



Applicant: Anglian
Water Services

Application No:
09/0041/FULWNC

Date Registered:
28.05.2009

Expiry Date: 23.07.2009

Ward: Billing

Northampton UDA Planning Committee Paper

Report by Interim Director of Planning
and Development

Date of Committee Meeting: 29/09/2009

Agenda Item: 6

Description: Change of use of existing concrete bays / structures (B8) to use as Green Waste and Biosolids Composting facility (B2)

Address: Great Billing Wastewater Treatment Works, Lower Ecton Lane, Northampton, Northamptonshire, NN3 4DQ

1. Recommendation

- 1.1 That the application be **APPROVED** subject to securing the following:
- The withdrawal of the Environment Agency's objection to the application on the lack of a Flood Risk Assessment.

for the following reason:

The proposed development would lead to the recycling and composting of green waste and biosolids and is therefore consistent with the Government's sustainable waste management objectives by moving the management of waste up the 'waste hierarchy'; through the issuing of an Environmental Permit by the Environment Agency the application would not lead to the adverse impact on amenity for adjacent or nearby residential and commercial occupiers. Therefore the proposal is considered to be consistent with the objectives of PPS10 and PPS23, Policy 38 of the East Midlands Regional Plan and Policies 1, 15 and 18 of the Northampton Waste Local Plan.

2. Summary

- 2.1 This is a full Planning Application by Anglian Water (AW) for the change of use of two existing concrete bays within their Wastewater Treatment Works (WwTW) at Great Billing, Northampton.
- 2.2 The buildings the subject of this application already exist – as such this application is purely for their change of use and does not imply or confer consent for any building works or structural alterations. However, it should be noted that AW as a Statutory Water Authority does benefit from extensive ‘Permitted Development’ rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 2.3 AW propose that the new use of the buildings would be for the composting of ‘Green Waste and Biosolids’. Biosolids is a term used to describe the by-product of AWs principal operations at Great Billing, i.e. the treatment of wastewater. The existing buildings are currently used for the storage of biosolids before these are exported from the site for agricultural use. The majority of biosolids in the Anglian region are currently recycled to agriculture by spreading it on farm land. The amount of sludge that can be dealt with by agricultural recycling is regulated by EU Directive 86/278/EEC and the Sludge (Use in Agriculture) Regulations 1989. However, the European Commission is currently assessing whether the current Directive should be reviewed – and if so, the extent of this review. As a result of this AW has developed a sustainable biosolids strategy to take forward through it’s investment programme with the aims of reducing the current dependency on agricultural recycling. Green waste would be brought to the site and AW are currently investigating the supply of this.
- 2.4 In terms of the proposed process AW advise that the eastern bay would be used exclusively for the composting process and the westerly bay would continue to be used for storage of small amounts of biosolids.
- 2.5 Green waste would be shredded within the concrete bays in preparation for its mixing with biosolids. This process would involve the screening of green waste to separate foreign material such as metal and plastic. Rejected materials would be stored within the bays in sealed skips before disposal to a licensed facility. The screening and shredding process would take place in the north of the eastern bay as shown on figure 5.2 of the odour report. The rejected material will comprise a small amount of the end product at approximately one skip per week. Biosolids would be deposited within the bays and will be hauled within the works by tractor and trailer.
- 2.6 The green waste and biosolids would then be mixed to a 1:1 weight ratio and then composted in windrows for a period of approximately 8 to 10 weeks before the product is ready for use. A further screening process would then take place with oversized materials removed from the composted product. Again, rejected material would be stored in a skip and disposed of to a licensed facility along with any rejects

from the green waste screening process described above at approximately one skip per week.

- 2.7 The final stage of the process involves spreading of the compost to a depth of 1 metre. The compost would then be sown with ryegrass in order that the mix is phyto-conditioned but this would not happen immediately. AW advise that this stage in the process removes approximately 50% of the moisture content of the compost. The end weight of the conditioned compost would equate to that of the green waste, i.e. 25,000 tonnes annual throughput.
- 2.8 Members may recall considering and granting planning permission for another facility at the Great Billing site in May 2008. The construction of this development is nearly complete. Whilst the current application is independent from that development in terms of the integration of the processes (apart from utilising the biosolids generated by the Great Billing site) the question of the level of odour reductions, or otherwise, has been raised as part of this application.
- 2.9 Similarly, as with the previous planning application the current proposals by AW have attracted considerable interest – and moreover concern – by local residents, particularly in the parishes of Billing, Cogenhoe and Whiston and Ecton. A local residents' group, the Campaign for Lower Ecton Action Now (CLEAN), has engaged with both WNDC and AW in terms of voicing concerns on the proposals.
- 2.10 As with any planning application WNDC have undertaken stakeholder engagement with key consultees. In addition to Northampton Borough Council's (NBC) Environmental Health Office (EHO), the Environment Agency (EA) have undertaken a detailed analysis of the planning application and supporting documents, not only in relation to matters of flood risk but also in relation to the potential environmental impacts of the proposal. The reason for this is that it is the EA, not NBC EHO, that would be responsible for managing and monitoring these impacts should the development proceed – specifically, an Environmental Permit from the EA would be required to operate the process, and this Permit covers matters of bio-aerosols, odours and noise impacts.

