



Town and Country Planning Act 1990

PLANNING PERMISSION

Name and address of applicant

Wormslade Biogas Ltd
c/o Agent

Name and address of agent

Pegasus Planning Group Ltd
First Floor, South Wing
Equinox North, Great Park Road,
Almondsbury
Bristol
BS32 4QL

Part I - Particulars of application

Date of Application

12 July 2017

Application No.:

NCC Ref: 17/00037/WASVOC
DDC Ref: DA/2017/0730

Particulars and location of development

Proposed variation of conditions 2 (scope of permission), 5 (operation limits and feedstock) and 14 (catchment area) of planning permission 15/00090/WASFUL for installation of anaerobic digestion facility including erection of silage clamps, digester tanks, technical building, gas flare and site office/welfare building, weighbridge and the installation of ancillary plant and equipment, alterations to highway access and internal road, installation of lagoons and attenuation pond, highways improvements and landscaping and environmental enhancement measures at Wormslade Farm, Clipston Road, Market Harborough, LE16 9RP.

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:-

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Commencement

1. The development hereby permitted shall be begun by 30 June 2019. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

Reason: To comply with Section 91 of the *Town and Country Planning Act 1990* as amended by the *Planning and Compulsory Purchase Act 2004*.

Scope of Permission

2. Except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

Drawings

- P15-WORMSLADE-AD-001 - Location Plan
- P15-WORMSLADE-AD-002 - Existing Site Layout Plan
- P15-WORMSLADE-AD-003K- Proposed Site Layout Plan
- P15-WORMSLADE-AD-003 Revision B- Site Elevations
- P15-WORMSLADE-AD-004 Revision 1- Technical Building Plan and Elevations
- P15-WORMSLADE-AD-005 Revision 08- Digester Plan and Elevations
- P15-WORMSLADE-AD-006 - Silage Clamp Plan and Elevations
- P15-WORMSLADE-AD-007 - Flare Stack
- P15-WORMSLADE-AD-009 - Office Plan and Elevations
- PL05 R0 WORMSLADE A0 - Visual Landscape Plan
- Drawing P17-0795_02 – Wormslade Feedstock Catchment Area Plan

Reports

- Ecological Appraisal dated 25 May 2016 ref: 1PS2.Homewood.CSA
- Soft Landscaping Scheme dated May 2016
- Arboricultural Assessment dated 16 May 16 ref: 1AIA.Hom.CSA
- Allan Moss Associated Ltd - Landscape and Visual Impact Appraisal dated November 2015
- EnviTec Biogas Construction Traffic Management Plan received 31 May 2016
- Digestate Management Plan dated May 2016
- Dust Management Plan dated May 2016
- Noise Management Plan dated May 2016
- Odour Management Plan dated January 2018 (Revised version received 8 February 2018)
- Pest Management Plan dated May 2016
- Flood Risk Assessment & Surface Water Management Plan ref: K0672_Wormslade_AD_Plant_Rep1Rev0
- Border Archaeology ref: BA1612(1556)WFC – Archaeology Field Evaluation
- Transport Statement - AD Facility at Wormslade Farm dated November 2015

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- Friends of the Earth technical briefing for local group campaigners dated November 2012
- Planning Statement - Nov 2017 version 2 as amended by letter from Pegasus Planning dated 8 November 2017
- Design and Access Statement dated November 2015

Reason: For the avoidance of doubt and in the interests of amenity having regard to Policy 22 of the *Northamptonshire Minerals and Waste Local Plan (2014)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

3. The development hereby permitted is restricted to an anaerobic digestion facility as detailed in the submitted planning application and no other General Industrial B2 use class development shall be undertaken on the application site.

Reason: To define the scope of the planning permission in the interests of amenity and the environment and to maintain the specific link of this development with agriculture and to ensure that control is retained over any potential future change of use of the land having regard to Policies 11 and 12 of the *Minerals and Waste Local Plan (July 2017)*, Policy R2 of the *West Northamptonshire Core Strategy Local Plan (December 2014)* and saved Policy EMP16 of the *Daventry District Local Plan (June 1997)*.

