



Town and Country Planning Act 1990

NON-MATERIAL AMENDMENT TO PLANNING PERMISSION

Name and address of applicant

Biogen (UK) Ltd
Milton Parc
Milton Ernest
Bedfordshire
MK 44 1YU

Name and address of agent (if any)

Part I - Particulars of application

Date of Application

26th October 2018

Application No.

NCC Ref: 18/00045/WASNMA

ENC Ref: 19/00095/NCC

Particulars and location of development

Non Material Amendment to planning consent ref. 17/00048/WASVOC to allow an temporary extension in the Saturday operational hours around the Christmas period from 07:00 – 13:00 to 07:00 - 16:00 at Westwood AD Plant, Bedford Road, Rushden, Northamptonshire, NN10 0SQ

Part II - Particulars of decision:

The Northamptonshire County Council

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

Note: This consent supersedes, consolidates, and updates the previously granted planning permissions for the site; references 08/00002/WAS (granted 15 May 2008), 11/00073/WAS (granted 23 January 2012), 11/00078/WAS (granted 23 January 2012), 13/00090/WASFUL (granted 20 December 2013), 17/00006/WASNMA (granted 20 February 2017), 17/00011/WASVOC (granted 8 June 2017), 17/00048/WASVOC (granted 27 November 2017) and 18/00014/WASVOC (granted 19 June 2018). The changes/additions to the extant planning permission have been highlighted in bold.

Note: This permission only relates to planning permission and does not include consent under the Building Regulations for which separate permission may be required. The requirements of the Chronically Sick and Disabled Persons Act 1970, the Disability Discrimination Act 1995 and the Special Education Needs and Disability Act 2001 should also be adhered to wherever appropriate.

Commencement of Development

1. The development hereby permitted shall commence on the date of this permission.

Reason: To specify that this planning permission supersedes planning permission 13/00090/WAS in the interest of clarity and to comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Waste Inputs

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

Reason: To define the scale of the facility in the interests of amenity protection and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Waste Types

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

Reason: To restrict the waste types in the interests of amenity and the environment having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Hours of Working

4. Operations involving the importation of waste, removal of non-compostable waste and the outside movement of wastes on site hereby permitted, shall be restricted to between the hours of 07.00 and 19.00 on Mondays to Fridays, 07.00 and 13.00 on Saturdays and 08.00 and 16.00 on Public and Bank Holidays (excluding Christmas day) **except for the first three Saturdays after Christmas day where the working hours will be 07.00 to 16.00.**

Reason: To ensure that Heavy Goods Vehicle movements are restricted to reasonable hours in the interests of amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Noise

5. Noise generated from operations on the site shall be controlled in accordance with a scheme of monitoring and control measures to be submitted in writing to the Waste Planning Authority within three months of the date of this permission. The scheme shall take account of the baseline levels established in the Environmental Quality report dated 27 April 2009 submitted on 21 July 2009 in relation to planning permission 08/00002/WAS. In any event LAeq

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shall not exceed the LA90 (background) by more than 3 dBA or more than 5 LA (Max) above 82 dBA in any one hour at night time.

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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

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

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Odour

10. Odour levels shall be sampled at the site boundary within 14 days of a written request from the Waste Planning Authority to the Operator. The results shall be compared against the baseline levels established in the Environmental Quality report dated 27 April 2009 submitted on 21 July 2009 in relation to planning permission 08/00002/WAS. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Waste Planning Authority no later than five working days from the receipt of the complaint. The approved remedial measures shall be implemented and maintained thereafter.

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Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Lighting

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

Reason: In the interests of visual amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Complaints

13. In the event that complaints regarding, odour, dust, noise or lighting are received by the Waste Planning Authority from any sensitive receptor, and thereafter notified to the operator, an immediate assessment of the complaint shall be undertaken. A report on the findings, with proposals for removing, reducing or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures to be undertaken shall be submitted to the Waste Planning Authority no later than five working days from the receipt of the complaint. The approved remedial measures shall be implemented and maintained thereafter.

Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Highway Safety and Access

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

Reason: To ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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Wheel Cleaning and Vehicle Sheeting

15. All operational vehicles leaving the site shall be cleansed of mud and other debris to ensure that there is no nuisance dust and no mud or debris is deposited on the public highway.

Reason: In the interests of amenity protection and to ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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

Reason: In the interests of amenity protection and to ensure satisfactory means of access to the highway, safeguard the interest of users of the public highway and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Vehicle Routing

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

Reason: In the interests of amenity protection and to safeguard the interests of users of the public highway and highway safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Rights of Way

18. The scheme of signage submitted in relation to planning permission 08/0002/WAS and warning lorry drivers of the presence of the public right of way shall be implemented and maintained for the lifetime of the development.

Reason: To safeguard the interests of users of the public rights of way and safety having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Educational Signage

19. The scheme of educational signage submitted in relation to planning permission 08/0002/WAS shall be implemented and maintained for the lifetime of the development.