3. Description of Proposal

- 3.1 The proposal is for the change of use of existing concrete bays / structures within the Great Billing Wastewater Treatment Works (WwTW) site to use as a Green Waste and Biosolids Composting facility.
- 3.2 This would be a change of use from B8 to B2 in the Town and Country Planning (Use Class order) 1989 (as amended).

4. Description of Site

- 4.1 The site is almost 2 hectares in area with the northern boundary running alongside approximately 150 metres of Lower Ecton Lane. The site appears within the valley floor close to the Nene. Natural vegetation along Lower Ecton Lane provides some screening of the existing plant from the nearby travellers site which lies to the immediate north.
- 4.2 Vehicles accessing the plant area would utilise existing internal road infrastructure at the wastewater treatment works which emerges onto Billing Lane (South East part of this site).

5. Policy Considerations

WNDC Purpose:

- 5.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

National Planning Policy Guidance

- 5.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

- PPS1 – Sustainable Development
- PPS1 – Sustainable Development: Planning and Climate Change
- PPG4 – Industrial, Commercial Development and Small Firms
- PPS4 – Planning for Prosperous Economies (Consultation Draft)
- PPS10 – Planning for Sustainable Waste Management
- PPS23 – Planning and Pollution Control
- PPG24 – Planning and Noise
- PPS25 – Development and Flooding

6. Development Plan:

- 6.1 The Development Plan documents for the area comprise;
The East Midlands Regional Plan (RSS8) (2009);

The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005);
The Northamptonshire County Structure Plan (NSP) (2001) (saved policies);
The Northamptonshire Minerals and Waste Development Framework (MWDF) (2006);
The Northampton Borough Local Plan (NLP) (1997) (saved policies).

6.2 East Midlands Regional Plan (RSS8) (2009) relevant policies;

Policy 1 (Regional Core Objectives);
Policy 2 (Promoting Better Design);
Policy 3 (Distribution of New development)
Policy 11 (Development in the Southern Sub Area)
Policy 18 (Regional Priorities for the Economy)
Policy 38 (Regional Priorities for Waste Management)

6.3 The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005) relevant policies;

Policy 1 (Spatial Framework Locational Growth);
Policy 3 (Sustainable Communities);
Northamptonshire Policy 1 (The Spatial Framework);
Northamptonshire Policy 2 (Northampton Implementation Area).

6.4 The Northamptonshire County Structure Plan (NSP) (2001) (relevant saved policies);

SDA1 Strategic Development Areas

6.5 The Northamptonshire Minerals and Waste Development Framework (MWDF) (2006);

Policy 1 (Principles of Waste Development),
Policy 15 (Local Amenity),
Policy 18 (Composting)

6.6 The Northampton Borough Local Plan (NLP) (1997) (relevant saved policies);

Policy E1 (Landscape)
Policy E20 (New Development Parameters)

7. **Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPD)**

7.1 Supplementary Planning Guidance (SPG): Parking (March 2003)

Other non-statutory documents

7.2 WNDC Planning Principles (2009):

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

7.3 WNDC Planning Obligation Strategy (POS):

The Planning Obligations Strategy sets out WNDC's approach to planning obligations, in particular, the arrangements for a 'Standard Charge' to be applied, initially, to new residential development within WNDC's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needed across WNDC's area to deliver sustainable growth. Funding from planning obligations will be used, alongside other funding sources, to ensure that essential infrastructure, facilities and amenities are brought forward at the appropriate time, so that the growth and regeneration outcomes sought for the area can be achieved.

8. **Relevant Planning History**

8.1 The largest part of the application is on land north of the existing treatment works that have been operating since the 1950s. There have been a series of County applications relating to the development of the sewage works over recent decades.

8.2 07/0328/FULWNC Construction of a new Biosolids treatment plant – Approved 23/05/2009

9. Consultations

9.1 **NBC (Development Control):** was consulted formally on the application on the 25/05/2009; no formal comment has been received to date.