Removal of Permitted Development Rights

4. Notwithstanding the provisions of Part 7 Class H, I, J and L of Schedule 2 of the *Town and Country Planning (General Permitted Development) Order 2015* (or any Order amending, replacing or re-enacting that Order), except for those detailed in the application, no fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Waste Planning Authority.

Reason: To ensure that control is retained over any additional, or extended, buildings plant and structures in the interests of amenity and the environment having regard to Policy 18 of the *Minerals and Waste Local Plan (July 2017)*, and Policy S10 of the *West Northamptonshire Core Strategy Local Plan (December 2014)*.

Operation Limits and Feedstock

5. The feedstock imports shall be restricted to farm slurry waste, agricultural waste (excluding animal carcasses) and biomass crops (as defined by the applicant in the letter from Pegasus Group dated 8 November 2018), and at no

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time shall the annual throughput of imported waste and other feedstock exceed 46,000 tonnes per annum.

Reason: To specify the scope of the permission, in the interests of clarity, to ensure compliance with Policy 11 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and to control the amenity impacts of the development having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Buildings, Plant Machinery and Structures

6. Prior to the erection of buildings, plant, machinery and structures details of the colours shall be submitted to the Waste Planning Authority for agreement in writing. The details as agreed in writing shall thereafter be implemented in full and maintained.

Reason: To ensure that control is retained over the colours of plant buildings and structures in the interests of visual amenity having regard to Policies 18 of the *Minerals and Waste Local Plan (July 2017)*, and Policy S10 of the *West Northamptonshire Core Strategy Local Plan (December 2014)*.

Hours of Construction

7. All construction activities shall be restricted to between the hours of 07.00 and 19.00 Mondays to Fridays and 07.00 to 16.00 Saturdays with no construction activities on Sundays or Public and Bank Holidays.

Reason: In the interests of amenity protection having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Hours of Working

8. No HGVs or farm trailers shall enter or leave the site and no working with plant or machinery shall take place except between the hours of 7.00am and 6.00pm Mondays to Fridays and 8.00am to 13.00pm on Saturdays, with no working on Sundays or Public and Bank Holidays, with the following exceptions:

- During crop harvesting;
- If the digester has to be loaded during a Sunday or bank holiday

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Reason: In the interests of amenity protection having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Highway Safety

9. The sole vehicular access for the development hereby permitted shall be via the existing access off Clipston Road and prior to the commencement of the development the access and improvements to Clipston Road between the site access and the junction with the A508 shall be completed in accordance with the specifications as indicated on Drawing: P15-WORMSLADE-AD-003/D – Proposed Site Layout Plan.
10. All HGV and farm trailers associated with the development hereby permitted shall be prohibited from travelling along the restricted routes in accordance with the submitted Traffic Routeing Plan Drawing Number WORMSLADE PL-04 Rev 1 and this shall be managed in accordance with the scheme required in condition 11.
11. Prior to the commercial importation of feedstock a transport management scheme to ensure that HGV's and farm trailers are routed in accordance with the submitted Traffic Routeing Plan Drawing Number WORMSLADE PL-04 Rev 1 shall be submitted for approval in writing. The scheme shall include:
 - (i) Management measures to be incorporated in contractual arrangements with feedstock suppliers, digestate receivers and associated hauliers;
 - (ii) Monitoring of the approved traffic routing arrangements;
 - (iii) Ensuring that all drivers of vehicles involved with the feedstock delivery and digestate transfer operations are made aware and provided with written instructions of the approved traffic routing arrangements;
 - (iv) The disciplinary and/or management control steps that will be exercised in the event of default;
 - (v) Details of signage to be erected on site to instruct drivers in relation to the routing of HGVs and farm trailers to and from the site.

The scheme as approved in writing shall thereafter be implemented in full.

12. Operational and construction vehicles leaving the site shall be free of mud and other debris to ensure that none is deposited on the public highway.

