

PLANNING APPLICATION TO VARY CONDITION 8 OF PLANNING PERMISSION
CO/96/155C TO ALLOW FOR THE CONTINUED USE OF THE POWER
GENERATION EQUIPMENT UTILISING LANDFILL GAS FOR A FURTHER 43 YEARS
UNTIL 2061

WELDON LANDFILL SITE, KETTERING ROAD, WELDON

INFINIS ENERGY SERVICES LIMITED

29/11/17
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1 INTRODUCTION

1.1 Introduction

- 1.1.1 This Planning Application is submitted on behalf of Infinis Energy Services Limited (Infinis - the Applicant). The application is being submitted under Section 73 (S73) of the Town and Country Planning Act 1990 (as amended) seeking permission to vary a time limiting planning condition on the original planning permission.
- 1.1.2 The landfill gas utilisation facility (LGUF) includes a compound containing generators and a separate compound within the LGUF containing the associated flare stack. The facility is permitted by the following planning permissions:

Planning Permission Reference	Brief Description of Development	Expiry Date
CO/96/155C	Generator Compound	1 st February 2018
CO/97/42C	Flare Stack and Gas Compound	28 th February 2018
CO/02/0280/C	Extension to Both Compounds	28 th February 2018

- 1.1.3 Based on current monitoring data of landfill gas being generated as a result of historical landfilling, the LGUF at Weldon Landfill Site has the ability to generate electricity from this gas well beyond the currently permitted period.
- 1.1.4 As a result, the Applicant seeks to vary the time restrictive conditions of the above planning permissions in order to extend use of the LGUF until 31st December 2061. In order to do so, three planning applications will be submitted in parallel.
- 1.1.5 This Planning Statement supports an application to vary Condition 8 of Planning Permission CO/96/155C to extend the life of the planning permission to 31st December 2061 which provide for an ongoing beneficial use of the landfill gas and provide an appropriate period of time for the subsequent removal of equipment and restoration of the site.
- 1.1.6 The decision notice which relates to Planning Permission CO/96/155C is attached as Appendix 1 of this Planning Statement.

1.2 The Site and its Setting

- 1.2.1 The application site forms part of the LGUF, which comprises two secured and fenced compounds, one of which houses a containerised engine/generator set and its ancillary infrastructure, and the second houses the associated flare stack.
- 1.2.2 The facility sits within an area of brownfield land to the north of the restored landfill, which is surrounded by arable land.
- 1.2.3 To the north west, on the other side of Stamford Road, are a number of commercial operations, a caravan servicing and sales business is the nearest at 250m from the facility. There are also residential properties and a childcare business on this road, the nearest being approximately 325m from the facility.

- 1.2.4 The village of Weldon is north of the site, the closest residential property in Weldon being approximately 575m from the facility.

2 THE PROPOSED VARIATION OF CONDITION

2.1 Introduction

2.1.1 This Planning Application seeks to vary Condition 8 of planning permission CO/96/155C to enable the facility to continue operating beyond the existing imposed cessation date. This will allow for the continued production of electricity and environmental controls at the site for a further 43 years.

2.2 End Date (Condition 8)

2.2.1 Condition 8 of planning permission CO/96/155C states as follows:

The development hereby permitted shall cease no later than the 1st February 2018 (twenty hundred and eighteen) and the site shall be restored in accordance with the conditions of this permission, all to the satisfaction of the County Planning Authority.

2.2.2 The Applicant seeks to vary Condition 8 to extend the planning permission for a further 43 years until 31st December 2061.

2.2.3 The reason specified for imposing the above condition is as follows:

To specify the date when the conditions of the permission shall have been fully implemented and to enable the County Planning Authority to reconsider the development position in light of the circumstances prevailing at the end consent period.

2.2.4 The remaining reserve of useable landfill gas has been calculated by the Applicant, who has considerable experience in the operation of such facilities, using specialist computer software. A summary of the results are set out in Appendix 2.

2.2.5 There is clear evidence of recoverable gas reserves from the site. The proposed extension of time will therefore enable the continuation of gas recovery and electricity generation for the next 43 years.