9.2 **NBC (Environmental Health):** make the following comments:

Bio aerosols

Whilst it is felt we are unable to criticize the modelling process or the quality of data produced we would make the following comments and observations.

The Environment Agency limits on bio aerosols are quoted as maximum values. The predictions are in the form of maximum mean 8-hour concentrations. Is this compatible or acceptable as an assessment against the standard?

Examination of the graphical plots of concentration of bio aerosols would indicate that they are centred on the eastern bay. This implies that emissions from the western bay have not been considered. Although the information accompanying the application indicates only the eastern bay will be used for composting, the application is for permission to use both bays and therefore only half the potential emissions have been predicted.

The level of uncertainty of many of the model's input parameters is stated as being significant and this is a concern.

Odour

Again, whilst it is felt we are unable to criticize the modelling process or the quality of data produced we would make the following comments and observations.

Whilst the predictions indicate that the odour might be within acceptable bounds, the process is a natural one and dependent on the feedstock and weather conditions. Therefore, odour output could be quite variable. It is a concern that the open windrow process provides for no control over emissions especially when things go wrong.

Noise

This would appear not to be an issue. Situating the composting equipment within the concrete bays would provide an additional measure of sound attenuation.

Conditions

Ultimately, should the application be granted, an Environmental Permit will control the process. The Environment Agency, who issue such permits, would determine the

appropriate controls. Due to this formal regulatory framework it is assumed that planning conditions relating to bio aerosols, odour and noise would be inappropriate.

Conclusion

Whilst we are satisfied with the noise assessment, it is acknowledged by the applicant that the bio aerosol and odour assessments contain a degree of uncertainty.

It is assumed; therefore, that it is for the Planning process to determine whether, given those controls, the facility can operate within the appropriate planning objectives. The question arises, therefore, as whether the assessment provided gives sufficient confidence that, if the application is granted, it will not cause an adverse impact on local residential amenity.

Given the uncertainty, it is suggested that consideration should be given to housing the windrows in a building or tunnels so as to provide better control the output of odour and bio aerosols. This would enable the provision of an odour control unit and filtration on the outlet of the system.”

9.3 **NCC (Highways):** no objection

9.4 **NCC (Growth Management Planning Policy):** comments that ‘broadly speaking this application is fine from a planning policy perspective (both adopted WLP and emerging MWDF, although any proposal has to be determined on the basis of the former and not the latter).’

Also, states that their adopted policy is not against incineration per se but has been worded to rule out mass burn incineration, but in this event the proposal here is not incineration.

9.5 **Environment Agency:** in relation to flood risk, states that they classify the proposed development as ‘major’ applying the Town and Country Planning (Consultation) (England) Direction 2009. Notes that Section 6.0 ‘Drainage and Flood Risk’ of the Planning Statement, dated April 2009, submitted in support of the application above, states that the application is located in Flood Zone 1. However the EA have since updated their flood zone maps for this area and as a consequence the proposed development site is now shown to be partially within Flood Zone 3 ‘high probability’, as defined in Table D1 of Planning Policy Statement 25 ‘Development and Flood Risk’ (PPS25). Paragraph D15 of PPS25 states that applications for changes of use should not be subject to the Sequential or Exception Tests but will still have to meet the requirements for flood risk assessments (FRAs) and flood risk reduction set out in Table D1 of PPS25. Therefore, the EA objects to the proposed development as no FRA has been submitted in support of the proposal, as required by PPS25.

In relation to the potential for environmental impacts from the proposed development the EA make the following comments:

“In accordance with Planning Policy Statement 10 ‘Planning for Sustainable Waste Management’ (PPS10) and Planning Policy Statement 23 ‘Planning and Pollution Control’ (PPS23) we consider that any concerns regarding the reliability of some of the data and information submitted at the planning application stage, should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land.

The proposed development requires an Environmental Permit, under the Environmental Permitting Regulations (2007), which are issued by the Environment Agency. I can confirm that the Environment Agency’s National Permitting Centre has received an application for an Environmental Permit, and is currently being reviewed. In accordance with PPS10, paragraph 32, any planning conditions required to control the pollution aspects of the proposal will be imposed on the Environmental Permit granted. The Permit will provide conditions that set standards for operations at the site with the focus on the protection of the environment itself (i.e. land, groundwater, surface water and the atmosphere). Typically, conditions will relate to:

- Technical competence. Those operating the site must possess a relevant industrial qualification;
- The type of waste activities permitted at the site (e.g. material recovery, disposal transfer);
- Waste types acceptable at the site and any particular exclusions;
- Management and monitoring of emissions (fugitive and point source);
- Regulation of odour, noise and vibration, and pests;
- Record keeping and reporting (e.g. waste volumes, waste transfer notes, corrective actions); and
- Notification requirements (e.g. breakdowns with potential for significant pollution.

