Variation of condition on planning permission 11/00067/WAS: condition 23 (waste catchment area)
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1.0 INTRODUCTION

1.1 The following planning statement has been prepared in support of this planning application to vary one of the conditions attached to planning permission 11/00067/WAS granted 16th December 2011 which is the current planning permission the anaerobic digestion waste processing plant at Rothwell Lodge Farm, Rothwell currently operates under.

1.2 The condition is as follows:

**Condition 23**

All waste materials to be processed on the site shall originate from locations within a 30 mile radius of the application site, unless expressly approved in writing by the local planning authority.

1.3 This application proposes to vary the condition restricting the catchment area radius to reflect more accurately the operational requirements of the plant – this would take the form of an indicative catchment area based on a 2 hour driving isochrone, an annual percentage of waste which the operator can take from outside the catchment area; and a list of special circumstances when waste can exceptionally be accepted from outside the catchment area.

1.4 The statement will set out how the proposed development complies with local and national policy and is set out as follows:

1.0 Introduction
2.0 Site Description
3.0 Planning History
4.0 Planning Policy
5.0 Planning Analysis
6.0 Conclusion
2.0 SITE DESCRIPTION

2.1. The site is located adjacent to the A14 at Rothwell Lodge Farm and can be accessed off both the east and west bound carriageways. The anaerobic digestion plant was granted planning permission in October 2009 (09/00033/WAS) and has been operational for a number of years.

2.2. The site itself currently features a purpose built building along with two digester tanks (one more permitted), two pre storage tanks, one feedstock buffer tank and one digestate storage tank (two approved). There is some 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.

2.3. The nearest property is Rothwell Lodge Farm adjacent to the property. The surrounding area to the south of the A14 is agricultural, however to the north of the A14 lies Rothwell along with the highway and a service area.
3.0 PLANNING HISTORY

3.1. The planning history for the site is as follows:

ROTHWELL LODGE FARM, ROTHWELL, KETTERING

KE/94/0240 – Permission for machinery & grain store. (08/06/1994).


KE/97/0394/AG – Agricultural determination that extension to potato store was permitted development. (25/07/1997)

KE/02/0520/AG – Agricultural determination that erection of agricultural building was permitted development. (19/07/2002)

KE/03/0649 – Permission for conversion of traditional buildings to a single residential unit with home office. (01/10/2003)

KET/2007/0354 – Permission for dwelling with extended driveway. (15/06/2007)

09/00033/WAS – Permission for proposed construction and operation of anaerobic digestion waste processing facility, including: reception building; digestion and storage tanks; bio-filtration and ancillary development located on land at Rothwell Lodge Farm, Rothwell, Northamptonshire. (22/10/09) (Alternative Reference – KET/2009/0295)

10/00076/WAS – Permission to remove Condition 16 (Highway Safety & Access) of Planning Permission 09/00033/WAS at the anaerobic digestion waste processing plant, Rothwell Lodge Farm, Rothwell, Northampton, NN16 8XF. (26/01/11) (Alternative Reference – KET/2010/0751)


11/00067/WAS – Permission to vary Condition 3 (waste handling capacity) of Planning Permission 10/00076/WAS to increase total annual throughputs to 49,000 tonnes per annum at the anaerobic digestion waste processing plant, Rothwell Lodge Farm, Rothwell, Northampton, NN16 8XF. (16/12/11) (Alternative Reference – KET/2011/0657)

**ROTHWELL LODGE COTTAGES, ROTHWELL, KETTERING**

KE/02/0672 – Permission for continued outline permission for farm shop with ancillary horticultural sales. Demolition of existing dwellings. (10/10/2002)

**ROTHWELL LODGE PADDOCK**

KE/01/0845/TC – Permission for 15m Monopole, equipment cabinet, 6 antennas, 2 dishes. (20/12/2001)
4.0 PLANNING POLICY

4.1. The following planning policy is considered to be applicable to the proposed development.

NATIONAL PLANNING POLICY

4.2. The following national planning policies are considered relevant to the proposed planning application.

NATIONAL PLANNING POLICY FRAMEWORK

4.3.1 The National Planning Policy Framework was adopted in March 2012, and had the effect of replacing existing national policy contained within Planning Policy Statements/Guidance (PPS’s and PPG’s) and Circulars. The main underlying principle of the NPPF is the “presumption in favour of sustainable development.”

4.4 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.5 Paragraph 14 outlines the presumption in favour of sustainable development which runs through the National Planning Policy Framework. For decision making this means:
• Approving development proposals that accord with the development plan without delay; and
• Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted

4.6 Paragraph 17 contains twelve core land-use planning principles which should underpin both plan-making and decision-taking. The sixth principle states that planning should,

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).”