Reason: Provision of waste awareness in the local community in the context of anaerobic digestion and the need to divert food waste from landfill and in the interests of visual and local amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

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Visual Amenity

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

- 07-0296/A/01PL2 – Proposed Site General Arrangement
- 07-0296/A/02PL2 – Proposed Site Location Plan
- 07-0296/A/03PL2 – Proposed Site Location Plan
- 07-0296/A/10PL1 – Proposed Ground and First Floor General Arrangements
- 07-0296/A/11PL1 – Proposed Roof Plan
- 07-0296/A/70PL1 – Proposed Elevations Sheet 1 (Colour Option 3)
- 07-0296/A/71PL1 – Proposed Elevations Sheet 2 (Colour Option 3)
- 07-0296/A/72PL2 – Proposed Elevations Sheet 3 (Colour Option 3)
- WW-17-035 Revision A CHP Layout
- WW-17-041 Revision B Proposed Flare Position
- WW-18-043 Revision F Flare Position Final
- 170447-RGL-ZZ-XX-DR-A-100-00001 Site Plan showing Flue Stack
- 170447-RGL-ZZ-XX-DR-A-100-00002 Site Plan showing Flue Stack
- 170447-RGL-ZZ-00-DR-S-510-00001 General Arrangement
- 170447-RGL-ZZ-00-DR-S-510-00002 Elevations

Reason: To protect the interests of local amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

21. Unless otherwise approved in writing by the Waste Planning Authority the flarestack shall be maintained in accordance with the details submitted to the Waste Planning Authority on 12 May 2009 under planning permission 08/00002/WAS.

Reason: To protect the interests of local amenity having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Habitat Creation and Enhancement, Restoration and Landscaping

22. The development shall be controlled in accordance with the submitted "Landscape and visual effects" and "Ecology" chapters of the Environmental Report submitted with the planning application 08/00002/WAS for the lifetime of the permitted operations at the site. In addition all plant species shall be indigenous to the local area, be appropriately maintained for a period of 10 years following planting and any plants which die or become diseased within this period shall be replaced with suitable species indigenous to the local area in the following planting season.

Reason: In the interests of design, landscape character, biodiversity and local amenity having regard to Policy 20 of the Minerals and Waste Local Plan (2017).

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Catchment Area

23. With the exception of a 15% annual allowance measured on a quarterly basis, all waste materials to be processed on site shall originate from locations within the submitted indicative catchment area plan entitled Biogen Westwood – Food Waste Catchment dated 26 May 2017, unless an updated indicative catchment area plan is submitted to and agreed in writing by the Waste Planning Authority.

Reason: To ensure that waste materials are dealt with as close to their source as possible in the interests of self-sufficiency and sustainability having regard to Policy 10 and 12 Policy 18 of the Minerals and Waste Local Plan (2017) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in the Development and Implementation Principles Supplementary Planning Document (September 2011).

Monitoring

24. The operating company shall submit reports in writing to the Waste Planning Authority at three monthly intervals throughout the calendar year from the commencement of development. The reports shall include detailed information on the types, quantities and sources of all waste materials brought on to the site and taken off site, including records of vehicle movements and volumes demonstrating compliance with condition 2 of this permission. The reports shall also incorporate records that demonstrate compliance with the catchment area plan (condition 23). The information required by this condition shall also be supplied at any other time on request by the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy 13 and having regard to Policies 18 and 25 of the Minerals and Waste Local Plan (2017).

Reinstatement

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

Reason: To safeguard the landscape character should the development be temporary having regard to Policies 22 and 24 of the Minerals and Waste Local Plan (2017).

Flue Stack

26. Within 3 months of the date of this permission, the existing redundant flue stack shall be taken down and removed from site.

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Reason: In the interests of amenity protection having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

Landscape Screening

27. Within 3 months of the date of this permission, a detailed landscaping scheme shall be submitted to the Waste Planning Authority for its approval in writing. Details shall be provided of the location, numbers, types and species proposed to be planted with a focus on native species but incorporating a proportion of evergreen species to achieve greater all year screening. Planting shall take place in the first planting season following the approval of the scheme. All plants shall be appropriately maintained for a period of 5 years following planting and any plants which die or become diseased within this period shall be replaced in the following planting season.

Reason: To ensure that the site is adequately screened in the interests of local visual amenity, in the short and long-term, and biodiversity, having regard to Policy 18 of the Minerals and Waste Local Plan (2017).

POSITIVE AND PROACTIVE MANNER STATEMENT

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Date 25th January 2019

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, see leaflet PCS4 available at:*

http://www.planningportal.gov.uk/PpWeb/jsp/redirect.jsp?url=http%3A//www.planningportal.gov.uk/uploads/pins/pcs_a5_leaflet.pdf

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