3 PLANNING POLICY CONTEXT

3.1 Introduction

- 3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The Development Plan

- 3.2.1 In this case the Development Plan comprises:

**Northamptonshire Minerals and Waste Local Plan, adopted 1 July 2017
(NMWLP)**

- 3.2.2 The following policies are relevant to the determination of this application:

- Policy 11 (Spatial strategy for waste management);
- Policy 12 (Development control criteria for waste management facilities (non-inert and hazardous));
- Policy 18 (Addressing the impact of proposed minerals and waste development);
- Policy 20 (Natural assets and resources);
- Policy 21 (Landscape character);
- Policy 23 (Layout and design quality); and
- Policy 24 (Restoration and after-use).

**North Northamptonshire Joint Core Strategy 2011-2031, adopted July 2016
(NNJCS)**

- 3.2.3 The following policies are relevant to the determination of this application:

- Policy 1 (Presumption in the favour of sustainable development);
- Policy 3 (Landscape character);
- Policy 4 (Biodiversity and geodiversity);
- Policy 5 (Water environment, resources and flood risk management);
- Policy 8 (North Northamptonshire place shaping principles); and
- Policy 26 (Renewable and Low Carbon Energy).

3.3 National Policy and Guidance

Landfill Directive 1999/31/EC

- 3.3.1 It is stated in the implementation note for the Landfill Directive under paragraph 12.15 that:

"The Landfill Directive requires landfill gas to be collected from all landfills receiving biodegradable waste, and that the collected landfill gas must be treated and, where possible, used. If the collected gas cannot be used to produce energy, it must be flared".

4 ASSESSMENT OF PROPOSAL

4.1 Introduction

4.1.1 This chapter provides an assessment of the proposal against the Development Plan and other relevant guidance. The main planning issues that require assessment are as follows:

- Renewable Energy and Climate Change Benefits
- Existing Operational Development
- Environmental Considerations

4.2 Renewable Energy & Climate Change Benefits

4.2.1 The Government is committed to the active promotion of renewable energy projects, and tackling the effects of climate change. These are not only key Government policy objectives but are also a statutory requirement. Paragraph 14 of the NPPF notes a presumption in favour of sustainable development lies at the heart of the NPPF, as does Policy 1 of the NNJCS.

4.2.2 One of the core principles set out in Paragraph 17 of the NPPF is the need to support the transition to a low carbon future in a changing climate and encourage the use of renewable resources. Paragraph 98 explains that planning applications should be approved (unless material considerations indicate otherwise) if the proposal's impacts are or can be made acceptable e.g. by the imposition of planning conditions.

4.2.3 This pursuit of energy from renewable sources and reducing the reliance on non-renewables is reflected in the Development Plan and Policy 26 of the NNJCS specifically deals with this, supporting *sensitively located renewable and low carbon energy generation* proposals. It provides criteria which proposals must meet, and these environmental and amenity considerations in addition to those covered by other Policies are explored in section 4.4.

4.2.4 The proposal will provide an opportunity to recover the remaining landfill gas reserves in the body of the waste mass and convert this into renewable electricity for export to the National Grid.

4.2.5 The alternative to recovery is the flaring of the gas if recovery is not viable. The flaring of gas reserves is an unsustainable process and would not be in accordance with government guidance which promotes the sustainable use of resources and renewable energy production. When there is still gas reserves on-site, recovery is the preferred option.

4.2.6 The process of utilising landfill gas for the production of electricity demonstrates the use of a renewable energy source and therefore a reduction in reliance on non-renewable energy sources.

4.2.7 For these reasons, the proposal is supported by the NPPF, relevant national policy and, subject to the environmental and amenity considerations discussed below is compliant with the relevant planning policies in the Development Plan.

4.3 Existing Operational Development

- 4.3.1 The application site, by virtue of the grant of previous planning permissions, has demonstrated its compliance with policies concerning the location and design of the facility, this includes Policies 12 and 23 of the NMWLP and Policy 8 of the NNJCS.
- 4.3.2 Policy 11 of the NMWLP deals with the location of waste management sites, and the supporting text specifically refers to *Commitments* and Appendix 4 of the document which includes this application site. The policy gives favour to *continuation of waste use* where the development complies with other Development Plan Policies and national planning policy.

Weldon Landfill Site, Kettering Road, Weldon	Landfill gas electricity generation	CO/96/0155 CO/02/0280	491900	288500	02/2018
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Figure 1: Extract from Appendix 4, Commitments for Waste Management and Disposal, NMWLP

- 4.3.3 As this chapter demonstrates, the LGUF is compliant with Development Plan Policies and the extension of its planning permission is therefore to be supported by Policy 11.
- 4.3.4 The existing landfill gas utilisation facility is well located within the wider site. Given the network of gas pipework throughout the site and existing infrastructure, re-locating the facility elsewhere would not be considered a feasible or viable option at this stage.