We regularly inspect operations and may visit the site at any time unannounced. We also have the power to suspend operations immediately where it is believed that there is a severe threat to the environment and/or significant Permit non-compliance. Other issues may be dealt with through issuing an improvement notice to the operator an/or agreeing schemes of work to mitigate identified problems.”

Finally, following the further correspondence received from CLEAN the EA have made the following comment:

“The Environment Agency acknowledges that the proposed development is located within 250m of human receptors. The applicant provided a site specific risk assessment, based on clear, independent, scientific evidence which showed that the bio-aerosol levels are, and can be maintained at, appropriate levels. Therefore, in accordance with PPS10 and 23 we must work on the assumption that the relevant pollution control regime will be properly applied and enforced.”

9.6 **Highways Agency:** no objection

9.7 **CLEAN:** a number of separate comments have been received from CLEAN; the first comment in objection to the application states:-

“Anglian Water should not be permitted to build an open windrow green waste co-composting facility until they have demonstrated the odour improvements that were imposed on them by WNDC as a result of their previous planning application. The new bio-solids works and its promised odour improvements should be up and running for at least 12 months and the "at least 30% reduction in odours" claimed by Anglian Water should be verified. There is no baseline, no zero, no calibration of the current status and Anglian Water have no right to submit a plan which they state is based on the "existing situation", when there is no measure of what that existing situation is. Anglian Water state that the new facility will "not exacerbate existing odours", but the data they supply is for the year 2007 and this predates the planning conditions imposed in the previous planning application. To accept Anglian Water's baseline for odours as 2007 is to accept the level that both Ofwat and the Jacobs report deemed unacceptable and which was shown to demonstrate bad site management.

It is also notable that the 2005 odour concentration plot made by CERC for Anglian Water in the current planning application is very different from and does not spread nearly as far as the 2005 odour concentration plot for Anglian Water's previous planning application, made by Mott Macdonald. Both of these plots are meant to show odour concentrations from Anglian Water's sewage works and represent the same year and the same location. The Mott Macdonald odour concentration plot, which the Parish Council would like the planners to examine, is from the previous planning application and is supposed to reflect the proposed benefits of ferric chloride dosing and the more frequent removal of biosolids from Anglian Water's site.

It is incredible in comparing the two plots that the CERC plot shows contours that are many orders of magnitude lower than the other plot, with no obvious explanation and suggests that the data as plotted by CERC for the present planning application is mistaken and not reliable. Green waste composting in open windrows is a notorious process and is entirely dependent on good site management if it is to produce no unacceptable odours. Open windrow composting has been the subject of parliamentary debates and odour nuisance abatement orders and is currently the

subject of a number of class action lawsuits. As a general principle, the Parish Council only supports entirely enclosed processes with zero emissions to the atmosphere, such as in-vessel composting.

CLEAN were shown around a Yorkshire Water open windrow, co-composting site which is housed within Esholt sewage treatment works. This site is run by SJ Butterfield and is a shining example of a well managed site. In CLEAN's opinion, the odours were acceptable and certainly not strongly unpleasant and the co-composting made the finished sludge less malodorous than it would be if it hadn't been mixed with green waste. However, a few years ago, one of Mr Butterfield's other co-composting sites, at Dewsbury STW (Yorkshire Water) was investigated by the Environment Agency for odour nuisance. Yorkshire Water told CLEAN that the problem was the waste stream, that kerbside green waste collections were too smelly because they had been stored for too long (more than 10 days between collection and movement to the site). Mr Butterfield, however, said that the problem was with the sewage works, not with his process. Which one was it? The Environment Agency should be asked to supply information to WNDC regarding this.

This highlights two problems:

1. If the green waste co-composting site does produce unacceptable odours, will the old sewage works be blamed? The new facility will be sited right next to the settlement tanks, some of the smelliest parts of the older sewage works. Odours from the settlement tanks are the responsibility of NBC Environmental Health, who have never admitted that there was an odour problem, even though a Primary School head teacher complained that "on the worst days we are unable to take the children outside onto the playground or open any windows", or even when Ofwat and the Jacobs report condemned Anglian Water.

