

Strategic Planning Committee 15th May 2023

Application Reference	NN/22/00050/WASFUL
Case Officer	Martin Broderick
Location	Rothwell Lodge AD Facility, Rothwell Road, Kettering, Northamptonshire, NN16 8XF.
Development	The construction of additional feedstock storage, digester, pasteuriser, digestate storage tanks and installation of associated pipework and equipment, relocation of biogas upgrading equipment, propane tanks and associated infrastructure, increase waste throughput from 49,000 to 100,000 tonnes per annum, extension of waste reception building and installation of second feedstock line internally and replacement / upgrading of existing odour abatement systems at Rothwell Lodge AD Facility, Rothwell Road, Kettering, Northamptonshire, NN16 8XF.
Applicant	Fernbrook Bio Ltd
Agent	Mr Graeme Outridge Wiser Environmental
Ward	Rothwell and Mawsley
Overall Expiry Date	19 May 2023
Agreed Extension of Time	19 May 2023

Scheme of Delegation

This application is brought to committee because

- the relevant town council, Rothwell, has a material written objection.

1. Recommendation

1.1 That the application be APPROVED

2. The Proposal

2.1 Approval of Application: All details in respect of NN/22/00050/WASFUL for the applicant, Fernbrook Bio Ltd, to increase the throughput of biodegradable wastes from 49,000 to 100,000 tonnes per annum and improve the operational efficiency

of the facility to enable the production of biomethane and inject this into the national grid. Additional works are also planned to replace and upgrade worn out processing equipment and odour abatement systems to enhance environmental control and prevent odour nuisance from the enlarged facility. The proposed changes are summarised below:

- Increase throughput from 49,000 to 100,000 tonnes;
- Extension of the reception building and installation of second feedstock line;
- Relocation of biogas upgrading equipment, propane tanks and associated infrastructure;
- Installation of carbon dioxide recovery apparatus and associated infrastructure;
- Replacement of reception building odour abatement system with extraction, carbon filtration and single exhaust stack, 12 m high (proposed);
- Installation of odour abatement system for all other AD process areas with single exhaust stack, 12 m high (proposed);
- 1 new feed hopper (for crop handling only, 80 m³);
- 2 new Buffer tanks (diameter 9.31 m, gross volume 535 m³);
- 1 new Pasteurisation system;
- 2 new Digesters (diameter 28.41 m, gross volume 5,578 m³);
- 1 new Digestate Storage tank (diameter 20.48 m, gross volume 5,096 m³);
- 1 new potable water storage tank (100 m³);
- 1 new Liquid Storage tank (diameter 9.31 m, gross volume 535 m³); and
- Installation and modification of ancillary pipework and infrastructure.

2.2 The application site is an Anaerobic Digestion (AD) facility that has been operating since October 2010. It is accessed from Junction 5 of the A14 at the Rothwell Lodge Farm 'clover leaf' junction. The site can be accessed from both the east and west bound carriageways of the A14. The site generates renewable energy and produces a digestate which meets an industry specification (PAS110) which recognises that the digestate produced is a consistent quality and is fit for purpose.

2.3 The Anaerobic Digestion Plant was granted planning permission in October 2009 (09/00033/WAS) and has been operational since then.

3. Site Description

3.1 The site itself currently features a purpose-built building along with two digester tanks, two pre storage tanks, one feedstock buffer tank, and one digestate storage tank. There is impermeable 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.

3.2 The site is located at Rothwell Lodge Farm, Rothwell Road, Kettering, Northamptonshire, NN16 8XF, at NGR SP 82389 80138 (Figure 1). Lying approximately 600 m south of Rothwell, 1.1 km northwest of Thorpe Malsor, 1.3 km north east of Loddington, and 1.5 km northeast of Orton. The nearest property is Rothwell Lodge Farm which is adjacent to the site. The surrounding area is predominantly agricultural land. The site is adjacent to the A14 and on the opposite side of the carriageway are a service area, fast food restaurant and Rothwell Lodge Cottages. The southern edge of the urban settlement of Rothwell is located approximately 500 metres further north.