4.4 Environmental Considerations

- 4.4.1 There are a number of policies within the Development Plan which require development proposals to be environmentally acceptable. Due to the nature of this application, to extend the currently permitted operation, the main environmental considerations relate to potential, impacts upon air quality, noise emissions and restoration of the site. These will be explored in turn and the relevant Policies are 18, 20, 21 and 24 of the NMWLP and Policies 3, 4, 5 and 26 of the NNJCS.

Air Quality

- 4.4.2 Landfill gas includes gaseous emissions arising from all physical, chemical and biological processes occurring within landfilled waste. The gas is predominantly made up of methane, carbon dioxide and small amounts of hydrogen.
- 4.4.3 The gas will be disposed of by combustion, being directed for the purpose of electricity generation wherever possible in favour to flaring. Combustion converts methane rich emissions into less harmful carbon dioxide emissions. This will have a positive contribution to air quality, minimising harmful methane emissions into the atmosphere.
- 4.4.4 The landfill gas engines on-site will continue to meet the Environment Agency's published emission standards, as set out within the requirements of the operators Environmental Permit.
- 4.4.5 In light of the above, the retention of the compound for a further 43 years will be beneficial for the environment; contributing to the production of electricity rather than flaring harmful methane gas into the atmosphere.

Noise

- 4.4.6 Ongoing noise monitoring of the operational landfill gas utilisation facility demonstrates that it has not been a source of nuisance in the locality. Planning conditions can be imposed on the basis that permission is granted to extend the life of the facility to control noise from the facility and enforce the frequency of ongoing monitoring.
- 4.4.7 The landfill gas facility also operates in accordance with an Environmental Permit closely monitored by the Environment Agency.
- 4.4.8 The retention of the landfill gas utilisation facility for a further 43 years will have no significant adverse impacts on the immediate and surrounding locality by the way of noise.

Restoration

- 4.4.9 Under the extant planning permission, the landfill gas utilisation compound is required to cease electricity production by 1st February 2018 and be restored back to agriculture. This planning application seeks an extension of time to 2061 and will not change the restoration aspirations of the site. The restoration of the site can be secured by planning condition(s) to ensure that the landfill gas utilisation facility is removed and the land is restored when landfill gas reserves diminish, should that be earlier than the proposed end date above.

5 CONCLUSION

5.1 Conclusion

- 5.1.1 This planning statement has been prepared to support a Planning Application to vary Condition 8 of Planning Permission CO/96/155C to extend the life of the planning permission to 31st December 2061. The Planning Application is submitted on behalf of Infinis to enable the landfill gas utilisation facility to continue to operate beyond the current cessation date for a further 43 years.
- 5.1.2 The Applicant's research and future predictions confirm that there will be recoverable gas deposits for some time after the existing cessation date of the extant permission; this is the principle need for the variation of Condition 8. This application therefore seeks to allow the retention of the engines on site whilst gas reserves support their use.
- 5.1.3 The development offers a sustainable use of resources. If the LGUF and associated flare were not granted an extension of time, there would be no gas control at the site. If the flare stack alone was granted an extension the gas would have to be managed by 'flaring' which is considered a waste of valuable resource and unsustainable.
- 5.1.4 The extended use of the landfill gas facility is considered an acceptable land use, for the following reasons:
- The facility is not a permanent use of land and will be restored to agriculture in accordance with the original planning permission.
 - The facility will continue to contribute towards the need for renewable energy.
 - The facility provides the continued management and control of landfill gas.
- 5.1.5 An assessment of the application proposal has demonstrated that no unacceptable environmental impacts will arise. The proposed development has been assessed against the relevant policies of the Development Plan and for the reasons outlined above it has been concluded that the retention of the Landfill Gas Compound is fully compliant with the Development Plan, NPPF and Landfill Directive.