4.7 Paragraph 97 of the Framework emphasises the responsibility on all communities to contribute towards energy generation from renewable sources. When determining applications, local planning authorities should (paragraph 98):

• Not require applicants to demonstrate the need for their proposal
• Approve the application if its impacts are (or can be made) acceptable

4.8 Paragraph 215 in Annex 1 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework – the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. Specific policies relating to waste developments are not included within the National Planning Policy Framework although the general principles are. The National Planning Policy Framework does not replace Planning Policy Statement 10: Planning for Sustainable Waste Management which remains extant.
PLANNING POLICY STATEMENT 10: PLANNING FOR SUSTAINABLE WASTE MANAGEMENT

4.9 This document outlines the Government’s policy towards waste management. Paragraph 1 emphasises the overall policy objective of minimising waste production and using it as a resource. This document has recently been republished (March 2011) following the publication of the revised waste hierarchy as set out within the revised Waste Framework Directive (2008/98/EC).

4.10 The only changes within this revision are to Paragraph 1 and Annex C. Paragraph 3 stresses the objectives of localising waste management and securing the recovery of waste without harming human health. Paragraph 22 states that when waste management proposals are in line with an up to date development plan, there is no requirement to demonstrate that there is a need for the proposal. Paragraph 24 states that unallocated sites should be considered favourably when they are consistent with the criteria outlined in paragraph 21. These are:

- The extent the proposal supports the policies in the PPS
- The physical and environmental constraints on the development including the existing and proposed land uses
- The cumulative effect of previous waste disposal facilities
- The capacity of the transport infrastructure
- Within this priority should be given to Previously Developed Land and redundant agricultural and forestry buildings and their curtilages

4.11 In paragraph 29, local planning authorities are advised to consider the local environmental impacts of proposals. Paragraph 30 stresses that well run facilities should pose little threat to human health. Paragraph 32 outlines the scope of planning conditions.

4.12 The revised Annex C of the PPS explains the waste hierarchy:

1. Prevention
2. Preparing for re-use
3. Recycling
4. Other Recovery
5. Disposal

- The most efficient environmental solution is often to reduce the generation of waste, including the re-use of products - prevention;
- Products that have become waste can be checked, cleaned or repaired so that they can be re-used – preparing for re-use
- Waste materials can be reprocessed into products, materials, or substances - recycling
- Waste can serve a useful purpose by replacing other materials that would otherwise have been used – other recovery
- The least desirable solution where none of the above is appropriate - disposal

4.13 This section emphasises the importance of recycling and composting, and energy recovery with waste disposal only being an option when none of the other options are appropriate. Annex E of the PPS outlines the locational criteria which should be used to test the suitability of sites. These are:

Annex E

Locational Criteria

a. Protection of water resources;
b. Land instability;
c. Visual intrusion.
e. Historic environment and built heritage
f. Traffic and access
g. Air emissions, including dust
h. Odours
i. Vermin and birds
j. Noise and vibration
k. Litter
l. Potential land use conflict

4.14 Paragraph 8.1 of this guide clarifies that normally proposals for anaerobic digestion are County Matters.
4.15 Paragraph 8.4 refers to unallocated sites. This emphasises the importance of not missing good opportunities where sites come forward outside of the plan led approach. Where proposals are consistent with the policies of Planning Policy Statement 10: Planning for Sustainable Waste Management and the Waste Planning Authority’s Core Strategy, the proposal should be considered favourably. Applicants should be able to demonstrate how their proposal encourages movement of waste up the waste hierarchy but otherwise there is no need for them to demonstrate need.

4.16 Paragraph 8.6 considers the concept of BPEO (Best Preferred Environmental Option). This clarifies that Planning Policy Statement 10: Planning for Sustainable Waste Management does not require this and that there is no policy requirement for this to be placed on an applicant. Rather the proposal needs to be consistent with the policies of Planning Policy Statement 10: Planning for Sustainable Waste Management.

4.17 Paragraph 8.7 emphasises the importance of good design and layout.

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**WASTE MANAGEMENT PLAN FOR ENGLAND ADOPTED DECEMBER 2013**

4.18 This Plan was adopted by Government at the end of last year. At page 13, the Government clearly supports anaerobic digestion because of its value in dealing with organic waste and avoiding, by capture and treatment, the greenhouse gas emissions associated with disposal of organic waste to landfill. At page 23, anaerobic digestion is identified as the best technology currently available for treating food waste. Finally the Government outlines its commitment to recycle at least 70% of food waste in anaerobic digestion by 2015 (page 34).

4.19 The Consultation Draft of the Updated National Waste Policy: Planning for Sustainable Waste Management (July 2013) is also material although not yet finalised. This states (paragraph 4) that although the proximity principle is encouraged, waste planning authorities should recognise that new facilities will need to serve catchment areas large enough to justify the investment in appropriate facilities.

