



## Town and Country Planning Act 1990

### PLANNING PERMISSION

#### Name and address of applicant

Energy Roots Ltd  
Upper Higham Lane  
Rushden  
Northamptonshire  
NN10 0SU

#### Name and address of agent (if any)

Dallol Energy Ltd  
New Hambleton Farm  
Swainsea Lane  
Pickering  
North Yorkshire  
YO18 8PW

### Part I - Particulars of application

#### Date of Application

31<sup>st</sup> January 2018

#### Application No.

**NCC Ref:** 18/00006/WASFUL

**ENC Ref:** 18/00349/NCC

### Particulars and location of development

Construction of a Plastic Recycling and Recovery Facility involving the conversion of waste plastic by pyrolysis into diesel, petrol and liquid petroleum gas at Land at Upper Higham Lane, Rushden, Northamptonshire, NN10 0SU

### 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:-

#### Commencement and Compliance

1. The development hereby permitted shall be begun before the expiry of **THREE YEARS** from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

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## Scope of the Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

### *Planning Documents*

- Application Forms received on 15 January 2018
- Planning Statement prepared by Dallol Energy

### *Drawings*

- Drawing No. CH-D-101-020 Revision 7 Site Location Plan
- Drawing No. CH-D-101-021 Revision 9 Site Block Plan
- Drawing No. CH-D-101-030 Revision 8 Site Layout
- Drawing No. CH-D-101-031 Revision 7 Elevations Sheet 1 of 2
- Drawing No. CH-D-101-031 Revision 6 Isometric Sheet 2 of 2

### *Technical Reports*

- Atmosphere Dispersion Modelling Assessment prepared by Environmental Visage Ltd dated January 2018
- Health Impact Assessment prepared by Environmental Visage Ltd dated December 2018
- Noise Impact Assessment, ref. CNE-268, prepared by Exova Ltd dated 31<sup>st</sup> July 2018
- Archaeological Desk Based Assessment, ref. MK140/18, prepared by CFA Archaeology Ltd

Reason: To specify the approved documents in the interests of amenity.

## Waste Throughputs

3. The amount of imported waste shall not exceed 75,000 tonnes per annum.

Reason: In the interests of amenity protection and highway safety having regard to Policies 18 and 19 of the Minerals and Waste Local Plan (2017).

## Waste Types/Operations

4. The development hereby permitted shall be restricted to the import, storage and processing of waste plastics for input into the pyrolysis process, of a non-hazardous nature, and systems shall be in place to deal with any prohibited wastes delivered to the site.

Reason: To restrict the waste types to those specified in the application in the interests of amenity and the environment having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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5. The first commercial import of waste shall not take place until the pyrolysis plant has been constructed and is fully operational for commissioning.

Reason: To restrict the waste types to those specified in the application in the interests of amenity and the environment having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

6. No external processing or storage of waste feedstock; shall take place on site outside of the buildings.

Reason: To restrict the storage of waste in the interests of amenity and the environment having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Hours of Working - Operational**

7. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) all deliveries/collections of waste shall be restricted to between the hours of 07:00 and 20:00 Mondays to Sundays, with no such operations on Public and Bank Holidays.

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Hours of Working - Construction**

8. Except as otherwise approved in writing by the Waste Planning Authority all external construction activities associated with the development hereby permitted shall be restricted to between the hours of 07.00 hrs and 18.30 hrs Mondays to Fridays and 08.00 hrs to 13.00 hrs Saturdays with no construction activities on Sundays or Public and Bank Holidays.

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Buildings & Flue Stack**

9. The development hereby permitted shall be built in accordance with the dimensions identified in the submitted application as indicated on Drawing Nos. CH-D-101-030 Revision 8 Site Layout, CH-D-101-031 Revision 6 Elevations Sheet 1 of 2, and CH-D-101-031 Revision 6 Isometric Sheet 2 of 2 unless alternative details are submitted pursuant to condition 10 and approved in writing by the Waste Planning Authority. The development shall be constructed fully in accordance with the approved details.

Reason: In the interests of visual amenity and landscape protection having regard to Policies 18 and 21 of the Minerals and Waste Local Plan (2017).

10. The replacement buildings, flue and plant shall be erected in accordance with the locations identified on Drawing No. CH-D-101-030 Revision 8 Site Layout 3 and prior to their erection final design details including all external materials,

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colour and finishes shall be submitted to and approved in writing by the Waste Planning Authority. The final design details shall include utilising colours to mitigate the impact of the height of the buildings plant, equipment, and flue. The development shall be constructed fully in accordance with the approved details.