This new facility will create the kind of standoff that CLEAN have already witnessed, where Yorkshire Water says "Not Me!" and Steve Butterfield says "Not Me!" This is not acceptable. WNDC must not allow this situation to be created by dint of allowing this open windrow composting to even start. For that reason alone, this application should be refused, or responsibility for monitoring the old works must be taken away from Northampton Borough Council Environmental Health, and given to the Environment Agency.

2. Will Anglian Water manage the site as well as Steve Butterfield? Will they turn away kerbside collections of green waste if it is too smelly? How will Northampton and Wellingborough Councils feel about offering a contract for their kerbside collections of green waste on that basis?

Finally, it is not just the odour data that must be verified in this planning application. Section 10, page 21 contains Anglian Water's account of their visit to Ecton Village Hall

in February 2008. They state that "the presentation [in February 2008] explained both the proposal for the new Biosolids treatment centre and also the co-composting facility" and that "verbal feedback given to Anglian Water staff at the exhibition with regard to the composting proposal was very positive". The presentation about the composting occurred before the exhibition officially opened, and Vickie Ward, researcher for CLEAN, was telephoned at her home by Cllr. Dennis Meredith of Northampton Borough Council and asked if she would mind attending. She was the only member of the public present other than the Northampton Borough Councillors. For the general public Anglian Water had a small exhibit and a sample of the final compost product. This exhibition at Ecton Village Hall was held in order to talk about the previous planning application and as the other planning application was so contentious, this is what people talked about.

Vickie Ward's response following the presentation of the green waste co-composting facility was to say, "In early 2006 a green waste composting site opened in Edmonton, North London to great applause, and was closed down with an odour nuisance abatement order by August of that year". As she was the only local resident to attend the co-composting presentation, she is surprised that now Anglian Water describe this reaction as 'very positive'.

Appendix 5 of the planning application also shows letters that Savills claim to have written to Ecton, Cogenhoe and Billing Parish Councils in January of 2008. The Clerks of Ecton and Cogenhoe Parish Councils reported to CLEAN that their Parish Councils did not receive this letter, and the Clerk at Billing who was not Clerk at the time, states that the letter is not among the papers handed over to her, but she is convinced that if it had been received that she would have it, as the correspondence handed to her was comprehensive.

This planning application must at least be questioned and all of the above points verified. Other applicants to the planning process must be sent the message that it is not permissible to invent the data, letters and correspondence and community response that they supply with their applications. Most importantly there must be a calibration of the site, if only to determine the veracity of Anglian Water's claim in their previous application that odours would be reduced by "at least 30%".

On receipt of the Environment Agencies consultation response (which Officers forwarded to CLEAN) the group notes that conditions will be imposed by the Environment Agency within their license rather than by WNDC and accepts that the EA through the Environmental Permit will account for CLEANs main concerns, namely the sources of green waste and technical competence of staff.

Finally, makes the following comment:

"I have seen the recent response from the Environment Agency. However, there is no mention of the 250 m zone which I understand is the minimum distance to any

sensitive receptors from composting facilities, so I assume that this distance still applies. I have been onto Google Earth and found the following distances from the Composting Site to:

- Offices at Billing Retail Park = 160 meters
- Derelict Factory on east side of Crow Lane = 210 m
- Residential housing in Crow Lane = 310 m
- Total Butler Site on Lower Ecton Lane = 320 m
- Total Butler Offices = 390 m
- Travelers Site = 420 m
- Asphalt Plant Site = 120 m
- Asphalt Plant Offices = 140 m
- Other offices and buildings adjacent to the Asphalt Plant which are occupied by other organisations = 120 to 200 m

In addition there are a number of Anglian Water buildings which are anything from 60 m upwards. However, I understand they may fall under the Health & Safety at Work Act, and may not be covered by the 250m zone.

However, it's clear that there are several sensitive receptors which are well within the 250 m zone and a lot which are just outside it."

9.8 **Ecton Parish Council:** object on the same grounds as CLEAN plus the following:-

A representative for the Parish Council was shown around a Yorkshire Water open windrow, co-composting site which is housed within Esholt sewage treatment works. This site is run by SJ Butterfield and is a shining example of a well managed site. In the representative's opinion, the odours were acceptable and certainly not strongly unpleasant, and the co-composting made the finished sludge less malodourous than it would be if it hadn't been mixed with green waste. But, a few years ago, one of Mr Butterfield's other co-composting sites at Dewsbury STW (Yorkshire Water) was investigated by the Environment Agency for odour nuisance. Yorkshire Water Informed our representative that the problem was the waste stream, that kerbside green waste collections were too smelly because they had been stored for too long (more than 10 days between collection and movement to the site). Mr Butterfield, however, said that the problem was with the sewage works, not with his process. Which one was it? The Environment Agency should be asked to supply information to WNDC regarding this.