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**LOCAL PLAN POLICY**

4.20 Since the original 2009 application the Northamptonshire Minerals and Waste Development Framework Core Strategy has been adopted and as such replaces the Waste Local Plan.
4.21 The Core Strategy was adopted in May 2010. However since the publication of a revised PPS10 (March 2011), the waste hierarchy as set out within the Core Strategy does not match the more detailed one within the Waste Management Plan for England which specifically refers to anaerobic digestion as an “other recovery” activity. Section 5 of this document sets out the vision and objectives of the plan and includes at Objective 1 ‘development of a modern network of sustainable waste management facilities’.

4.22 Objective 5 goes onto say that the Council should ‘facilitate the delivery of a strategic urban-focused flexible waste management network which supports the treatment of waste close to where it has been generated, with particular encouragement of integrated waste recovery and treatment facilities’.

4.23 Section 6 sets out the capacity of waste management which needs to be met through the life of the plan.

4.24 Box CS3 and Plan CS3 set out the spatial strategy for waste management within Northamptonshire and the locational hierarchy. This includes the acceptability of Rothwell as a location for development.

4.25 Policy CS1 sets out Northamptonshire’s waste management capacity and Policy CS2 the spatial strategy for waste management.

Policy CS1: Northamptonshire’s waste management capacity

The development of a sustainable waste management network to support growth within Northamptonshire will involve the provision of facilities to meet the following indicative waste management capacities during the plan period:

- Recycling (MSW and C&I) capacity of 439,000 and 516,000 tonnes per annum for 2016 and 2026 respectively,
- Biological processing (MSW and C&I) capacity of 423,000 and 498,000 tonnes per annum for 2016 and 2026 respectively,
- Waste management or advanced treatment (MSW and C&I) capacity of 392,000 and 456,000 tonnes per annum for 2016 and 2026 respectively,
- Inert recycling (C&D) capacity of 928,000 and 1,089,000 tonnes per annum for 2016 and 2026 respectively, and
• Hazardous waste management of 72,000 and 82,000 tonnes per annum for 2016 and 2026 respectively.

This provision will come from a mix of extensions to existing sites, intensification or re-development of existing sites and new sites, providing they all meet the spatial strategy for waste management and are assessed as meeting environmental, amenity and other requirements. Allocations that will contribute to meeting provision will be identified in the Locations for Waste Development DPD.

**Policy CS2: Spatial strategy for waste management**

Northamptonshire’s waste management network, particularly advanced treatment facilities with a sub-regional or wider catchment, will be focused within the central spine, and the sub-regional centre of Daventry. Development should be concentrated in Northampton, Wellingborough, Kettering, Corby and Daventry. Development in the smaller towns should be consistent with their local service role.

Facilities in urban areas should be co-located together and with complementary activities.

At the rural service centres, facilities with a local or neighbourhood catchment will provide for preliminary treatment in order to deal with waste generated from these areas.

In the rural hinterlands only facilities with a local or neighbourhood catchment providing for preliminary treatment, or that are incompatible with urban development, should be provided. Where it is the latter they should deal with waste generated from identified urban areas and be appropriately located to serve those areas.

Facilities in rural areas should, where possible, be associated with existing rural employment uses.

ADOPTED NORTH NORTHAMPTONSHIRE CORE STRATEGY JUNE 2008

4.26 This plan effectively replaces the Kettering Local Plan and has become the statutory development plan document for East Northants, Corby, Kettering and Wellingborough Districts along with other documents that form the Local
Development Framework. It is currently under review but the revised Strategy is not expected to be submitted to the Secretary of State for examination until summer 2014. The plan contains a specific chapter on addressing climate change and paragraph 4.14 states that:

“There is a national requirement to reduce carbon emissions by 60% from their levels in 2003 by 2050 and for 20% of electricity generation to be obtained from renewable sources by 2020.”

4.27 The Core Strategy sets a very ambitious target of providing 30% of the demand for energy on new large development sites to be provided on site from renewable or low carbon sources, although the Joint Planning Unit now accepts that stand alone energy projects will also be required to achieve this. Paragraph 4.14 goes on to say that:

“In recent reviews of renewable energy potential, the Southern Sub Area (which includes North Northamptonshire) of the East Midlands Region has been found to offer the best opportunity for new carbon neutral development.”

4.28 This is in line with new and emerging Government and Regional policy, which also advocates new sites for renewable energy developments. Whilst there is currently no specific policy in the Core Strategy, with regard to the location of renewable energy sites that include biomass plants, paragraph 4.14 continues to state that:

“...decentralised biomass fuel plants will, in principle, be considered favourably in North Northamptonshire.”