Reason: In the interests of visual amenity and landscape protection having regard to Policies 18, 21 and 23 of the Minerals and Waste Local Plan (2017).

11. The flue stack hereby permitted shall be a maximum 35 metres high unless alternative details as a result of the Environmental Permit requirements are submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of amenity protection having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

### Highways Safety and Access

12. Prior to the commencement of development, a scheme for access improvements to the proposed site access shall be submitted to the Waste Planning Authority for approval in writing. The proposed scheme shall include the following requirements of the Local Highway Authority (LHA):
- i. The LHA would need to see the junction visibility envelope (2m x 215m for an access adjoining a 60mph limit road) to properly assess any safety implications. This visibility envelope to be secured either within the existing public highway or land under the control of the applicant. Please also note there shall be no walls or vegetation taller than 600mm contained within the visibility splay.
  - ii. The vehicle crossover shall require improvements including kerbing and resurfacing to mitigate migration of debris onto the highway. The works shall be constructed in accordance with Northamptonshire County Council Standard Details.
  - iii. For pedestrian visibility splays either side of access at the highway boundary 2mx 2m is the minimum requirement. These shall be shown on a scaled drawing.

The scheme as approved shall be implemented fully prior to the commencement of all other development work and thereafter maintained.

Reason: In the interests of amenity protection and highway safety having regard to Policies 18 and 19 of the Minerals and Waste Local Plan (2017).

13. All HGV vehicles approaching and leaving the site shall travel via Upper Higham Lane and the A6 Road to the north west of the highway access in accordance with the HGV Route plan submitted as Addendum to Appendix 7 of the planning application, and no development shall take place until a Transport Management Plan and scheme for the routing for HGVs to and from

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the site has been submitted to the Waste Planning Authority for approval in writing. The plan shall include proposals for:

- i. The erection of signage within the site near the exit instructing vehicle drivers of the traffic routing arrangements
- ii. Monitoring of compliance with the approved routing arrangements;
- iii. Ensuring that all drivers of vehicles under the control of the applicant and all appointed contractors, are regularly made aware of, and required to abide by, the approved routing arrangements; and
- iv. The disciplinary steps that will be exercised in the event of default.

The approved Plan should be implemented in full throughout the life of the permission.

Reason: In the interests of amenity protection and highway safety having regard to Policies 18 and 19 of the Minerals and Waste Local Plan (2017).

### Vehicle Sheeting/Mud on the Road

14. All operational vehicles arriving at and leaving the site shall be appropriately sealed so as to prevent material spillage, wind blow and dust nuisance.

Reason: In the interests of highway safety and local amenity having regard to Policies 18 and 19 of the Minerals and Waste Local Plan (2017).

15. All operational vehicles leaving the site shall be cleansed to ensure they are free of mud and other debris to ensure no mud or other debris is deposited on the public highway.

Reason: In the interests of highway safety and local amenity having regard to Policies 18 and 19 of the Minerals and Waste Local Plan (2017).

### Noise

16. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured background noise level LA90,T during the **day time** period at the nearest noise sensitive receptor at Chelston Rise. For the purpose of the assessment the authority will accept 07.00 - 23.00 hours as covering the day time period.

17. The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142:2014 Methods for rating and assessing industrial and commercial sound) shall be at least 5dB below the existing measured background noise level LA90,T during the **night time** period at the nearest noise sensitive receptor at Chelston Rise. For the purpose of the assessment the authority will accept 23:00-07:00 hours as covering the night time period.

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18. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted with and use white noise reversing alarms. HGV's importing or exporting materials or fuels shall either be fitted with and use white noise reversing alarms, or other non-tonal alarms, or be routed and managed to minimise reversing manoeuvres.

Reason: To protect the residential amenity of the locality having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Surface Water Management/Drainage**

19. No development shall take place until a detailed design of a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- i. Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection and flow control chambers, outfalls/inlets and attenuation structures.
- ii. Full and appropriately cross-referenced supporting calculations.
- iii. Details of required pollution control measures in accordance with CIRIA C753 for water quality purposes.