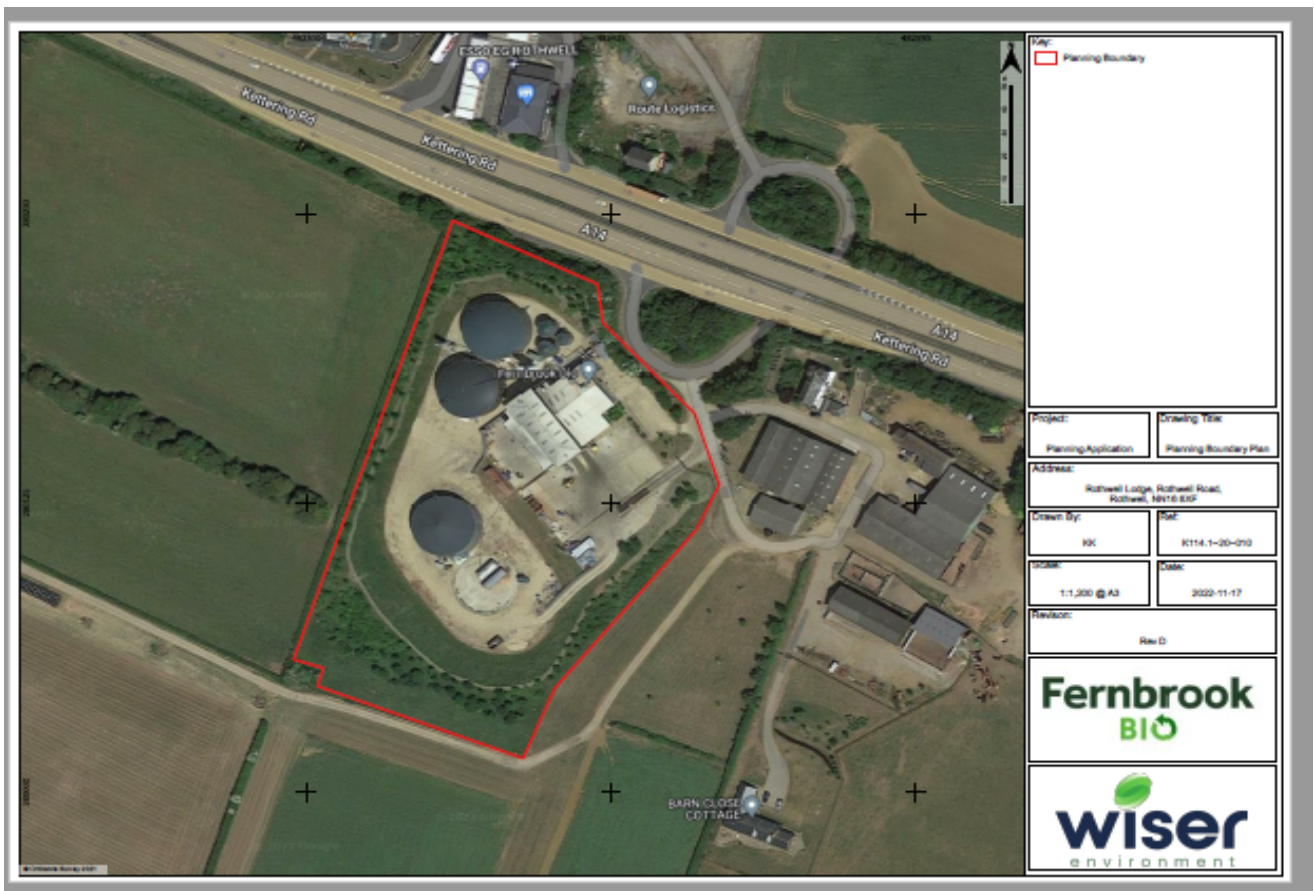


Figure 1 Aerial View of Application Site with Red Line Boundary

4. Relevant Planning History

4.1 Below is a summary of the recent planning history for Fernbrook Bio Limited:

- **09/00033/WAS** - Anaerobic Digestion Plant and associated hard surfacing and landscaping approved on 22 October 2009
- **10/00076/WAS** - Variation of planning permission 09/00033/WAS to remove condition 16 (Highway Safety and Access) approved on 26 January 2011

- **11/00066/WAS** - Erection of new digester tank and plastics recycling building approved on 16 December 2011
- **11/00067/WAS** - Variation of planning permission 10/00076/WAS to increase total annual throughput to 49,000 tonnes per annum approved on 16 December 2011
- **13/00052/WASFUL** - Installation of additional de-sulphurization tank approved on 19 July 2013
- **14/00015/WASVOC** - Removal of Condition 23 (waste catchment area) on planning permission 11/00067/WAS refused on 10 June 2014
- **14/00068/WASVOC** - Variation of Condition 23 (Waste Catchment Area) on Planning Permission 11/00067/WAS approved on 13 November 2011
- **20/00063/WASFUL** - 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 approved on 10 February 2021.

