

PLANNING APPLICATION TO VARY CONDITION 7 OF PLANNING PERMISSION
CO/97/42C 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 7 of Planning Permission CO/97/42C 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/97/42C 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/97/42C 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 7)

2.2.1 Condition 8 of planning permission CO/97/42C states as follows:

The development hereby permitted shall cease no later than the 28th 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 7 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, although not specifically this planning permission. 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 28st 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 7 of Planning Permission CO/97/42C 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 7. 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/97/42C

PLANNING PERMISSION**Name and address of applicant**

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

Name and address of agent (if any)**Part I - Particulars of application****Date of application:**

31st January 1997 (Valid 31st January 1997)

Application No.

CO/97/42C

Particulars and location of development:

Installation of a temporary gas flare stack and compound, Weldon Landfill Site, Kettering Road, Weldon, Corby

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 must be begun not later than the expiration of 6 months beginning with the date of this permission. The County Planning Authority shall be given written notice of intention to commence development 4 weeks prior to the commencement of works on site.

AREA OF SITE

2. The development hereby permitted is restricted to the area shown in red on plan SM/WL/97/04 attached to this permission.

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

PLANT AND BUILDINGS

3. Except as may otherwise be agreed in writing by the County Planning Authority, the gas flare stack and compound shall be constructed in accordance with the submitted plan SM/WL/97/005 and letter received on 4th February 1997.

SAFETY MEASURES

4. Within 2 weeks of the date of the commencement of development the following works shall be undertaken:-
- a) A twenty-four hour emergency contact telephone number shall be displayed on the gates or fence at the access to the site.
 - b) Two 4.5 kilogramme Dry Powder Fire Extinguishers (fire rating at 144B) in accordance with BS 5423 shall be permanently located within the compound in weather proof boxes.
 - c) The surface area of the compound shall be constructed from non-combustible materials and shall be kept free of combustible materials.

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.

NOISE

5. Prior to the commencement of the development a scheme for the attenuation of noise in relation to this proposal shall be submitted to the County Planning Authority. The scheme, incorporating any amendments the County Planning Authority may require, shall be implemented to the satisfaction of the County Planning Authority for the life of the development.

RESTORATION

6. Upon completion of the use of the gas flare stack and compound or the date stated in Condition 7 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

7. The development hereby permitted shall cease no later than the 28th 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 specify the area and to avoid doubt as to the scope of this planning permission.

3. To minimise visual intrusion in the locality.
4. In the interests of safety.
5. In the interests of amenity.
6. In the interests of amenity and the environment and to ensure the satisfactory restoration of the site.
7. 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.

NOTES

1. The applicant's attention is drawn to the requirements contained within the letter from the Environment Agency dated 25th March 1997, a copy of which is attached to this planning permission.
2. The development shall be undertaken in accordance with the applicants' letter dated 4th April 1997 a copy of which is attached to this permission.
3. The development shall be undertaken in accordance with the attached letter dated 10th April 1997 from the Environmental Health Department at Corby Borough Council a copy of which is attached to this permission.

Date 24 April 1997

Signed A.P. Watsaw
Authorised to sign on behalf of the
Director of Planning and Transportation

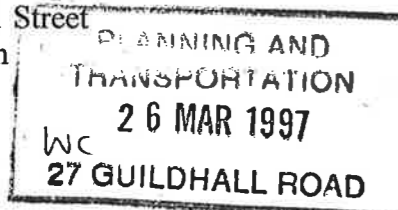


**ENVIRONMENT
AGENCY**

Our Ref: RL/97/1/NTH/0006
Contact: Roy Lobley - Tel: 01522-89-5882

25 March 1997

Mr M J Kendrick OBE C.Eng; MICE FIHT.
The Director of Planning & Transportation
Northamptonshire County Council
PO Box 287
27 Guildhall Street
Northampton
NN1 1BD



Dear Sir

PLANNING APPLICATION NO. CO/97/C/WC/JEE
PROPOSAL: PROPOSED GAS COMPOUND
LOCATION: WELDON LANDFILL SITE, KETTERING ROAD, WELDON
APPLICANT: SHANKS & McEWAN (SOUTHERN WASTE SERVICES) LTD

Thank you for referring the above application which was received on 17 February 1997.