Appendix 5 of the planning application also shows letters that Savills claim to have written to Ecton, Cogenhoe and Great Billing Parish Councils in January of 2008.

As Clerk to Ecton Parish Council I can categorically state that no such communication was received. I also understand that Cogenhoe and Billing Council's also confirm that they did not receive said correspondence.

Ecton Parish Council works very closely with CLEAN and to this end instead of enclosing the various appendixes that CLEAN submitted would confirm that the Parish Council supports their submission and it is only to save paper that they are not included.

9.9 **Cogenhoe and Whiston Parish Council:** objection on the same grounds as CLEAN plus the following:-

“Cogenhoe & Whiston Parish Council would like to lend our full support to the comprehensive objection document produced by CLEAN. We would also like to add the following comments:

Anglian Water refer several times in this Application to the ‘existing odour’ situation, saying this will be improved – at one point quoting a reduction of some 30%. In previous dialogues we have had with Anglian Water they have refused to acknowledge the odour problem – infact, they have often denied that there is any odour coming from the site at all. Therefore, until a solid benchmark is established on how measurements/improvements/promises are made, this Application cannot move forward.

Cogenhoe and Whiston Parish Council have never had any positive feedback on the odour situation from Parishioners nor have we given any to Anglian Water. We have, however, complained about the odour problem on many occasions.

We are extremely concerned about the increased traffic movements off of the A45 onto this already over burdened roundabout. There can often be a “gridlock” situation on busy days at the Aquadrome/Recycling Unit. We would want and expect a thorough monitoring exercise to take place before any decision is taken.

We strongly feel that if this proposal is to move forward, the Environment Agency should be consulted and asked to perform a site monitoring service.”

9.10 **Billing Parish Council:** objection on the same grounds as CLEAN plus the following:-

A representative from the Parish Council was shown around a Yorkshire Water open windrow, co-composting site which is housed within Esholt sewage treatment works. This site is run by SJ Butterfield and is a shining example of a well managed site. In the representative's opinion, the odours were acceptable and certainly not strongly unpleasant and the co-composting made the finished sludge less malodourous than it would be if it hadn't been mixed with green waste. However, a few years ago, one of Mr Butterfield's other co-composting sites, at Dewsbury STW (Yorkshire Water) was

investigated by the Environment Agency for odour nuisance. Yorkshire Water informed our representative that the problem was the waste stream, that kerbside green waste collections were too smelly because they had been stored for too long (more than 10 days between collection and movement to the site). Mr Butterfield, however, said that the problem was with the sewage works, not with his process. Which one was it? The Environment Agency should be asked to supply information to WNDC regarding this.

This highlights a problem:

Will Anglian Water manage the site as well as Steve Butterfield? Will they turn away kerbside collections of green waste if it is too smelly? How will Northampton and Wellingborough Councils feel about offering a contract for their kerbside collections of green waste on that basis?

Appendix 5 of the planning application also shows letters that Savills claim to have written to Ecton, Cogenhoe and Billing Parish Councils in January of 2008. Although I have only been Clerk to Billing Parish Council for just over a year the previous Clerk, who had been in office for 27 years, was meticulous in keeping all paperwork and had a letter been received this would have been passed to me. I understand that Cogenhoe and Ecton Parish Councils have also confirmed they did not receive this correspondence.

Billing Parish Council works very closely with CLEAN and to this end rather than enclosing the various appendices that CLEAN have submitted, would confirm that the Parish Council supports their submission and it is only to save paper that they are not included.”

- 9.11 **Wellingborough Borough Council:** the Council’s Environmental Protection Manager has considered the application. The Environmental Protection Manager notes that whilst a bespoke permit must be issued by the Environment Agency should this development proceed that the application has not at this stage demonstrated that the development could proceed without causing an impact on environmental matters.
- 9.12 **Cllr David Mackintosh:** notes the depth of public concern about this issue and adds his objection to the application.
- 9.13 **Ecton Brook Primary School:** on behalf of the Governing Body of Ecton Brook Primary School would like to register concerns about the smell implications of this application. States that on several occasions have not been able to allow their children to access their outside play area due to the unpleasant odour and have also been made aware of the risk of bacterial and fungal spores being carried by the wind onto their site. Would therefore like to formally state that Ecton Brook Primary School fully support the objection made by Billing Parish Council (letter dated 6th July 2009 and attached) to this application.