5. Consultation Responses

5.1 The following is a summary of the responses received during the consultation on this application:

North Northamptonshire Council (Environmental Health)

No objection.

Environment Agency (EA)

No objection subject to condition.

Cadent Gas

No response has been received.

Northamptonshire Fire & Rescue Service (NFRS)

No response has been received.

Natural England

No objection subject to conditions.

Historic England

No objection.

National Highways

No objection.

Local Highway Authority (LHA)

No objection to the proposed development but requested that the Waste Planning Authority consider the following points:

“ In respect of the above planning application, the local highway authority (LHA) has the following observations, comments and recommendations: -

Observations:

- 1. The views of National Highways should be sought owing to the proximity of the site to the A14 with respect to safety/capacity.*
- 2. EV Parking if deemed necessary should be supplied at 10% of the parking spaces with infrastructure in place to retrofit the remaining spaces in the future.”*

Rothwell Town Council

Objection to the proposed development:

“Rothwell are very much against the expansion of Fernbrook Bio and do object to the application submitted. As a town, we experience ongoing odour issues that to date have not been rectified despite raising these on several occasions. Last summer we received several resident complaints of this nature, I copy one for your information below:

Yet again, the absolutely disgusting stench from Fernbrook Bio next to the A14 at Rothwell has ruined much of our spring and summer. It continues to be a problem as we head into autumn. At the worst times, the stench has left us feeling physically sick. I think I'm right in saying the council has voiced serious concerns on behalf of local residents in the past. Surely the time is right to step up protests to the Environment Agency. If it transpires that the stink is "compliant", then something is seriously wrong with the compliance criteria. The town shouldn't have to put up with this”.

Thorpe Malsor Parish Council

No objection to the proposed development but have the following concerns:

“Thorpe Malsor Parish Council wish to register two concerns in relation to the above application.

1. Risk of Toxic Spills & Pollution of Thorpe Malsor Reservoir

Thorpe Malsor Reservoir is located downhill of the existing AD facility and approximately 500 meters from the site. The Council is concerned that the doubling of throughput at the site will further increase the risk of pollution to the

reservoir. This is a sensitive and important wildlife habitat and water from the reservoir flows into Slade Brook and on into the River Ise.

The Environment Agency reports that there are rising incidents of serious pollution due to spillages and the leakage of phosphates occurring from anaerobic digesters. If allowed to enter a water course this leads to outbreaks of blue-green algae, a bacteria that is highly toxic to plants, fish, animals and birds.

Thorpe Malsor reservoir suffered such an outbreak in early 2017 and we understand that a scientific advisor to the Environment Agency considered it highly likely that this site was the source of the pollution. This would seem to be confirmed by a published case study of Fernbrook Bio carried out by ONM Energy, which includes the following:

Background

Whites Generation Ltd (WGL) bought Fernbrook Bio in 2016. In 2017, one of the plant digesters suffered an over-pressure event; and in 2019, there was a biological issue linked to feedstock. As a consequence, the performance of the plant had been variable ever since. WGL had invested significantly to increase the front-end processing capability and but then were in need of assistance in delivering consistent performance.

The full page can currently be viewed online [via this link](#). An over-pressure event such as described can cause a flooding of digestate on site which will spread to nearby land if the flood is not properly contained.

The parish council is concerned that such 'events' will recur. In view of the very close proximity of Thorpe Malsor Reservoir to the site, we believe the environmental impact of digestate spillages should be fully evaluated before permission is given to double throughput.

2. Unpleasant Odours

Residents of the village quite regularly experience unpleasant odours which originate from the site. We understand that a number of factors can influence the odour emitted during the anaerobic digestion process, including the type of feedstock going into the facility and how feedstock and digestate are stored and disposed of. We note that the application includes replacement and/or upgrading of the existing odour abatement systems. We request that the planners ensure that the odour control solutions are robust and sufficient to prevent the escape of these highly unpleasant smells which are causing considerable nuisance.”

Loddington Parish Council

Has some concerns regarding the extension of this plant:

“Whilst LPC have concerns about odour and increased vehicle movements, we do not believe they would be deemed significant material planning considerations.

