



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Fernbrook Bio Ltd
Rothwell Road
Kettering
Northamptonshire
NN16 8XF

Name and address of agent (if any)

Phillips Planning Services Ltd,
Kingsbrook House,
7 Kingsway,
Bedford
MK42 9BA

Part I - Particulars of application

Date of Application

13 November 2020

Application No.

NCC Ref: 20/00063/WASFUL

KBC Ref: KET/2020/0856/NCC

Particulars and location of development

Construction of biogas scrubbing columns, gas clean-up container, compressor, distribution kiosk, propane tanks, grid entry unit and export pipeline to grid at Fernbrook Bio Limited, 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:-

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.

Scope of the Permission

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.

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 dated 11 November 2020
- Planning Statement prepared by Phillips Planning Services Ltd dated November 2020

Drawings

- Drawing No. DRG001 Rev A Site Layout
- Drawing No. DRG002 Rev A Operational Site Layout
- Drawing No. DRG003 Rev A Proposed Elevations
- Drawing No. DRG004 Rev A Site Location Plan
- Trenching Details v2

Technical Reports/Documents

- Plant Noise Assessment, ref. TB/EC17694-2, prepared by Environmental Equipment Corporation Limited dated 15th October 2020

Highways/Mud on the Road

3. During the construction phase of the development, 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

4. The proposed development shall be installed and operated in strict accordance with the recommendations as detailed in section 7.0 of the submitted Plant Noise Assessment, ref. TB/EC17694-2, prepared by Environmental Equipment Corporation Limited dated 15th October 2020.

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

Informative(s)

1. The applicant's attention is drawn to the fact that no works may commence within the existing highway without the express written permission of the Local Highway Authority. This planning permission does not give or imply such consent which may be forthcoming subject to the completion of an appropriate licence or Agreement under the Highways Act 1980. Any works within the highway shall comply with the Local Highway Authority's standards and specifications.

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2. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.
3. If buildings or structures are proposed directly above the gas apparatus, then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.
4. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.
5. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.
6. The applicant's attention is drawn to the advice/guidelines given in Cadent's letter dated 5 February 2021.

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. The applicant has been sent a draft copy of the planning conditions. 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: 10 February 2021

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

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