- 9.14 **Friends of the Earth (Northamptonshire):** strongly object to the planned application for open composting at Lower Ecton Lane. Make the following comments:-

“Firstly we are highly concerned about the odour and health issues impacting on local residents, which have been more than adequately raised and outlined by ECTON village - based environmental group called CLEAN. In addition we would also like to draw your attention to the fact that unenclosed anaerobic digestion/composting releases considerable quantities of the potent green-house gas methane into the atmosphere.

As an alternative we strongly recommend enclosed anaerobic Digestion (AD). Almost any organic material can be processed with AD, including waste paper and cardboard (which is of too low a grade to recycle, e.g. because of food contamination), grass clippings, leftover food, industrial effluents, sewage and animal waste. AD produces a biogas made up of around 60 per cent methane and 40 per cent carbon dioxide (CO₂). This can be burnt to generate heat or electricity or can be used as a vehicle fuel. As well as biogas, AD produces a solid and liquid residue called digestate which can be used as a soil conditioner to fertilise land.

Like most treatment processes, there will be some emissions from AD.

Air emissions are low due to the enclosed nature of the process, though combustion of the biogas will produce some nitrogen oxides. However, emissions from AD-CHP (combined heat and power) are generally lower than other forms of waste disposal. The health risk from the solid and liquid residue from the AD plant should be low as long as source-separated waste is being used (i.e. no chemical contaminants are entering the system from other waste). Government control standards such as the Animal By-Products Regulation will determine if it can be spread on the land.”

10. Notifications and Responses

- 10.1 The application was advertised by press notice and site notice and 71 neighbouring properties were notified of the application by letter.

- 10.2 Responses have been received from two occupiers, making the following comments/objections:

- Concerns raised over the accuracy of the information submitted by AW, in particular the CERC report
- Highlights that the Esholt WwTW near Leeds is an example of where good management can prevent odour problems but in this case there were issues over who is responsible for the site
- The claims by AW that they have liaised with the community that that the reaction

was 'very positive' is untrue

11. Evaluation

- 11.1 Principle of development
 - Environmental Impact Assessment
 - Environmental impacts
 - Visual impact and design
 - Highway matters
 - Flooding
 - Other matters

Principle of Development

- 11.2 The essence of the proposal is the composting of two types of materials – green waste and biosolids – to form a by compost product. This product can then be sold on a commercial basis by AW. Whilst AW does currently import biosolids to Great Billing from its other Wastewater Treatment Works both within Northamptonshire (Wellingborough and Corby) and outside the County (Peterborough), the majority used in the proposed process would be generated from their existing activities at Great Billing. However, AW advises that it proposes to import 25,000 tonnes of Green Waste into the site (the process is mixed on a 1:1 ratio, and approximately half of the mass is lost) which leads to an output of 25,000 tonnes.
- 11.3 In terms of considering the proposal in principle this is assessed against a raft of national, regional and local planning policies. The Development Plan currently consists of the East Midlands Regional Plan (2009), the Northamptonshire Waste Local Plan (2006) and the Northampton Borough Local Plan 1997. The site is not allocated in the Northamptonshire Waste Local Plan or indeed the Northampton Borough Local Plan for a specific use but is annotated on the proposals maps as a Sewage treatment Works.

National policies

- 11.4 PPS10 sets out the Government's stance on sustainable waste management. PPS10 provides planning guidance on the context for sustainable waste management and the siting and planning of new facilities including sewage treatment works. The guidance encourages the minimisation, reuse and recovery of waste in a sustainable manner:

"The overall objective of Government policy on waste...is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Through more sustainable waste management, moving the management of waste up the 'waste hierarchy' of reduction, reuse, recycling and composting, using

waste as a source of energy, and only disposing as a last resort the Government aims to break the link between economic growth and the environmental impact of waste.”

- 11.5 PPS10 also gives advice to how waste planning authorities (which by virtue of the West Northamptonshire Development Corporation (Planning Functions) Order 2006 WNDC are) should consider planning applications for waste related developments. Paragraph 5 states:

“Waste planning authorities should adhere to the following principles in determining planning applications:

- controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided;*
- work effectively with pollution control authorities to ensure the best use is made of expertise and information, and that decisions on planning applications and pollution control permits are delivered expeditiously;*
- in considering planning applications for waste management facilities before development plans can be reviewed to reflect this PPS, have regard to the policies in this PPS as material considerations which may supersede the policies in their development plan. Any refusal of planning permission on grounds of prematurity will not be justified unless it accords with the policy in The Planning System: General Principles.”*

- 11.6 Where sites are unallocated, have not been identified, or are not located in an area identified in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with the criteria set out in paragraph 21 of PPS10. Paragraph 21 states:

“In deciding which sites and areas to identify for waste management facilities, waste planning authorities should:

(i) assess their suitability for development against each of the following criteria:

- the extent to which they support the policies in this PPS;*
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);*
- the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*

(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.”