- *It is claimed that more effective infrastructure on site will address the intensity, offensiveness and duration of odour.*
- *An increase in vehicle movements from 36 to 68 per day is unlikely to be considered to have “a severe cumulative impact on the local highway network”.*

The Planning Statement talks about “Demonstrating market need [for waste processing] in Northamptonshire”, however LPC are not aware of any intention by NNC to extend separate food waste collections to the Kettering, Corby and Wellingborough areas (East Northants is the only district in North Northants that currently has food waste collections). Therefore, the additional waste will certainly (in the short term at least) be coming from outside the North Northants area.”

Public Advertisement and Neighbour Notification

The application was advertised by the posting of a site notice and a press notice in a locally circulating newspaper on the 15 November 2022. A representation has been received in response to these from a Thorpe Malsor resident. They had concerns about the environmental safety of Fernbrook and brought to our attention “a major environmental incident” that happened in January 2017 at Thorpe Malsor Reservoir which is located just 680 m down below the digester.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. However, note that this is an application for approval of reserved matters and not in itself an application for planning permission.

6.2 National Policy

National Planning Policy Framework (NPPF)

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The National Planning Policy Framework (NPPF), most recently revised in July 2021, sets out the Government’s planning policies for England and how these are expected to be applied. National policy statements form part of the overall framework of national planning policy and are a material planning consideration in decisions on planning applications. A fundamental element of the NPPF establishes a presumption in favour of sustainable development; for decision taking, this means that proposals for development that accords with the development plan shall be approved without delay and those which conflict should be refused.

National Planning Policy for Waste (NPPW)

National Planning for Waste was issued in October 2014 replacing Planning Policy Statement 10 (PPS10 - Planning for Sustainable Waste Management). This document sets out detailed waste planning policies. Reference is made to this policy document in the assessment section of this report.

6.3 Northamptonshire Minerals and Waste Local Plan (Adopted July 2017)

Policy 10	Northamptonshire's Waste Management Capacity
Policy 11	Spatial Strategy for Waste Management
Policy 12	Development Criteria for Waste Management Facilities
Policy 18	Addressing the Impact of Proposed Minerals and Waste Development
Policy 19	Encouraging Sustainable Transport
Policy 21	Landscape Character
Policy 23	Layout and Design Quality

6.4 North Northamptonshire Joint Core Strategy 2011-2031

This adopted strategy has a specific section on encouraging renewable and low carbon energy. The Plan area is encouraged to be more self-sufficient and resilient in meeting its own energy requirements from renewable sources. Policy 26 applies specifically to renewable energy development proposals.

7. Evaluation

7.1 The main issues to consider in determining this application are:

- i. Whether the proposals accord with the Northamptonshire Minerals and Waste Local Plan, National Planning Policy Framework; and National Planning Policy for Waste
- ii. Whether there are any general matters, access and highway safety or amenity matters e.g. odour, noise, which would be significant and would justify refusing the application.

7.2 Policy Context

National Planning Policy Framework

7.2.1 Support for the proposed development can be found in paragraph 8 (c) of the NPPF which states that a key part of achieving sustainable development is *“mitigating and adapting to climate change, including moving to a low carbon economy.”* The NPPF defines low carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels). In addition, Paragraph 158 of the NPPF states that, when determining planning applications for renewable and low carbon development, local planning authorities should:

“a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable.”

7.2.2 The proposed development would directly assist National Grid in balancing the supply and demand of energy and supporting the move towards a low-carbon future, in accordance with a key aim of the National Planning Policy Framework.

7.2.3 The NPPF establishes a presumption in favour of sustainable development. For decision taking, this means that proposals for development that accords with the development plan shall be approved without delay, and development that conflicts should be refused unless material considerations indicate otherwise.
National Planning Policy for Waste

7.2.4 The National Planning Policy for Waste (NPPW) was published in October 2014. The NPPW sets out the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. This includes the delivery of sustainable development and helping to secure the re-use, recovery or disposal of waste in line with the principles of the waste hierarchy without endangering human health or harming the environment. The NPPW forms part of the overall national planning policy, and is a material planning consideration in decisions on waste related planning applications.

7.2.5 The NPPW states that Waste Planning Authorities (WPA) should only expect applicants to demonstrate a quantitative or market need for waste management facilities where they are not consistent with an up-to-date Local Plan. The NPPW also requires the WPA to consider the environmental and amenity impacts, and concern themselves with implementing the planning strategy in the Local Plan and not with control of processes which are a matter for the pollution control authorities. Waste Planning Authorities should work on the assumption that relevant pollution control regime will be properly applied and enforced.