Reason: To prevent environmental and amenity problems arising from flooding having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

20. No development shall take place until a detailed scheme for the ownership and maintenance for every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Waste Planning Authority and the maintenance plan shall be carried out in full thereafter. Details are required of the organisation or body responsible for vesting and maintenance of individual aspects of the drainage system. The maintenance and/or adoption proposal for every element of the surface water drainage system proposed on the site should be considered for the lifetime of the development and a maintenance schedule setting out which assets need to be maintained, at what intervals and what method is to be used including details of expected design life of all assets with a schedule of when replacement assets may be required, should be submitted. A maintenance schedule should be accompanied by a site plan to include access points, maintenance access easements and outfalls. Maintenance operational areas to be identified and shown on the plans, to ensure there is room to gain access to the asset, maintain it with appropriate plant and then handle any arising's generated from the site.

Reason: To reduce the risk of flooding both on and off site in accordance by ensuring the satisfactory means of surface water attenuation and discharge

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from the site having regard to the NPPF, Policy 18 of the Minerals and Waste Local Plan (2017) and Policy 5 of the North Northamptonshire Joint Core Strategy.

21. No waste feedstock importation shall take place until the Verification Report for the installed surface water drainage system for the site to be submitted in writing by a suitably qualified drainage engineer and approved by the Waste Planning Authority prior to importation of waste feedstock to the site based on the approved Flood risk assessment document. These shall include:

- a) Any departure from the agreed design is keeping with the approved principles;
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance Testing undertaken as a part of the application process (if required/necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **External Lighting**

22. No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Waste Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and details the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angles and luminaire profiles. In addition a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

### **Boundary Fencing**

23. Prior to the erection of permanent boundary fencing a scheme with details of the design, materials, and colours shall be submitted to the Waste Planning Authority for approval in writing. The scheme as approved shall be fully implemented and maintained.

Reason for conditions 20 and 21: In the interests of amenity, ecology, site security and sustainability having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

### **Ecology/Biodiversity**

24. Operations that involve the destruction and removal of trees, shrubs, hedgerow and other vegetation including grassland shall not be undertaken during the months of March to September inclusive, unless an ecologist report

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is submitted to demonstrate that breeding birds will not be affected and this has been submitted to and approved in writing by the Waste Planning Authority.

25. The development hereby permitted shall take place entirely in accordance with the recommendations and mitigation measures set out in Section 4.0, 4.1 and 4.2 of the submitted Preliminary Habitat Survey Report Final Copy dated 30/07/2017 and an ecological clerk of works shall be present to supervise all removal of vegetation and all other materials on site that are to be cleared to ensure appropriate mitigation and best practice to protect reptiles, amphibians, and mammals. The Waste planning Authority shall be notified of any species encountered and provided with an ecologists report with details of this and the mitigation measures undertaken within for weeks of all clearance works being completed.
26. Prior to any discharge of water from the site to the existing water body pond in the adjacent field to the north east of the site an ecological assessment of the proposals shall be assessed by a qualified ecologist and a report submitted detailing any ecological mitigation measures required. Any drainage works affecting the pond shall be supervised by an ecological clerk of works.
27. Prior to the importation of waste feedstock a scheme for biodiversity enhancement including the erection of bat and bird boxes shall be submitted to the Waste Planning Authority for approval in writing. The scheme as agreed shall be implemented in full and maintained throughout the life of the development.

Reason: In the interests of biodiversity having regard to Policies 18 and 20 of the Minerals and Waste Local Plan (2017).

### **Archaeology**

28. A detailed design and method statement shall be submitted to the Waste Planning Authority for approval prior to any works/ demolition taking place. It shall provide detailed information on all the construction impacts associated with the development. The statement shall:
  - a) provide design information for the construction of the buildings and tanks including the depths of all foundations, the construction methodology in areas which have previously been hard standing and all other ground works; and
  - b) the information from this document will allow an informed assessment to be made by the Waste Planning Authority regarding potential impact on archaeological remains which may result in the need for archaeological mitigation (excavation, intensive archaeological monitoring, as detailed in a scheme of archaeological works (WSI) and a timetable for the carrying out of such works

The Development shall be carried out in accordance with the approved details and in accordance with condition 29.

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Reason: To provide sufficient information to allow an informed assessment of the impact of the development in relation to the potential archaeological resource which are understood to exist in accordance with the requirements of the NPPF – Chapter 16: Conserving and enhancing the Historic Environment, and having regard to Policies 18 and 22 of the Minerals and Waste Local Plan (2017).

29. No demolition or development shall take place within the development area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme shall include the following components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Waste Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Waste Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority.

Reason: To allow investigations to be made and sufficient mitigation to be secured in an area where remains of considerable archaeological remains are understood to exist in accordance with the requirements of the NPPF – Chapter 16: Conserving and Enhancing the Historic Environment and having regard to Policies 18 and 22 of the Minerals and Waste Local Plan (2017).

