Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant
Biogen (UK) Ltd
Milton Parc
Milton Earnest
Bedfordshire
MK44 1YU

Name and address of agent (if any)
Savills (UK) Ltd
Wessex House
Priors Walk
East Borough
Wimborne
Dorset
BH21 1PB

Part I - Particulars of application

Date of Application
30 September 2013

Application No.
NCC Ref: 13/000901WASVOC
ENC Ref: 13/01690/NCC

Particulars and location of development
Variation of conditions 2 and 25 of planning permission 11/000781WAS to increase throughputs from 49,000 to 65,000 tonnes per year, to remove the radial restriction on the area for digestate spreading and to increase the catchment area from which waste can be sourced at Westwood AD Plant, Bedford Road, Rushden, Northamptonshire, NN10 0SQ.

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:

1. Commencement of Development

The development hereby permitted shall commence on the date of this permission (20 December 2013).

Reason: To specify that this planning permission supersedes planning permission 11/000781/WAS in the interest of clarity and to comply with Section 91 of the Town and Country Planning Act as amended by the Planning and

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2. **Waste Inputs**

   The development hereby permitted shall not exceed a total annual throughput of 65,000 tonnes per annum.

   Reason: To define the scale of the facility in the interests of amenity protection and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

3. **Waste Types**

   The developer shall ensure that systems are in place to ensure that the site accepts and processes only food-chain waste of a non hazardous nature and that systems are in place to deal with any prohibited wastes delivered to site.

   Reason: To restrict the waste types in the interests of amenity and the environment having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

4. **Hours of Working**

   Operations involving the importation of waste, removal of non compostable waste and the outside movement of wastes on site hereby permitted, shall be restricted to between the hours of 07.00 and 19.00 on Mondays to Fridays, 07.00 and 13.00 on Saturdays and 08.00 and 16.00 on Public and Bank Holidays (excluding Christmas day).

   Reason: To ensure that Heavy Goods Vehicle movements are restricted to reasonable hours in the interests of amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

5. **Noise**

   Noise generated from operations on the site shall be controlled in accordance with a scheme of monitoring and control measures to be submitted in writing to the Waste Planning Authority within three months of the date of this permission. The scheme shall take account of the baseline levels established in the Environmental Quality report dated 27 April 2009 submitted on 21 July 2009 in relation to planning permission 08/00002/WAS. In any event LAeq shall not exceed the LA90 (background) by more than 3 dBA or more than 5 LA (Max) above 82 dBA in any one hour at night time.

   Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

6. **Noise level monitoring** shall include the following indices for day and night times:

   a. Daytime (7am-11pm): LAeq (1 hour); LA90 (1 hour) & LA (Max)
   b. Night time (11pm – 7am): LAeq (5 min); LA90 (5 min) & LA (Max)

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7. The noise mitigation measures identified at paragraphs 1.32 to 1.35 of the Environmental Report submitted with planning application 08/00002IWAS shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

8. No vehicles and mobile plant used exclusively on site shall be operated unless they have been fitted and use white noise reversing alarms, or other non tonal alarms as may be approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

9. No vehicle, plant, equipment or machinery used exclusively on site shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment and machinery shall be maintained in accordance with the manufacturer’s specification.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

10. **Odour**

Odour levels shall be sampled at the site boundary within 14 days of a written request from the Waste Planning Authority to the Operator. The results shall be compared against the baseline levels established in the Environmental Quality report dated 27 April 2009 submitted on 21 July 2009 in relation to planning permission 08/00002IWAS. 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 five working days from the receipt of the complaint. The approved remedial measures shall be implemented and maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

11. The odour control measures identified in Chapter 7 of the Environmental Report submitted with planning application 08/00002IWAS shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

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12. **Lighting**

External lighting in accordance with the scheme submitted by the Rolton Group dated 11 June 2008 in relation to planning permission 08/00002/WAS shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of visual amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

13. **Complaints**

In the event that complaints regarding, odour, dust, noise or lighting 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 five working days from the receipt of the complaint. The approved remedial measures shall be implemented and maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

14. **Highway Safety and Access**

The Heavy Goods Vehicle access to and from the site shall only be gained via the access point onto the A6 (Bedford Road) shown on Drawing No. 07-0296/INF/10P1 submitted in relation to planning permission 08/00002/WAS. This access shall be maintained for the lifetime of the development in accordance with the highway improvement scheme subject to an Agreement under Section 278 of the Highways Act 1980, dated 22nd May 2009 in connection with Planning Permission 08/00002/WAS.

Reason: To ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

15. **Wheel Cleaning and Vehicle Sheeting**

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.

Reason: In the interests of amenity protection and to ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

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

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Reason: In the interests of amenity protection and to ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

17. **Vehicle Routing**

No lorries or other heavy commercial vehicles based at or visiting the site shall travel along the minor roads off the A6 leading to Newton Bromswold, Knotting or Souldrop unless collecting food waste from these villages.

Reason: In the interests of amenity protection and to safeguard the interests of users of the public highway and highway safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

18. **Rights of Way**

The scheme of signage submitted in relation to planning permission 08/00021WAS and warning lorry drivers of the presence of the public right of way shall be implemented and maintained for the lifetime of the development.

Reason: To safeguard the interests of users of the public rights of way and safety having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

19. **Educational Signage**

The scheme of educational signage submitted in relation to planning permission 08/00021WAS shall be implemented and maintained for the lifetime of the development.

Reason: Provision of waste awareness in the local community in the context of anaerobic digestion and the need to divert food waste from landfill and in the interests of visual and local amenity having regard to Policy CS14 of the Core Strategy DPD (May 2010).