Northamptonshire Minerals and Waste Local Plan

- 7.2.6 In terms of compliance with the Northamptonshire Minerals and Waste Local Plan (MWLP), Policies 10 and 11 deal with the development of a sustainable network of waste management facilities able to meet the future waste capacity requirements and be appropriate for their location. These objectives are further supported by Policy 12 of the MWLP. Policy 11 explicitly defines Kettering as part of the “Central Spine” for the location of waste management facilities (Plan 5 of MWLP). The proposed development is located within the site boundary of the existing permitted waste facility which contributes to the existing waste management capacity in the county. The proposed expansion and redevelopment of an existing waste management facility accords with both Local and National Planning Policies and provides additional waste treatment capacity within the County, to improve local resilience, and mitigate for the predicted shortfall in waste treatment capacity from 2023 onwards as more food waste is separately collected and biodegradable waste becomes prohibited from disposal to landfill in the coming years. The capacity of the facility is doubling but the catchment area will remain the same (Condition 12). The annual report required by condition 13 shall incorporate such records that demonstrate compliance with the approved catchment area plan.
- 7.2.7 In 2018, Northamptonshire produced around 2 million tonnes per annum of various waste types, including: 364,000 tonnes of municipal waste (18%); 426,000 tonnes of commercial and industrial (C&I) waste (20%); 1,257,000 tonnes of construction, demolition and excavation (CD&E) waste (60%); and 34,000 tonnes of hazardous waste (2%). Forecasts indicate that waste arisings could increase to 2,392,000 tpa by 2040¹. It is also worth noting that some 637,000 tonnes were exported to other authorities due to the current capacity gap for reuse, recycling and disposal across the county.
- 7.2.8 The review published in December 2020, identified capacity gaps for treatment and energy recovery (including anaerobic digestion) from 2023 onwards and up to 350,000 tpa by 2040.
- 7.2.9 Within the next 5 years, it is expected that the disposal of biodegradable waste to landfill will effectively be prohibited and mandatory food waste collections will be operated nationwide. This will significantly increase the amount of food waste and other organic wastes requiring treatment rather than disposal, and anaerobic digestion has been nominated as the preferred treatment option.
- 7.2.10 The proposed expansion of the existing AD facility at Rothwell Lodge Farm seeks to address the expected shortfall in regional treatment capacity for biodegradable waste in the next decade, whilst also producing biomethane which can be used as a direct replacement for natural gas, contributing towards decarbonising both heat and transport sectors and reducing carbon dioxide emissions nationally.
- 7.2.11 The proposal also promotes the sustainable production of biomethane which will encourage the use of alternatively fuelled vehicles and the subsequent reduction in emissions, particularly from HGVs, located at the nearby logistics hubs in Kettering, Corby & Northampton.

¹ Waste Needs Assessment, Northamptonshire County Council (December 2020)

7.2.12 The capture and recovery of carbon dioxide during the gas upgrading process will significantly reduce greenhouse gas emissions from the expanded facility and resultant emissions to air from the AD process. The production of renewable carbon dioxide is a valuable by-product and provides a sustainable alternative to fossil-fuel derived sources (mainly from energy-intensive fertiliser production) for the soft drinks sector and food processing industries. The principle of the development is considered acceptable having regard to Policies 10, 11, 12 and 19 of the MWLP.

Landscape & Visual Amenity

7.2.13 Policy 18 of the MWLP seeks to ensure that all new proposals for waste development must demonstrate that consideration has been given to minimising environmental impacts wherever possible and providing suitable mitigation when this is not possible. In terms of the potential landscape and visual impact of the proposed development, the applicant carried out a Landscape & Visual Appraisal (LVA) comprising of a desk study, site visit and subsequent appraisal. The LVA considered the baseline context by way of a Site description, review of existing landscape character assessments at the appropriate district scale and consideration of the likely visibility of the Site proposals through Site assessment and the selection of Representative viewpoints. The assessment considered the following:

- the loss to landscape and built features, and the perceived change to the extent and character of the landscape resulting from the proposed development;
- the effect of the proposed development on landscape/visually related designations; and
- the extent to which the proposed development would be visible, the resulting change in the nature of the view, and how this would affect visual receptors.

7.2.14 The Assessment concluded that the proposals would cause a Moderate significance of effect to visual receptors effect at Year 1 to some site features and a Negligible effect to the landscape character at Year 1. The nature of the effects at Year 1 would ameliorate to neutral and for vegetation change to beneficial effects by Year 15 as the landscape proposals establish and assimilate the built forms into the setting.