NORTHAMPTON MINERALS AND WASTE DEVELOPMENT FRAMEWORK - CONTROL AND MANAGEMENT OF DEVELOPMENT PLAN DOCUMENT JUNE 2011

4.29 An Inspector’s report into this document was published 16 May 2011 and a corresponding document for adoption was published some days later with formal adoption in June 2011. This document covers aspects of controlling and managing minerals and waste development such as development criteria and locally specific issues.

4.30 Policy CMD1 provides guidance on development criteria to be applied to waste management facilities.

Policy CMD1: Development criteria for waste management facilities (non-inert and hazardous)
Proposals for waste management facilities on non-allocated sites (including extensions to existing sites and extensions to allocated sites) must demonstrate that the development:

- does not conflict with the spatial strategy for waste management,
- promotes the development of a sustainable waste network and facilitates delivery of Northamptonshire’s waste management capacity requirements,
- clearly establishes a need for the facility identifying the intended functional role, intended catchment area for the waste to be managed, market base for any outputs, and where applicable the requirement for a specialist facility,
- is in general conformity with the principles of sustainability (particularly regarding the intended catchment area),
- facilitates the efficient collection and recovery of waste materials, and
- where intended for use by the local community, is readily and safely accessible to those it is intended to serve.

Development should also, where appropriate, and particularly in the case of advanced treatment facilities:

- ensure waste has undergone preliminary treatment prior to advanced treatment,
- integrate and co-locate waste management facilities together and with complementary activities,
- maximise the re-use of energy, heat, and residues, and
- maximise the use of previously developed land (particularly existing and designated industrial land, and derelict, despoiled, or brownfield urban land), or redundant agriculture and forestry buildings (and their curtilages).

4.31 In the accompanying text at paragraph 3.6 and following, the use of catchment areas for facilities is explained. This stems from the Council’s concerns that Northamptonshire could become a sub-national waste hub due to its central location within the country. The purpose of catchment areas appears to be to ensure Northamptonshire does not end up processing large amounts of waste from outside its administrative boundary. This is to be reinforced through practical implementation measures such as the application of specific catchment areas for individual facilities. Cross boundary waste movement is still accepted but the aim is to ensure waste is managed as close to source as possible (paragraph 3.7). Nevertheless, the text accepts that some facilities will have a highly specialised role with catchment areas extending outside the County and these should not be unnecessarily constrained (paragraph 3.8).

4.32 The overall intention of the catchment area approach is to avoid waste travelling unsustainable distances but they are not intended to form a development constraint.
paragraph 3.13). Rather, they will inform the decision-making process and feed into the MWDF monitoring framework.

4.33 This issue of catchment areas appears to have been discussed extensively at the Development Plan Document’s public examination in January 2011 and features prominently in the inspector’s decision letter at paragraph 15 – 37. The main points he concluded were:

a) The concept of catchment areas, rooted in restricting the flow of waste into the County, has no basis in national planning policy (paragraph 15).
b) Their rigid application would be an unreasonable and impractical restriction on the commercial activities of waste businesses and could result in facilities being under-used (paragraph 17).
c) The imposition of catchment areas by the use of conditions would not comply with government guidance on the use of conditions (paragraph 22).
d) There is a lack of evidence to justify the approach (paragraph 26).
e) While it is acceptable to require operators to provide indicative catchment areas as part of new proposals, these should not be a constraint on the business once it becomes operational (paragraph 27).
f) Indicative catchment areas should not be applied slavishly or rigidly but a degree of flexibility is required (paragraph 30).

4.34 These comments were the subject of Proposed Modifications and Suggested Changes during the examination process. Of particular relevance, is his comment in paragraph 34 which required the word indicative to be inserted into paragraph 3.11 when referring to the plan to be used to illustrate a proposed catchment area. He also suggested in paragraph 31 that the review of the Council’s SPD on development management principles would provide the opportunity to provide clearer guidance on how best to approach catchment areas.
development to be tied to the catchment area with annual monitoring to secure compliance. Table SPD3 outlines the extent of indicative catchment areas as follows:

<table>
<thead>
<tr>
<th>Level</th>
<th>Area Description</th>
<th>Area Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>National</td>
<td>England or equivalent area</td>
<td>130,000 sq km</td>
</tr>
<tr>
<td>Regional</td>
<td>East Midlands or equivalent</td>
<td>17,000 sq km</td>
</tr>
<tr>
<td>Sub-regional</td>
<td>Northamptonshire or equivalent</td>
<td>3,000 sq km</td>
</tr>
<tr>
<td>Local</td>
<td>Up to two local planning authority areas or equivalent</td>
<td>1,000 sq km</td>
</tr>
</tbody>
</table>

4.36 The footnote to the table explains that the catchment areas themselves for the different levels of facilities have been based on the administrative areas referred to.