20. **Visual Amenity**

Unless otherwise approved in writing by the Waste Planning Authority the development shall be maintained in accordance with the following approved plans, details and colours as submitted in relation to planning permission 08/00002WAS for the lifetime of the development:

- 07-0296/A/01PL2 – Proposed Site General Arrangement
- 07-0296/A/02PL2 – Proposed Site Location Plan
- 07-0296/A/03PL2 – Proposed Site Location Plan
- 07-0296/A/10PL1 – Proposed Ground and First Floor General Arrangements
- 07-0296/A/11PL1 – Proposed Roof Plan
- 07-0296/A/70PL1 – Proposed Elevations Sheet 1 (Colour Option 3)

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21. Unless otherwise approved in writing by the Waste Planning Authority the flarestack shall be maintained in accordance with the details submitted to the Waste Planning Authority on 12 May 2009 under planning permission 08/000021WAS.

Reason: To protect the interests of local amenity having regard to Policy CS14 of the Northamptonshire MWDF Core Strategy (May 2010).

22. Habitat Creation and Enhancement, Restoration and Landscaping

The development shall be controlled in accordance with the submitted "Landscape and visual effects" and "Ecology" chapters of the Environmental Report submitted with the planning application 08/000021WAS for the lifetime of the permitted operations at the site. In addition all plant species shall be indigenous to the local area, be appropriately maintained for a period of 10 years following planting and any plants which die or become diseased within this period shall be replaced with suitable species indigenous to the local area in the following planting season.

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

23. Catchment Area

All waste materials to be processed on the site shall originate from locations within the dark blue catchment as shown on the submitted catchment area plan reference BIO.2013.1. In addition waste from the area shown in pale blue on the same plan and described as Greater London may be brought to the site for a temporary period ending on 31 December 2015.

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 Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD14 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011).

24. Monitoring

The operating company shall submit reports in writing to the Waste Planning Authority at three monthly intervals throughout the calendar year from the commencement of development. The reports shall include detailed

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information on the types, quantities and sources of all waste materials brought on to the site and taken off site, including records of vehicle movements and volumes demonstrating compliance with condition 2 of this permission. The reports shall also incorporate records that demonstrate compliance with the catchment area plan (condition 23). The information required by this condition shall also be supplied at any other time on request by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policies CMD1 and CMD14 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011) and to ensure that waste materials are dealt with close to their source in accordance with Policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010).

25. Reinstatement

In the event of the anaerobic digestion operations ceasing for a period in excess of 18 months, a scheme for reinstatement of the site to an agricultural standard shall be submitted within three months of the written request from the Waste Planning Authority. The approved scheme shall be implemented thereafter in accordance with the approved details and timetable.

Reason: To safeguard the landscape character should the development be temporary having regard to Policy CS14 of the Core Strategy DPD (May 2010) and Policy CMD8 of the Control and Management of Development DPD (June 2011).

REASONS FOR APPROVAL

This application is to vary planning permission 11/000781/WAS to increase the waste throughputs from 49,000tpa to 65,000tpa, remove the radial restriction on the area for digestate spreading and increase the catchment area from which waste can be sourced at the existing Westwood AD Plant near Rushden. The applicant has set out that improved efficiency of operations at the site means that no physical changes would be required to accommodate the increased throughputs. The increased tonnages would however increase HGV deliveries from a maximum of 20 to a maximum of 26 per day. The larger throughputs would also increase digestate production from 40,000tpa to 52,000tpa.

Planning permission 11/000781/WAS requires that waste inputs are sourced from within a 30 mile radius of the site which effectively encompasses an area of 7,500 square km. The applicant is seeking to expand the catchment area to a regional catchment encompassing an area of approximately 15,600 square km. In addition the applicant proposes to source waste from a 2,750 square km area of Greater London and Kent for a temporary period to 31 December 2015. The application highlights that the applicant has been operating in breach of the existing catchment area condition with approximately a third of its waste currently coming from outside the permitted area.

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Objections have been received from a number of parish councils in the area and from three local residents. The main concerns raised relate to traffic, odour, noise and cumulative impacts but issues have also been raised about the incremental increases in the scale and nature of the operations as well as the revisions to the catchment area. No objections have been received from the relevant technical consultees including the Highway Authority, the Environment Agency and East Northamptonshire District Council.

The assessment of this application focussed on three key principles (catchment areas, waste capacity and digestate) and the impacts of the proposed changes. On balance it is considered that the proposals are acceptable having regard to the local Development Plan policies, in particular Policies CS1, CS9 and CS14 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD1 of the Northamptonshire MWDF Control and Management of Development DPD (July 2011). In particular the operations at the subject site constitute advanced treatment and when assessed against the criteria for regional catchments in the Control and Management of Development DPD it generally satisfies these and on balance the overall nature of the development and the significant level of investment involved justifies a regional catchment. The proposed imports from Greater London and Kent extend the regional catchment area identified but are considered acceptable for a temporary period to 31 December 2015. The principle of a digestate spreading restriction has also been assessed and is not considered reasonable and the condition should be removed, and from a sustainability viewpoint much of the digestate will still be utilised on land close to the AD plant. The potential impacts of these changes have also been assessed and subject to recommended conditions there are no traffic and highway safety, amenity or cumulative impacts to justify refusal of this application.

**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) (Amendment No.2) Order 2012.

**INFORMATIVE**

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

2. 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.

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3. The applicant's attention is drawn to the protection given to breeding birds under the Wildlife and Countryside Act 1981. To avoid contravening the relevant provisions of the Act it would be advisable to avoid carrying out any work that might damage an active nest during the bird breeding season (March to September inclusive) or to ensure that an appropriate inspection is undertaken by a competent person to ensure that no breeding birds will be adversely affected.

Date: 20th December 2013
Signed

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.


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