

**Town and Country Planning Act 1990****PLANNING PERMISSION**

Name and address of applicant	Name and address of agent (if any)
Fernbrook Bio Ltd Rothwell Lodge Rothwell Road Kettering Northants NN16 8XF	Phillips Planning Services Ltd Kingsbrook House 7 Kingsway Bedford MK42 9BA

Part I - Particulars of application

Date of Application	Application No.
15 August 2014	NCC Ref: 14/00068/WASVOC KBC Ref: KET/2014/0625/NCC

Particulars and location of development

Variation of condition 23 (waste catchment area) on planning permission 11/00067/WAS at Fernbrook Bio Limited, Rothwell Lodge, Rothwell Road, Kettering, Northamptonshire, 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 11/00067/WAS.

The following is a list of conditions originally granted on planning permission 11/00067/WAS with various amendments and updates to conditions reflecting planning permission 14/00068/WASVOC. Amendments and updates are shown in italics.

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Commencement of Development

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

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

Scope of Planning Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be implemented and maintained in accordance with the following approved documents and plans submitted under planning permissions 09/00033/WAS; 11/00067/WAS; and 14/00068/WASVOC:

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
- 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. 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

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11/00067/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

14/00068/WASVOC

- a. *Catchment Area Plan, Ref: Isochrone drawing for NN16 8XF dated 15 August 2014*
- b. *Application Form dated 15 August 2014*
- c. *Planning Statement dated August 2014*

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 11 of the Northamptonshire Minerals and Waste Local Plan (October 2014)* and to control the amenity impacts of the development, having regard to *Policy 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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.

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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:
- monitoring instrumentation and process control for correct pressure and temperatures;
 - 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;
 - a requirement that the Anaerobic Digestion processing and storage tanks will be fully covered and sealed;
 - the reception building will be sealed and placed under negative pressure; and
 - automatic fast acting roller doors fitted at all vehicular entrances on the reception building.
 - 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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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 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.

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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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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.

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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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,

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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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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 11 of the Northamptonshire Minerals and Waste Local Plan (October 2014)* and to ensure that waste materials are dealt with close to their source in accordance with *Policy 23 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

Catchment Area

23. *With the exception of a 15% annual allowance, all waste materials to be processed on the site shall originate from locations within the indicative catchment area plan referred to in Condition 3 unless expressly approved in writing by the Waste Planning Authority on the basis that evidence is submitted which the Waste Planning Authority agrees demonstrates:*

- 1) *the waste is part of a temporary (two years or less) contract while processing facilities are constructed closer to source; or*
- 2) *other circumstances where there is a justified need to utilise the facility.*

Exceptionally, waste material may be sourced from outside this catchment area in the following circumstances:

- a) *the type of waste is required to maintain the efficacy of the digester process; and*
- b) *Weather, operation problems or other emergencies means the waste cannot be processed close to its source.*

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In these circumstances, written notification shall be given to the Waste Planning Authority within 14 days of receiving the waste.

Reason: *To ensure that waste materials are dealt with close to their source in accordance with Policy 23 of the Northamptonshire Minerals and Waste Local Plan (October 2014).*

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 Policies 22 and 27 of the Northamptonshire Minerals and Waste Local Plan (October 2014).*

Habitat Creation and Enhancement, Restoration and Landscaping

25. Biodiversity enhancement and landscaping shall be in accordance with the approved soft landscape plan Drawing 1234/11-01 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 Policies 22 and 24 of the Northamptonshire Minerals and Waste Local Plan (October 2014).*

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

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the Waste Planning Authority and agreed in writing. The scheme, as agreed, shall thereafter be implemented.

Reason: To safeguard amenity and landscape character should the development be temporary, having regard to *Policies 22 and 25 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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
- 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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

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 22 of the Northamptonshire Minerals and Waste Local Plan (October 2014)*.

INFORMATIVES

The following is a list of informatives originally listed on planning permission 09/00033/WAS updated to reflect planning permission 10/00076/WAS and 11/00067/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 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.
7. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Sludge, 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.

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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)

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>).

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application the Waste Planning Authority has worked with the applicant in a positive and proactive manner. Concerns and issues raised during consultation on the submitted application have been considered by the Waste Planning Authority, discussed with consultees and the applicant/agent and are addressed by conditions where appropriate.

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 13th November 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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