APPENDIX ONE: PLANNING PERMISSION CO/96/155C

PLANNING PERMISSION**Name and address of applicant****Name and address of agent (if any)**

Shanks & McEwan (Southern Waste Services) Ltd
Woodside House
Church Road
Woburn Sands
Milton Keynes
Bucks MK17 8TA

Part I - Particulars of application**Date of application:****Application No:**

3rd June, 1996 (valid 3rd June, 1996)

CO/96/155C

Particulars and location of development:

INSTALLATION OF POWER GENERATION EQUIPMENT UTILISING LANDFILL GAS,
WELDON LANDFILL SITE, KETTERING ROAD, WELDON

Part II - Particulars of decision:**The Northamptonshire County Council**

Hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

COMMENCEMENT

1. The development hereby permitted shall commence within **five years** of the date of this permission.

PROTECTION OF AMENITIES

2. a) Prior to the commencement of the development hereby permitted a scheme for the acoustic insulation of the buildings and positioning of exhaust silencers shall be submitted to and approved in writing by the County Planning Authority. The approved scheme incorporating any amendments the County Planning Authority may require shall be implemented prior to the use of the plant and shall continue for the life of the development. The submitted scheme shall be supported by 24 hour ambient noise level recordings as existing and proposals for any increase in noise above ambient level shall be agreed by reference to the raised level, duration and distance.
- b) Prior to the commencement of the development hereby permitted, the precise details of all buildings and plant including colouring and materials shall be agreed in writing by the County Planning Authority, incorporating any amendments the County Planning Authority may require.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required.

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 Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ). 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.

SAFETY MEASURES

3. Prior to the commencement of the development, the following works shall be undertaken:-
- a) An emergency contact number shall be displayed on the gates or fence at the access to the site.
 - b) Two 4.5 kilogramme Dry Powder Fire Extinguishers in accordance with BS 5423 shall be permanently located within the compound in a weather proof box.

All fire fighting equipment shall be inspected and tested annually by a competent person. The date and result of the test should be recorded and the equipment maintained in a satisfactory condition.

LOCATION OF GAS AND LEACHATE PIPES

4. Prior to the commencement of the development, details of the collection system for landfill gas and leachate on the site shall be submitted to the County Planning Authority for approval. Except as may otherwise be agreed in writing by the County Planning Authority, the system incorporating any amendments the County Planning Authority may require shall be installed in the format agreed for the life of the development.

LANDSCAPING

5. a) Except as may otherwise be agreed in writing by the County Planning Authority, within one year of the date of this permission, a landscaping scheme for the development shall be submitted to the County Planning Authority for approval. The scheme shall include proposals for the planting of trees and shrubs with details of their numbers, size and species.
- b) The implementation of the landscaping scheme as may be approved by the County Planning Authority and incorporating such modifications or additions as the Authority may require, shall be undertaken and completed to the satisfaction of the Authority by the end of the first planting season following the commencement of the development.

The applicant's attention is drawn to Note 1 at the end of this planning permission.

6. Any trees and shrubs which die or for any reason fail to become established within five years of planting shall be replaced during the following planting season with trees and shrubs of a similar size and species as those originally required, all to the satisfaction of the County Planning Authority.

RESTORATION

7. Upon completion of the use of the generating equipment or the date stated in Condition 8 of this permission, whichever is the sooner, all plant, machinery and foundations used in connection with this development shall be removed from the site forthwith and the site shall be restored to agricultural use and left in a clean and tidy condition, all to the satisfaction of the County Planning Authority.

CESSATION OF DEVELOPMENT

8. The development hereby permitted shall cease no later than the 1st February 2018 (twenty hundred and eighteen) and the site shall be restored in accordance with the conditions of this permission, all to the satisfaction of the County Planning Authority.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. To minimise visual intrusion and noise disturbance in the locality.
3. In the interests of safety.
- 4,5,6 & 7. In the interests of amenity and the environment and to ensure the satisfactory restoration of the site.
8. To specify the date when the conditions of this permission shall have been fully implemented and to enable the County Planning Authority to reconsider the development position in the light of the circumstances prevailing at the end of the consent period.