7.2.15 Whilst it is acknowledged that the proposed development will have some landscape and visual impact, this will be limited and on balance, considered acceptable given the site's location, existing buildings and plant within the AD facility and those nearby, existing topography and the existing mature landscaping scheme for the site. Overall, it is considered that the landscape and visual amenity impact of the proposed development is acceptable having regard to Policies 18, 21 and 23 of the MWLP.

Traffic/Highways Impact

- 7.2.16 Policy 18 of the MWLP requires that proposals for waste development should demonstrate that access is sustainable, safe and environmentally acceptable and that local amenity is protected. This is further supported by Policy 19 of the MWLP which also seeks to minimise the transport movements associated with waste development. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.2.17 The applicant has undertaken a Transport Assessment to set out the existing and projected trip generation associated with the site and to analyse the impact of the proposed development on the wider highway network.
- 7.2.18 Whilst the proposed development will certainly intensify activity at the site, the overall level of traffic associated with the premises will remain modest in relative terms and the overall level of traffic following development will remain minimal in the context of the existing traffic flows on the A14 road, which is the sole means of vehicular access and egress to the site.
- 7.2.19 The Assessment concludes that the proposed development will not have a severe cumulative impact on the local highway network, and that the development will not impact highway safety in the locality.
- 7.2.20 The Highway Authority i.e. Highways England, has not raised any objection to the proposed development on traffic or highway safety grounds.. The Local Highway Authority (LHA) raised no objection but requested that the Waste Planning Authority consider:

“EV Parking if deemed necessary should be supplied at 10% of the parking spaces with infrastructure in place to retrofit the remaining spaces in the future.”

- 7.2.21 Given the level of works being proposed, the use of a planning condition (Condition 4) to ensure this is considered to be reasonable in this instance. Therefore, the proposed development is therefore considered acceptable having regard to Policies 18 and 19 of the MWLP.

7.3 Water Quality and Flood Risk Management

- 7.3.1 The site is located within Flood Zone 1 and the probability of flooding at the site is regarded as low. The site is located over a Secondary Aquifer but not within a Source Protection Zone. The closest surface water course is the Slade Brook, approximately 500 m to the north of the site. Thorpe Malsor Reservoir is approximately 500 m to the south.

7.3.2 The whole site is underlain by an impermeable barrier with an engineered bund surrounding the perimeter, that provides secondary containment for all the storage tanks. Only clean, uncontaminated roof water is permitted to be discharged via soakaway from the facility.

7.3.3 The EA had no objection subject to a condition. Therefore, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

7.4 Biodiversity

7.4.1 A Preliminary Ecological Appraisal was undertaken, comprising a desk study, Phase 1 Habitat survey, badger survey and an assessment of the potential of site features to support bats, together with an assessment of impacts at Fernbrook AD Plant, Kettering.

7.4.2 The report identified habitats of moderate to high ecological value included the hedgerow and plantation woodland/scrub. Value of the habitats within site are considered Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.

7.4.3 Common breeding bird species are likely to use the above habitats for nesting and foraging. It is considered that the value of the site to breeding birds is Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.

7.4.4 One active outlier badger sett is located in the vicinity of the site. Two dung pits were found in the vicinity. The sett is not impacted by the works, nor will badger foraging habits be disturbed. The value of the site for badgers is considered Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.

7.4.5 Common bat species are likely to use abovementioned habitats for commuting and foraging purposes. The value of the site for this group is considered Lower at the Parish scale. Proposed mitigation measures will ensure the impact will be Neutral.

7.4.6 Natural England had no objection subject to conditions. Therefore, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

7.5 Amenity Impacts

7.5.1 Policy 18 of the MWLP requires that proposals for waste development should demonstrate that any impacts associated with it have been addressed to ensure that the environment and local amenity are protected. This includes matters such as noise and odour.

Noise

7.5.2 An Acoustic Assessment of the proposed development at the AD facility has been undertaken to determine the predicted impacts on nearby residents. The assessment considered the discrete impact of the new plant operations at the site. Predictive modelling carried out estimated that the increase in overall emissions from site at the nearest receptors would be less than 1 dB and therefore not significant. It recommended the:

- Placement of fixed plant (e.g. pumps) to the north and west of the tanks so that they reduce plant emissions for nearest residents; and
- Installation of a 3-sided enclosure surrounding the gas upgrading unit (GUU) opening to the north-west which consists of a chiller, blower, inlet and exhaust. It should extend at least 1 metre above the height of the highest of those 4 items and the returns should continue at least one metre past the furthest item.