4.37 At face value, this SPD does not appear to comply with the flexible approach required by the inspector who carried out the examination into its parent Development Plan Document and is seeking to revert to a rigid application of catchment areas.
5.0 PLANNING ANALYSIS

5.1 This application proposes to vary condition 23 which controls the catchment area which the existing plant can source waste from – this change to the existing operation can be accommodated within the existing site, facilities and infrastructure which have already been approved.

THE PROPOSAL

5.2 A previous application to remove the catchment area was refused planning permission earlier this year. Without prejudice to this application, the current proposal has been put forward in an attempt to reach a negotiated solution which will allow the applicant to source waste from a wider area while at the same time allowing the waste planning authority to retain control over the sources of waste. During the consideration of the previous application, the Council’s officers helpfully offered a number of elements of advice on how to approach the matter and these have been included within the current application.

Indicative catchment area based on 2 hour drive time isochrone

5.3 The indicative catchment area plan above has been based on a 2 hour drive time isochrone around the site with an allowance that 30% of the waste can be sourced
annually outside of the catchment area. A list of criteria is also proposed to define exceptional circumstances where the catchment area restrictions will not apply.

5.4 The suggested revised wording for condition 23 would therefore be as follows:

“With the exception of a 30% annual allowance, all waste materials to be processed on the site shall originate from locations within the indicative catchment area plan attached to this planning permission unless expressly approved in writing by the waste planning authority. Exceptionally, waste material may be sourced from outside this catchment area in the following circumstances:

a) The type of waste is required to maintain the efficacy of the digester process
b) Weather, operational problems or other emergencies means the waste cannot be processed close to its source
c) The waste is part of a temporary (two years or less) contract while processing facilities are constructed closer to source.”

EXTENT OF CATCHMENT AREA

5.5 The main issues to address are:

a) The operational and commercial difficulties encountered by the applicant
b) The extent of the catchment area in relation to national planning policy
c) The extent of the catchment area in relation to local planning policy
d) Site specific issues
e) The emerging approach to waste recycling uses

OPERATIONAL DIFFICULTIES

5.6 Fernbrook Bio is a commercial operation which largely depends on the receipt of waste to generate income although the energy generated is also an income source. The company has won the Northamptonshire and Daventry MSW contracts which were expected to deliver 12,000 tonnes pa. However, these contracts are both underperforming and are only providing a total of 4,000 tonnes pa. The firm was unsuccessful in bidding for the East Northants waste contract while Wellingborough, Market Harborough and Rugby currently do not collect food waste. Kettering, although more local to the application site, awarded its waste contract to Biogen which is on the border with Bedfordshire. Similarly, Peterborough awarded its food waste contract to Biogen. Generally speaking, domestic food waste recycling percentages in Northamptonshire appear to be significantly lower than other areas,
such as London, where the local authorities have promoted domestic food waste recycling more effectively. In the future, this situation may improve but in the meantime the company still needs to source waste to keep the facility profitable. Ultimately, this is of direct benefit to Northamptonshire as a modern, organic waste processing facility will be available within the County to take local waste as and when it becomes available.

5.7 Moreover, at a regional and national level the company has to compete commercially against other waste operators which are not restricted in relation to their waste catchment areas. For example, the Biffa site at Cannock takes Sainsbury’s waste from all over the country. This places the applicant at an unfair disadvantage. These other unrestricted sites are as follows:

<table>
<thead>
<tr>
<th>Site</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bedfordshire</strong></td>
<td></td>
</tr>
<tr>
<td>Tempsford airfield, Tempsford</td>
<td>48,000</td>
</tr>
<tr>
<td>Biogen, Twinwoods, Milton Ernest</td>
<td>30,000</td>
</tr>
<tr>
<td>Wykes Engineering, Wymington</td>
<td>255,000</td>
</tr>
<tr>
<td><strong>Buckinghamshire</strong></td>
<td></td>
</tr>
<tr>
<td>Coronation Road, High Wycombe</td>
<td>5,000</td>
</tr>
<tr>
<td>Westcott Venture Park, Aylesbury</td>
<td>48,000</td>
</tr>
<tr>
<td><strong>Cambridgeshire</strong></td>
<td></td>
</tr>
<tr>
<td>Donarbon, Waterbeach</td>
<td>188,000</td>
</tr>
<tr>
<td>Wisbech Road, March</td>
<td>15,000</td>
</tr>
<tr>
<td><strong>Northamptonshire</strong></td>
<td></td>
</tr>
<tr>
<td>Think Environmental, Kettering</td>
<td>50,000 (30mile catchment)</td>
</tr>
<tr>
<td>Orchard House Foods, Corby</td>
<td>20,000 (no catchment restriction)</td>
</tr>
<tr>
<td>Biogen, Westwood, Rushden</td>
<td>65,000 (catchment area widened)</td>
</tr>
<tr>
<td>Blackpits Farm, Helmdon</td>
<td>15,000 (20mile catchment)</td>
</tr>
<tr>
<td><strong>Leicestershire</strong></td>
<td></td>
</tr>
<tr>
<td>Shawell Quarry, Shawell</td>
<td>50,000</td>
</tr>
</tbody>
</table>
Green Lodge Farm, Huncote 25,500  
Sutton Lodge Farm, Sapcote 35,000