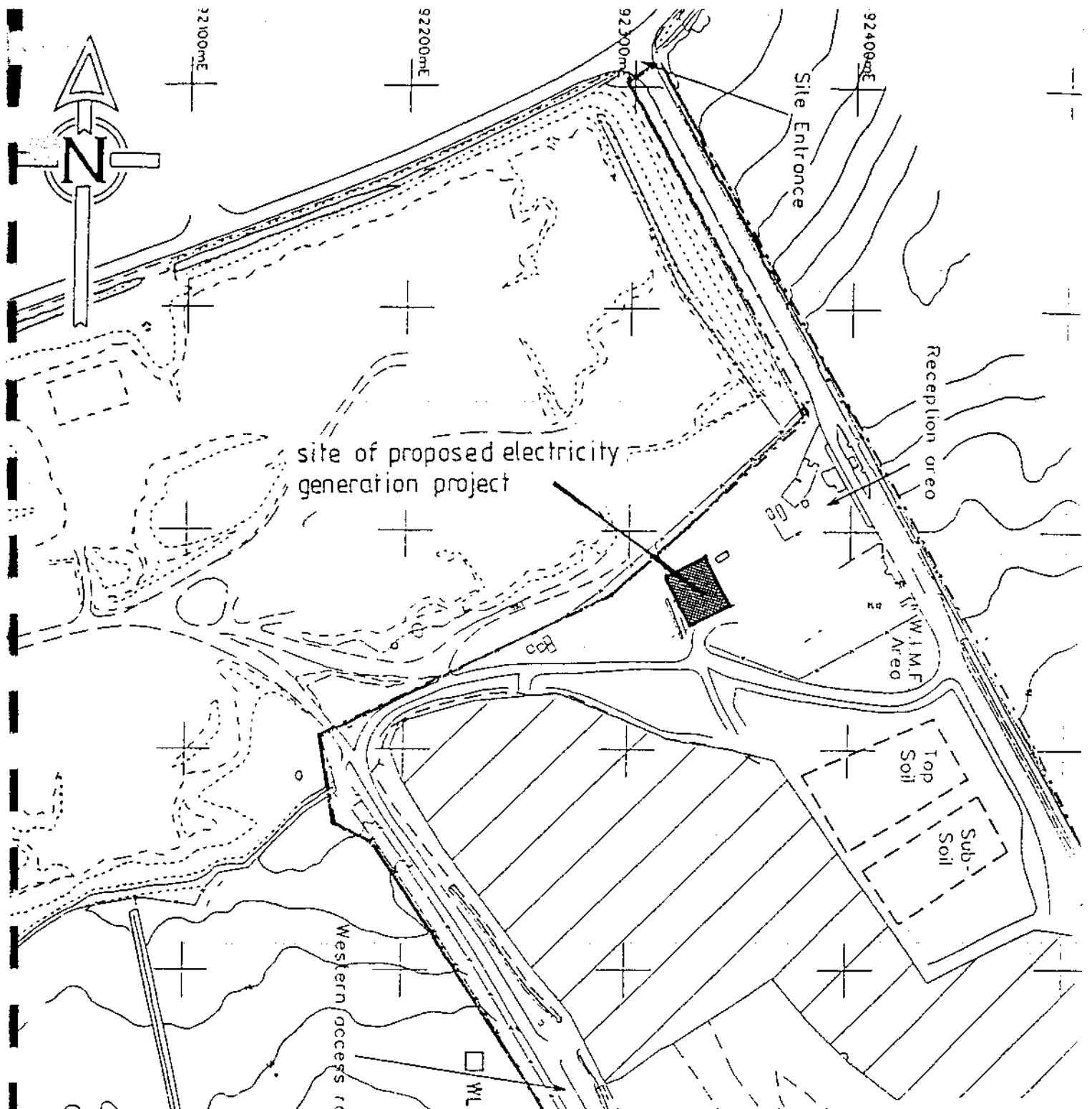
Date th 12 June 1997


Signed G. P. Watson

Authorised to sign on behalf of the
Director of Planning and Transportation

NOTES

1. The landscaping scheme referred to in Condition 5 of this permission shall be carried out in accordance with the attached planting guidelines.
2. The construction of the plant shall take place in accordance with the attached memorandum dated 20th June 1996 from the Council's Area Manager.
3. The development shall be undertaken in accordance with the attached letter dated 23rd August, 1996 from the Environment Agency.



Shanks & McEwan (Southern Waste Services) Ltd. WOODSIDE HOUSE, CHURCH ROAD, WOBURN SANDS, MILTON KEYNES, MK17 3TA Telephone: (01908) 282727 Fax: (01908) 232172			
Shanks & McEwan (Southern Waste Services) Ltd.			
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DRAWN BY:			
SIGNATURE:			
APPROVED:			
DATE: may 96			
TITLE: Electricity Generation Project Weldon Landfill Site Location Plan (updated site information)		NUMBER: WE/RB/004	SCALE: 1:2500 REV:

APPENDIX TWO: GAS CURVE