7.5.3 The noise levels from the proposed development would be within recommended noise levels and therefore unlikely to create any adverse impact as regards noise. The noise mitigation measures that are proposed in the submitted plant noise assessment will be implemented and retained. This has been secured through the imposition of an appropriately worded planning condition. Therefore, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

Odour

7.5.4 In terms of potential odour impact, the applicant acknowledges in their supporting planning statement that the nature of the feedstock for the anaerobic digestion (AD) facility has the potential to cause odour nuisance and this has occurred in the past.

7.5.5 An Air Quality Assessment was undertaken to identify the scale and nature of emissions from the proposed development, describing the impact on people and the surrounding environment and any proposed measures that will minimise the identified impacts. The methodology and structure of this report has considered guidance from the Institute of Air Quality Management (IAQM) in relation to air quality, dust & odour.

7.5.6 Odour emissions will be subject to the same restrictions currently enforced on site whilst existing abatement systems are to be modernised and improved in line with the proposed design, so it is reasonable to assume that the current level of risk shall be reduced.

7.5.7 The potential impact from the increase in annual throughput, construction of the proposed development and the consideration of odour on site lead to a conclusion that the proposed development is unlikely to have a significant impact.

7.5.8 However, we consider through the conditions/controls on the facility's planning permission and the fine tuning of the facility's air filtration settings, the proposed

operation is much less likely to cause odour issues. Rothwell Town Council did raise an objection on the grounds of odour nuisance, citing previous cases of odour nuisance. It should be noted that the Environment Agency, have not raised any concerns or objections on the grounds of odour. The AD facility already operates under an Environmental Permit (EPR/3894SC) and an application to vary this to enable the requested changes has already been submitted to the Environment Agency.

- 7.5.9 Given the proposed development and existing controls through both the existing planning permission and Environmental Permit, the Waste Planning Authority (WPA) considers that alongside the proposed noise mitigation that can be secured through the imposition of an appropriately worded planning condition, the proposed development is therefore considered acceptable having regard to Policy 18 of the MWLP.

7.6 Other Matters

- 7.6.1 During the consultation on the current planning application, Thorpe Malsor Parish Council and an interested party raised concerns regarding a pollution incident at Thorpe Malsor reservoir in 2017. It should be noted that the Environment Agency, have not raised any concerns or objections regarding this incident.

8. Conclusion / Planning Balance

- 8.1 The Fernbrook Bio AD Facility is an existing committed and operational site and the principle of the proposed development is considered to be acceptable in accordance with Policies of the NPPF, MWLP and the NPPW. The proposed development will allow a more efficient and beneficial use to be made of the existing biogas which the AD plant generates and will be a significant contribution to renewable energy which can be used for heating purposes rather than electricity generation. Also, it will enable the operator to improve operational and environmental management of the site.
- 8.2 There has been an objection raised to the application by Rothwell Town Council on the grounds of odour nuisance. On balance it is not considered there is any significant landscape, visual or general amenity impact e.g. odour, which would justify refusal of the application. Therefore, the proposed development is considered to be acceptable having regard to Policies 10, 11, 12, 18, 19, 21 and 23 of the MWLP, and it is recommended that planning permission be granted, subject to the planning conditions set out in Section 7 of this report.

9. Recommendation

- 9.1 APPROVED subject to the following Condition(s):-

10. 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

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 & Technical Reports

K114.1_08_001 Planning Statement FINAL 2022 11 28	Planning Statement	K114.1~08~001
App A - K114.1_08_002 AQA Final 2022 11 28	Appendix A – Air Quality Assessment	K114.1~08~002
B22098 Fernbrook AD Plant Kettering_LVA_ISSUE_17 NOV 2022	Appendix B – Landscape & Visual Appraisal	B22098 LVA
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 1 Methodology	Appendix B1 – Methodology	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 2 Figures	Appendix B2 – Figures	Figures 1 – 8
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints	Appendix B3 – Viewpoints	

