Transport Statement dated September 2011

INFORMATIVES

The following is a list of informatives originally listed on planning permission 09/000331/WAS updated to reflect planning permission 10/000761/WAS and 11/000671/WAS.

1. Western Power (formerly 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 Western Power 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 Western Power, New Connections at the address below; and
   c. To obtain copies of Western Power records contact Western Power at the address below;
   d. Toll End Road, Tipton, DY4 0HH

2. 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.

3. National Grid has noted that local gas and electricity distribution network information is necessary to commence the proposed works.

4. The applicant must gain any necessary permits in order to dispose of excess liquid onto nearby land.

5. 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.

6. 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 advice 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.

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7. 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.

8. 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 (24 October 2011)

9. The waste processing associated with this development currently has an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, limiting the annual throughput to 30,000 tonnes per annum. The applicant is advised to contact the Environment Agency on 08708 506 506 for further advice on how to vary this permit, to increase the annual throughput to 49,000 tonnes per annum and to discuss the issues likely to be raised. Additional ‘Environmental Permitting Guidance’ can be accessed via the Environment Agency website (http://www.environment-agency.gov.uk).

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 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

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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:

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