5.8 This problem of waste catchment areas hindering commercial efficiency is not peculiar to Fernbrook Bio. Biogen at Westwood have recently negotiated an extension to their catchment area while we are aware other plants in the country have sought increased flexibility – for example, the Donarbon site at Waterbeach and Veolia at Sheffield (see link below).


5.9 Commercially, waste located close to the site is far more profitable than waste sources from further afield. Recent analysis of the applicants’ contracts has revealed that while 50% of his contracts are within the current 30 mile catchment area, these represent 75% of the total value of contracts. This is mainly because longer distances increase haulage costs and diminish profitability. However, it is apparent that while the applicant is expected to operate within an artificially restricted catchment area based on a localised proximity principle, the same cannot be said of the public authorities awarding the waste collection contracts – Kettering awarded its contract to an operator further away than Fernbrook Bio presumably on the basis of price alone. Other commercial operators awarding waste contracts also have no regard to the proximity principle – their decision is based purely on price as one would expect.

5.10 It is also apparent that food waste processing operates at a national and regional level. During the floods in the west country last winter, processing plants were out of commission and digestate could not be spread on farmland as it was under water. This waste had to be shipped across to the drier parts of the country where AD plants were still in operation. Some plants encounter operational or capacity difficulties from time to time and again, in the wider public interest, the applicant’s site has to be available to assist. It also sometimes happens that food waste collection initiatives go ahead but before the local waste processing facilities are operational – again, it is in the wider public interest for the applicant to assist. All of these scenarios are exceptional circumstances and require waste to be accepted from outside of the current 35 mile catchment area.

NATIONAL PLANNING POLICY

5.11 National planning policy is still contained within PPS10 which has yet to be superceded by the National Waste Policy which is still at draft consultation stage. Although applicants must demonstrate how their proposal encourages waste to move up the hierarchy, they are not required to demonstrate need. There is no
reference to the use of catchment areas by waste planning authorities nor to the policy objective pursued by Northants CC of restricting waste being imported into the County. Both these points have been confirmed by the inspector dealing with the public examination into the Control of Development Development Plan Document.

5.12 Furthermore, the Draft National Waste Policy states that although the proximity principle is encouraged, waste planning authorities should recognise that new facilities need to serve catchment areas large enough to justify investment in the facilities required. This is a clear statement of intent on the part of Government that, as long as site specific and environmental issues are acceptable, the commercial needs of a proposal should take precedence over a waste authority's aspirational requirements.

5.13 Within the recently Adopted Waste Management Plan for England 2013, there is strong support for anaerobic digestion as the most effective way of dealing with food waste with a commitment to recycle 70% of food waste by 2015. Although the proximity principle is referred to, this appears to be with reference to the European context in that member states are expected to deal with their own waste where possible.

5.14 Finally, the National Planning Policy Framework was published by Government in March 2012. This introduces a presumption in favour of sustainable development which lies at the heart of the Framework and is a constant theme running through it. The application to vary the catchment area condition does not propose new development as such but seeks to relax a restriction on the existing operation. The proposal is considered to benefit from the presumption in favour of sustainable development within the National Planning Policy Framework for the following reasons:

- The use itself is inherently sustainable. It takes organic waste and converts it into two beneficial products – methane gas which can be used to generate electricity or exported to the grid; and bio-digestate which can be used as soil conditioner and fertiliser.
- Organic waste left to its own devices will generate methane naturally and is 23 times more harmful as a greenhouse gas compared to carbon dioxide. By capturing the methane, the anaerobic process can generate energy and in the process convert the methane to carbon dioxide significantly reducing greenhouse gas emissions.
- Waste received and processed by the plant regardless of where it comes from is still a sustainable process in its own right. This is preferable to such waste being deposited to landfill which is the most likely option. Waste generated in, for example, Norfolk is not likely to be transported to Rothwell if there is an anaerobic digestion plant available close at hand.
5.15 An obvious theoretical objection to a wider catchment area is the need to reduce vehicle movements and the shipping of waste long distances. However, the carbon expended in shipping waste to any site needs to be balanced against the carbon saved within the recycling process itself. In their submission last year for a similar proposal, Biogen pointed out that a fully laden HGV produces around 1,000g of CO2 per kilometre travelled. The anaerobic digestion process gives a carbon benefit of 905kg per tonne of food waste treated compared to disposal to landfill. This means that a 25tonne HGV could travel about 7,000 miles to a treatment plant and back before anaerobic digestion became the more inferior carbon option. By contrast, the road journey from John O’Groats to Landsend is 837 miles. It can be seen therefore that the distance food waste travels to the plant has a very limited effect on the relative sustainability or otherwise of the operation. This is particularly the case given the relatively long distances food products normally travel from source to processing.