Reason for Conditions 9 to 12: In the interests of highway safety and local amenity having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

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Construction Traffic Management Plan

13. The development hereby permitted shall be carried out in accordance with the approved EnviTec Biogas Construction Traffic Management Plan, received on 31 May 2016. The plan shall be adhered to throughout the construction period and approved measures shall be retained for the duration of the construction works unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity protection and highway safety having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Catchment Area

14. The intended catchment area for the agricultural feedstock sources for treatment at the facility shall be in accordance with the 12 mile distance area from the development site identified on the revised Drawing P17-0795_02, unless an equivalent spatial size local catchment area has been previously submitted to and approved in writing by the Waste Planning Authority. The annual report required by condition 15 shall incorporate such records that demonstrate compliance with the approved catchment area drawing/plan.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interest of self-sufficiency and sustainability having regard to Policies 12 and 19 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)*.

Monitoring

15. The operating company shall submit an annual report in writing to the Waste Planning Authority within one month of the first anniversary of operations commencing and at 12 monthly intervals thereafter. The report shall include detailed information on the types, quantities and sources of all waste materials and biomass crops brought on to the site and taken off the site. The information required by the condition shall also be supplied at any other time on written request by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles of Policy 11 of the *Northamptonshire Minerals and Waste Local Plan (2014)* and to ensure that waste materials are dealt with close to their source in accordance with Policies 18 and 19 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)*.

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Amenity Impacts

16. No vehicles or mobile plant used for operations on site shall not be operated unless they have been fitted with white noise alarms or other non-tonal alarm as may be submitted to and approved in writing by the Waste Planning Authority.
17. Odour, noise, dust and pests shall be controlled in accordance with the scheme of control measures identified in the approved mitigation plans (Dust Management Plan, Noise Management Plan and Pest Management Plan, all dated May 2016, and Odour Management Plan (January 2018, received 8 February 2018). In the event that the Environmental Permit conditions require amendments to these plans then the original mitigation plans shall be superseded by the Permit requirements.
18. No vehicles and mobile plant used exclusively on site during construction and site operational activities shall be operated, unless they have been fitted with and use white noise or other non-tonal reversing alarms (where legally compliant), and the operator shall issue instructions to all feedstock suppliers delivering to the site that non-tonal reversing alarms (where legally compliant) shall be fitted and utilised on the site.

Reason for Conditions 16, 17, 18: To protect residential and rural amenity in particular nearby residential occupiers, having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

External Lighting

19. No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Waste Planning Authority. The scheme shall include a layout plan that covers all new proposed external lighting and details the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angle and luminaire profiles. In addition a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and operated in accordance with the approved details for the lifetime of the development.

Reason: In the interests of amenity, ecology, site security and sustainability in accordance with Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

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Complaints

20. In the event that complaints regarding odour, dust, noise or lighting are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for rectifying and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Waste Planning Authority no later than 5 working days from the receipt of the complaint. Where noise complaints are not resolved a noise monitoring scheme shall be submitted to and agreed with the Waste Planning Authority and thereafter implemented.

Reason: To protect the interests of local amenity having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Landscaping Scheme

21. Tree protection and hedgerow translocation shall be undertaken in accordance with the submitted Soft Landscaping Scheme during construction activities. Within six months of the date of this permission a Landscaping Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include types, number and size of species proposed with a focus on native species and include a proportion of semi mature trees and non-deciduous species.

The landscaping scheme as agreed in writing by the Waste Planning Authority shall be implemented in full within the first available planting season following the completion of the soil engineering operations for the landscaping area for the development hereby permitted.

Reason: To ensure that retained trees are protected from damage in the interests of amenity and biodiversity having regard to Policies 18, 22 and 21 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policies S10 and BN5 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Landscaping Maintenance

22. Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which within ten years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Waste Planning Authority. All landscaping shall be carried out in accordance with the landscaping scheme approved under

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condition 21 and to a standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

Reason: In the interests of amenity protection, landscape character and biodiversity having regard to Policies 18, 20 and 21 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policies S10 and BN5 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Biodiversity

23. The biodiversity recommendations outlined in Section 5 the submitted Ecological Appraisal report ref: 1PS3.Homewood.CSA dated 25/05/2016 shall be implemented in full.