### **Fire Risk Management**

30. Within 3 months of the date of the permission, a Fire Risk Management Plan (FRMP) shall be submitted to and approved in writing by the Waste Planning Authority (see informative). The plan shall also include measures to mitigate the risk of fire associated with waste storage on the site. The plan shall be fully implemented and subsequently maintained, in accordance with the plan, unless any changes are subsequently agreed in writing by the Waste Planning Authority. In the event that any of the measures stipulated in the FRMP conflict with measures subsequently agreed as part of the Environmental Permit for the waste facility then the measures specified in the FRMP shall be superseded by the conflicting measures in the Environmental Permit.

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Reason: In the interests of safety having regard to Policy 23 of the Minerals and Waste Local Plan (2017).

### **Catchment Areas/Monitoring**

31. Prior to the importation of feedstock, the operator shall submit to the Waste Planning Authority for approval in writing an indicative plan showing the intended catchment area for waste sources for treatment at the facility. The plan shall be in accordance with a regional catchment. The annual report required by condition 32 shall incorporate such records that demonstrate compliance with the catchment area plan.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interest of self-sufficiency and sustainability having regard to Policy 19 of the Northamptonshire Minerals and Waste Local Plan (2017).

32. The operating company 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 report shall include detailed information on the types, quantities and sources of all waste materials brought on to the site and taken off the site, including records of vehicle movements demonstrating compliance with conditions 3 and 31. This information required by this condition shall also be supplied at any other time on request within the 12 month period by the Waste Planning Authority, within three weeks of a receipt of this request in writing.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 10, 12 and 25 of the Minerals and Waste Local Plan (2017) and to ensure that waste materials are dealt with close to their source in accordance with Policy 19 of the Minerals and Waste Local Plan (2017)

### **Complaints**

33. In the event that complaints regarding odour, noise, lighting and/or dust are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an assessment of the complaint shall be undertaken by the operator. 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 and works to be undertaken shall be submitted to the Waste Planning Authority for agreement in writing no later than five working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Waste Planning Authority. The remedial measures agreed in writing shall thereafter be implemented and maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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## Cessation of Use

34. In the event of cessation of use of any of the buildings, flue, plant and structures for the waste management uses hereby approved for a period in excess of 12 months, a scheme for the decommissioning, dismantling and removal of the buildings, flue, plant and structures shall be submitted within a further 3 months to the waste Planning Authority for approval in writing. The scheme as agreed shall be fully implemented within 12 months of the date of approval in writing.

Reason: In the interests of amenity protection and landscape character having regard to Policies 18 and 21 of the Minerals and Waste Local Plan (2017).

## Bunding

35. Any fuel storage above ground and refuelling facilities shall be banded to at least 110% of the tank capacity and constructed of an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse, land, or underground strata.

Reason: To safeguard against pollution of the local environment having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (October 2017).

## Local Liaison Group

36. Prior to the commencement of the development details of a Local Liaison Group to be established, including proposed membership and ongoing facilitating arrangements, shall be submitted to the Waste Planning Authority for agreement in writing. The first meeting shall be arranged prior to the date of commencement as notified under condition 1. Subsequent meetings shall be arranged at six monthly intervals, or such other time period as agreed by members of the Local Liaison Group, for the life of the operations.

Reason: To discuss and review the operator's current working practices and their future intentions and to monitor compliance with the Planning Permission with the local community and regulators having regard to Policy 25 of the Northamptonshire Minerals and Waste Local Plan (October 2017).

## Informative(s)

1. The applicant's attention is drawn to the requirements set out in the response from Northamptonshire Highways dated 19 July 2018.
2. The applicant's attention is drawn to the requirements set out in the response from the Lead Local Flood Authority dated 15 August 2018.
3. The applicant's attention is drawn to the email from Victor Buchanan dated 20 July 2017 in response to the which agreed to use best endeavours to secure landscaping on land adjacent to the Caldecott Road south of Chelston Rise

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and to infill the gap created to the east of the site around the new sewage pumping station.

### 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 based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date 19<sup>TH</sup> OCTOBER 2018

Signed 

~~For~~ Assistant Director of Environment,  
Planning and Transport

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1. *If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.*
2. *If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.*
3. *In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.*
  - a) *The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.*
4. *Guidance on using the Planning Portal's online appeals service, see leaflet PCS4 available at:*

[http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs\\_a5\\_leaflet.pdf](http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf)

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