LOCAL PLANNING POLICY

5.16 The policy basis for the use of catchment areas is contained within Policy CMD1 of the Control and Management Development Plan Document 2011 while the hierarchy of catchment areas and their extent is defined in a Supplementary Planning Document.

5.17 The National Planning Policy Framework introduced a positive approach to development and is particularly keen to encourage commercial activity with an emphasis on the planning system being proactive and creative rather than simply about scrutiny (paragraph 17). As long as their impacts are acceptable, there is a presumption in favour of developments generating renewable energy (paragraph 98).

5.18 Given this policy background, there is a strong case to justify a wider catchment area for the facility. The Council has previously accepted that facilities of this nature can be considered as advanced treatment of waste. Simpler forms of AD such as sewage farms, landfill and sewage sludge have previously been regarded as preliminary treatment but the current facility, in line with similar plants in the area such as at Biogen in Westwood, recycle complex food waste streams and generate electricity on to the grid as part of their operations. The nature of the development and the significant level of investment required means that there is a strong case to consider the facility as a form of advanced treatment.

5.19 The criteria for a regional catchment area are outlined in the Control and Management of Development Development Plan Document at paragraph 3.12. The plant complies with these criteria as follows:
1) Waste to be managed on-site originates from within the East Midlands or an equivalent geographical area; the facility’s current sources of waste are indicated on the plan below.

Current sources of waste

This clearly shows that the plant operates at a regional level and would simply not be able to function if restricted to a lower sub-regional level to a catchment area equivalent to Northamptonshire.

2) The facility is of a specialised nature and is only one of one or two in the region; although there are a number of other AD facilities operational within the region, the facility is by its very nature specialised dealing with only food waste.

3) Waste to be treated does not include untreated MSW, C+D or green waste; the plant processes none of these waste streams and is reliant on specialised food waste collection from public authorities or waste from the food industry.

4) The facility supports the waste hierarchy and is not for waste disposal; the facility processes food waste which is normally difficult to deal with and otherwise would be disposed of to landfill with consequent adverse environmental effects. Beneficial end products are renewable electricity and digestate which is used as a soil conditioner.

5.20 Overall, there is a strong case for the facility to be provided with a regional level waste catchment area.

5.21 Guidance on the extent of catchment areas is included in table SPD3 which refers to an area equivalent to the former East Midlands Region. However, paragraph 3.6 also helpfully clarifies that other forms can be agreed with the waste planning authority.
Following advice from officers, a two hour drive time isochrone catchment area has been calculated. This is a more sophisticated way of calculating a catchment area mainly because specialised food waste treatment plants are heavily dependent on the strategic highway network to transport waste from source to the facility. This accurately reflects the commercial realities of the waste industry. By contrast, the application of an equivalent regional area figure is largely random as administrative boundaries or areas bear no relationship to how business and the economy operates. Two hours is considered to be a reasonable drive time for a regional catchment area. It is not national, in that a journey the length or breadth of the country is not possible, but is more than what could be considered comfortable local commuting distance on a daily basis (around one hour).

SITE SPECIFIC ISSUES

5.22 The catchment area proposed would create no adverse impacts on the site or within the locality. The site has direct access from the A14 and HGV’s visiting the site travel there along the national road network. They do not travel through any local towns or villages and there are no dwellings nearby which are directly affected by the facility. Operational hours of the plant are already restricted and will continue to be so. The only other potential adverse impact from anaerobic digestion plants can be from odour. A full system of odour control is operated by the applicant. However, the odour generated by the plant is not dependent on where the waste comes from. There is no site specific reason why the catchment area should not be widened.