The Agency has no objection to the proposed development but wishes to make the following comments:-

For this type of installation we would recommend combustion of the collected gases in a well designed, enclosed, smokeless ground flare or incinerator.

An appropriate assessment of chimney height should be made. This should provide adequate dispersion of combustion products.

It is desirable to carry out dispersion modelling, which takes into account local meteorological data, local structures and topography.

Releases from chimneys should be directed vertically upwards and not normally restricted or deflected by the use of, for example, plates or caps.

Yours faithfully

MERVYN PETTIFOR
Planning and Customer Services Manager

The Environment Agency
Waterside House, Waterside North, Lincoln LN2 5HA.
Tel: 01522 513100
Fax 01522 512927 GTN 7-50-X 5800





CORB Y

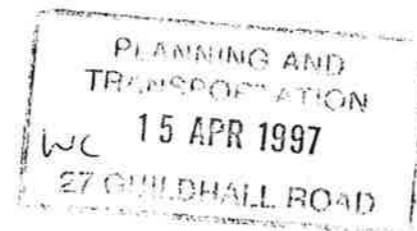
Our Ref: *ES/RJS/JH/PF*

Your Ref: *CO/97/C//WC/JMB*

Ask for: *R J Smart - 2316*

10 April 1997

*The Director of Planning and Transportation
Northamptonshire County Council
PO Box 287
27 Guildhall Road
Northampton
NN1 1BD*



CORB Y BOROUGH COUNCIL

Environmental Services

Grosvenor House

George Street Corby

Northants NN17 1QQ

Tel: (01536) 402551

Fax: (01536) 200031

Document Exchange Corby DX 12915

For the attention of Mr Cattell

Dear Sir

PROPOSED GAS COMPOUND, WELDON LANDFILL SITE, WELDON

I write to confirm receipt of your letter and that I did indeed discuss potential noise and light nuisance with Shanks and McEwan.

In light of previous background noise readings in the neighbourhood and that no complaints of noise from other gas compounds had been received, it was concluded that if a similar set of equipment was installed, noise nuisance should not arise.

With regards to the lighting, instructions were given that the lights on the pylons should be directioned pointing inwards and downwards into the compound.

If I can be of any further assistance, please do not hesitate to contact me on the above extension number.

Yours faithfully

R J SMART

Senior Environmental Health Officer

compound



WC 20/47/422

Shanks & McEwan (Southern Waste Services) Limited

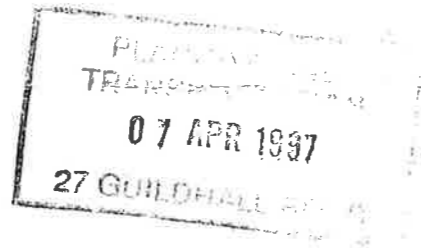
Woodside House, Church Road, Woburn Sands, Milton Keynes, Bucks. MK17 8TA. Telephone: (01908) 282727 Fax: (01908) 282728

Our Ref: SC/jms/L3718

4th April 1997

Director of Planning & Transportation
Northamptonshire County Council
PO Box 287
27 Guildhall Road
Northampton
NN1 1BD

For the attention of Mr W Cattell



Dear Sir

RE: PROPOSED GAS COMPOUND - WELDON LANDFILL SITE, WELDON

On behalf of Shanks & McEwan I am writing in response to your recent letter dated 27th March 1997 concerning comments raised on the above by the Environment Agency.

The compound is being designed and installed by a recognised flare manufacturer to comply with the requirements as set out by Shanks & McEwan. Consequently this means that the installation will be an enclosed, smokeless ground flare of a design and height which has been specified by the flare company. The design of the flare shall be such to allow the releases from the flare to be directed vertically upwards, whilst taking into consideration dispersion from the flare.

If you require any further advice or assistance, please do not hesitate to ask.

Yours sincerely

S Carswell
ASSISTANT ENGINEER



APPENDIX TWO: GAS CURVE