Reason: In the interests of biodiversity having regard to Policy 20 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy BN2 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Surface Water Drainage

24. Prior to the commencement of drainage works a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development should be submitted to and approved in writing by the Waste Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.
25. Prior to the commencement of drainage works a detailed scheme for the ownership and maintenance of every element of the surface water drainage system proposed on the site shall be submitted to and approved in writing by the Waste Planning Authority. The maintenance plan as approved shall be carried out in full thereafter.

Reason for Conditions 24 and 25: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site having regard to Policy 18 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Site Engineering

26. Prior to the commencement of the development a site engineering scheme shall be submitted for approval in writing by the Waste Planning Authority. The scheme shall include plans of levels and cross sections of the construction

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engineering operations incorporating the volumes and all and the existing and proposed engineered levels at the site. The scheme shall also include provision for the landscaping bund to be 2 metres high. The scheme as approved in writing shall be implemented in full.

27. All materials excavated in the engineering operations shall be utilised on the application site.

Reason for Conditions 26 and 27: To control the final land levels at the site in the interests of the landscape and visual amenity and to ensure that the soil materials are retained on site in the interests of highway safety and agricultural reinstatement, having regard to Policy 18 of the Northamptonshire Minerals and Waste Local Plan (July 2017) and Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (December 2014).

Fire Risk Management

28. Prior to the importation of waste at the site, a fire risk management plan identifying the measures to mitigate and manage the risk of fire at the site shall be submitted to and approved in writing by the Waste Planning Authority. The plan shall be based on the guidance by the Environment Agency 'Fire Prevention Plans Version 1, March 2015' and the Waste Industry Safety and Health Forum (WISH) 'Reducing the Fire Risk at Waste Management Sites'. The plan as agreed in writing shall be implemented and maintained thereafter.

Reason: In the interests of safety and amenity protection having regard to Policy 18 and 23 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)* and Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)*.

Reinstatement

29. In the event of the anaerobic digestion operations at the site ceasing for a period in excess of 18 months or being otherwise discontinued, the area of the site developed with hard surfaces, structures and buildings shall be reinstated to an agricultural or woodland standard, including the removal of all hard surfaces, structures and buildings, in accordance with a scheme to be submitted to the Waste Planning Authority for agreement in writing. The scheme as approved shall thereafter be implemented in full.

Reason: To enable the reinstatement of the site to a beneficial agricultural or woodland use in the event that the operations at the site cease in the interests of the open countryside, having regard to Policies 21 and 24 of the *Northamptonshire Minerals and Waste Local Plan (July 2017)*, Policy S10 of the *West Northamptonshire Joint Core Strategy Local Plan (December 2014)* and Policy EM 16 of the *Daventry District*

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Local Plan (1997).

INFORMATIVES

1. The applicant should considering forming a Local Liaison Group with local interested parties. Further information can be obtained from the Waste Planning Authority.
2. The applicant's attention is drawn to the informative below, as provided by the Lead Local Flood Authority:

Volumetric discharge criteria – we note that the applicant has undertaken a robust assessment of the likely volumetric requirements of the proposed attenuation pond using a variable discharge rate method. It is ordinarily good practice under such circumstances to assess the 'long-term storage' requirements in order to ensure compliance with volumetric discharge criteria. We would anticipate seeing appropriate consideration of this factor in support of any subsequent discharge of condition applications.

POSITIVE AND PROACTIVE STATEMENT

In determining this application the Waste Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the application have been assessed against relevant Development Plan policies, the National Planning Policy Framework, the National Planning Policy for Waste and the National Planning Policy Guidance. The Waste Planning Authority has identified all material considerations; considered any valid representations received; liaised with consultees to resolve issues; and, progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions. This approach to this application has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date 23rd March 2018 Signed G.P. Watson

For Assistant Director of Environment,
Planning and Transport

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1. *If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or the grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Sections 78 and 79 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them having regard to the statutory requirements (a), to the provisions of the development order, and to any direction given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.*
2. *If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.*
3. *In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.*
 - (a) *The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.*
4. *Guidance on using the Planning Portal's online appeals service is available at <https://www.planningportal.co.uk/info/200207/appeals>*

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