5.23 There are however significant benefits to widening the catchment area of waste being delivered to the site. These are:

- **Increase in energy production**: regardless of where it comes from, the more waste delivered to the site increases the amount of energy it can generate.
- **Carbon savings**: even waste transported significant distances within the UK will still result in significant carbon savings compared to being deposited to landfill.
- **Increased production of digestate**: this of itself is a useful by-product which reduces dependence on scarce traditional fertilisers.
- **Job creation and retention**: regardless of where the waste comes from, it will generate local jobs in the facility and secure those already created. By contrast, if the plant has to operate at below capacity then less employment opportunities will be created.
- **Commercial efficiency**: to be efficient, the business has to be able to source waste as and when it needs it not only to keep the digestor plant itself operational but to smooth out throughput and income generation. An unduly restricted waste catchment area is an artificial constraint on the business
which is inherently inefficient and contributes to under-productivity. Securing the long term future of the business is a priority.

THE NATURE OF THE USE

5.24 Waste recycling has become a business sector in its own right. Increasingly, where waste material is used as a raw material and the recycling process creates a new product, it is treated as a B2 General Industrial Use and there is a developing body of case law and appeal decisions which support this. Indeed, we have successfully obtained Lawful Development Certificates from a number of local planning authorities including Northamptonshire CC confirming this. There is a good case to be made for the current plant being a General Industrial Use. Organic waste is taken in, processed and converted into two products – energy and digestate with a minority of residual waste being transferred on to further treatment or disposal to landfill.

5.25 That being the case, it does appear anachronistic that the use operating at the site is subject to restrictions such as the catchment area which other businesses are not subject to. This places the waste processing sector at a significant disadvantage and will not encourage its long term development within the country.
6.0 CONCLUSIONS

6.1 There is clear support for anaerobic digestion at a national level and it is clearly referred to in the adopted Waste Plan for England 2013 as the preferred waste recycling process to deal with organic waste. It is a sustainable process in its own right as it helps to reduce significantly the amount of greenhouse gases organic waste would normal generate if disposed to landfill and it captures methane gas to generate renewable energy. It therefore benefits from the presumption in favour of sustainable development contained within the National Planning Policy Framework.

6.2 Officer advice has been supportive of an application to vary condition 23 and a number of helpful suggestions were made including a two hour travel time, a percentage of waste which could be accepted from outside the catchment area and agreeing criteria amounting to exceptional circumstances such as weather or operational conditions. These have been incorporated within the current proposal.

6.3 Philosophically, there is some strength to the argument that waste sources should be restricted to a narrowly defined local catchment area if it is to be deposited into a limited resource such as landfill. Landfill sites are a finite resource both in terms of their location and capacity. Once used up they are gone and cannot be replaced. There is therefore a certain amount of sense in a planning authority protecting them as a limited local resource and restricting the waste deposited to local sources only.

6.4 However, there is a good case to be made for modern waste processing operations such as the anaerobic digestion plant at Rothwell to have much wider catchment areas. The facility is not a finite resource which needs to be protected or rationed. Rather, it is capable of processing endless amounts of organic waste for as long as the plant itself is capable of operation. It takes waste which is normally difficult to dispose of to landfill (many of the adverse environmental impacts of traditional landfill such as odour, vermin, leachate and methane generation are caused by organic waste) and converts it to renewable energy and a useful soil fertiliser. It is available to process local waste but no harm is created if it accepts waste from further afield as well.

6.5 There may be a case to tightly restrict waste sources if a plant such as this generated significant adverse impacts locally. However, this is not the case with regard to the Fernbrook Bio site. It has excellent transport connections directly off the national highway network which avoids local settlements and dwellings. Deliveries to the site do not generate noise and disturbance and the operation of the plant has no impact on any local sensitive receptors – the area around the site is quite noisy because of the A14. Where the waste material is sourced from has no impact on odour generation. This is reflected in the consultation responses to the last application.
when there were no objections from technical consultees or the local parish and town councils.

6.6 In terms of carbon savings, it has already been demonstrated that transporting organic waste significant distances is still inherently sustainable. The waste processing industry now forms a significant part of the national economy and operates within its own commercial parameters rather than being arbitrarily restricted to local planning authority boundaries. Transport costs are generally on the increase and the market itself will determine the distances it is economic to transport waste. In time, as these sorts of facilities are established throughout the country, waste will gravitate to its own local facilities. In the meantime, it is still preferable environmentally for waste sourced some distance away to be processed at Rothwell rather than being disposed of to its nearest local landfill site.

6.7 The applicant has also had difficulty sourcing waste locally and the degree of recycling achieved does not appear to have matched aspirations. In the meantime this hopefully will improve but the applicant still has to source waste to generate income to finance the significant investment already made in constructing the plant. This will help secure the immediate future of the plant which in the long term will be of direct local benefit once local waste recovery rates rise. It is also preferable than the plant operating significantly below capacity which in the longer term may harm its commercial viability. Although businesses in their own right, plants such as this are assets valuable to the communities they serve in that they recycle waste which is otherwise difficult to dispose of, create employment opportunities and generate renewable energy.

6.8 The proposals are therefore commended to the Council.