B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part1	Appendix B4 – Viewpoints (Part 1)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part2	Appendix B5 – Viewpoints (Part 2)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part3	Appendix B6 – Viewpoints (Part 3)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part4	Appendix B7 – Viewpoints (Part 4)	
B22098 Fernbrook AD Plant Kettering_LVA_Appendix 3 Viewpoints_Part5	Appendix B8 – Viewpoints (Part 5)	
App C - 303974 Transport Statement 011122	Appendix C – Transport Assessment	303974
App D - B22098 Fernbrook PEA 2022-10- 06	Appendix D – Preliminary Ecological Appraisal	B22098 PEA
App E - Noise Assessment 18290	Appendix E – Noise Assessment	18290
Drawings		
B22098.101 Landscape Proposals	Landscape Proposals	B22098.101
K114.1_20_011 Site Location Plan Rev B 2022 11 17	Site Location Plan	K114.1~20~011
	Planning Boundary Plan	K114.1~20~010

A102 - Proposed Elevations	Proposed Elevations	A102
A103 - Proposed Elevations	Proposed Elevations	A103
222-022-LG-ANSI-01-c	Piping Plan - Sketch	222-022-RO- ANGES-01
222-022-LG-ANGES-01	Schematic Drawing	222-022-LG- ANGES-01

Indicative Catchment Area plan (Isochrone NN16 8XF) e mailed to applicant dated 15 March 2013

Reason: To define the scope of the permission and in the interests of clarity..

Noise

3. The proposed development shall be installed and operated in strict accordance with the recommendations as detailed in section 3.0 of the submitted Plant Noise Assessment, ref. SS/J3685/18290 , prepared by Acoustic Associates dated October 2022.

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

Electric Vehicle Charging

4. EV Parking if deemed necessary should be supplied at 10% of the parking spaces with infrastructure in place to retrofit the remaining spaces in the future.

Reason: To future proof the site in line with Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (2017).

Layout of Plant

5. The new fixed plant associated with the operations of the silos should be placed on the north and west of the silos so that the silos themselves reduce plant emissions to the nearest residents.

Reason: To protect the amenity of sensitive receptors in line with Policies 18 and 23 of the Northamptonshire Minerals and Waste Local Plan (2017).

Surface and Foul Water

6. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason The Ise river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of local water bodies because it would result in the release of sewage and/or contaminated surface water. This would be in conformance with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Landscape

7. The landscape scheme required through this application should ensure the use of species native to England and have a visual benefit of screening the development. Preference should be given to pollinator species of shrubs/low level planting where this is proposed.

Reason: To conform with Policies 18 and 21 of the Northamptonshire Minerals and Waste Local Plan (2017).

Odour Complaints

8. Odour emissions will be subject to the same restrictions currently enforced on site whilst existing abstraction systems are to be modernised and improved in line with the proposed design (Environmental Permit at the site reference EPR/EP3894SC). Odour will be managed in accordance with the approved Odour Management Plan (K114.1~09~013 v4) and the control measures identified within the documented management system. In the event that complaints regarding odour are received by the Local 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 Local Planning Authority no later than ten working days from the receipt of the complaint, unless a later date is otherwise agreed in writing by the Local Planning Authority.

Reason: The protection of sensitive receptors amenity in conformance with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Highways/Mud on the Road

9. 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 Northamptonshire Minerals and Waste Local Plan (2017).

Biodiversity

10. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
Reason: To conform with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017) and protect biodiversity.

Badger Survey

11. A pre-commencement badger survey should be undertaken prior to the construction phase to ascertain the current level of badger activity at site. If any new setts are found during this time and are within 20m of the working area, a badger mitigation strategy will be required and a Natural England badger licence to destroy or damage a sett will need to be sought prior to any ground works.
Reason: For the protection of badgers in conformance with Policy 18 of the Northamptonshire Minerals and Waste Local Plan (2017).

Catchment Area

12. All waste materials to be processed on the site shall originate from locations within the area shown on the Indicative Catchment Area plan (Isochrone NN16 8XF) e mailed to applicant dated 15 March 2013, or other sub-regional catchment plan as may be submitted and approved in writing by the Waste Planning Authority. The annual report required by condition 13 shall incorporate such records that demonstrate compliance with the approved catchment area plan.
Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and to enable the Waste Planning Authority (WPA) to monitor progress towards achieving the principles in Development and Implementation Principles Supplementary Planning Document (September 2011).

Monitoring

13. The Operating Company shall submit an annual report to the WPA within one month of the first anniversary of 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 that demonstrate compliance with the limit on imported waste, 100,000 tonnes per annum, and the indicative catchment area plan (Condition 12). The information

required by this condition shall also be supplied at any other time on request by the WPA.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to Policies 18 and 19 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Development and Implementation Principles Supplementary Planning Document (September 2011).