The Development Plan

- 11.7 The East Midlands Regional Plan (2009) sets out the regional priorities for waste reduction and waste management. In broad terms paragraph 3.3.62 advises:

“It will also be necessary for Waste Planning Authorities to reflect the need for additional waste management facilities in Waste Local Development Frameworks. These will include materials recycling facilities (MRFs), composting operations, inert processing plants and waste transfer facilities. Some additional waste recovery capacity will also be needed, which may include energy from waste, or other technologies such as anaerobic digestion.”

- 11.8 Paragraph 3.3.72 of the Regional Plan sets out sub-area guidance for the ‘Southern’ sub-area, within which the site is located. Paragraph 3.3.72 states that:

“Current regional housing provision policies indicate that Northamptonshire will experience the greatest growth of all counties in the Region over the next 20 years. Growth and regeneration in areas such as Northampton, Wellingborough, Kettering and Corby provides opportunities to incorporate more sustainable waste management for all types of waste. This should include measures to minimise waste production in the first instance to well-planned recycling and recovery infrastructure incorporated within future development as an essential element of working towards more sustainable communities. A centralised pattern of fewer larger facilities based around these urban centres is therefore proposed.”

- 11.9 Specifically, Policy 38 of the Regional Plan sets out Regional Priorities for Waste Management. Policy 38 states that:

“All relevant public and private sector organisations, including manufacturing, importing and packaging firms, should work together to implement the Regional Waste Strategy and promote policies and proposals that will result in zero growth in all forms of controlled waste by 2016 and waste being treated higher up in the ‘waste hierarchy’ set out in the National Waste Strategy (Waste Strategy for England 2007).

All Waste Collection Authorities and Waste Disposal Authorities should achieve a minimum target for the recycling and composting of Municipal Solid Waste of 30% by 2010 and 50% by 2015. Waste Planning Authorities, with the exception of the Peak District National Park Authority, should make provision in their Waste Development Frameworks for waste management capacity equal to the amount of waste generated and requiring management in their areas, using the apportionment data set out in Appendix 4, subject to further research and analysis as part of the annual monitoring process and recognition of the particular operational and locational requirements of individual waste process technologies ...

...In the Southern Sub-area, there should be a centralised pattern based around the expanding urban centres ...

...All other Development Frameworks should provide for the minimisation of waste in the construction of and operation of new development, and encourage on-site waste management facilities.

Waste development plan documents should secure high standards of restoration and, where appropriate, the aftercare of waste management facilities to contribute to the objectives of the regional spatial strategy, particularly those relating to biodiversity, recreation and amenity. Waste facilities should also be sited to avoid the pollution or disturbance of designated nature conservation sites of international importance. Increased traffic levels on roads near to sensitive sites should also be avoided”.

11.10 The Northampton Waste Local Plan (2006) relates to applications for new waste development within the County. Policy 1 of the Waste Local Plan sets out the ‘principles for waste development’ proposals in the County. Policy 1 states that

“Permission will be granted for waste development which is consistent with:

- a clearly established need for the development to serve local and regional requirements for the management and disposal of waste;*
- reduction in reliance on landfilling;*
- the minimisation of, and balance in, the movement of waste across waste planning authority boundaries, except where the development involves specialised provision and is consistent with regional self sufficiency;*
- minimising the transportation of waste from its source;*
- the Best Practicable Environmental Option for the waste stream;*
- the integration of waste management facilities;*
- the minimisation of harm to the environment, human health, natural resources, local amenity and highway safety”.*

11.11 Policy 18 of the Waste Local Plan concerns proposals for composting of waste. Policy 18 states that:

“Proposals for composting development, either in the open air or within buildings, will be encouraged where they:

- (i) represent a community composting scheme;*
- (ii) form part of a scheme for farm diversification;*
- (iii) represent composting on a commercial scale;*

provided in each case that the site location is consistent with the BPEO for the waste stream and with the proximity principle; and that the development would not have an adverse impact on the amenity of neighbouring residential property or workplaces.”

11.12 Policy 15 of the Waste Local Plan concerns the impact of proposals up local residential amenity. Policy 15 states that:

“Proposals for waste development will not be permitted if it creates an adverse impact on local residential amenity that cannot be ameliorated either individually or cumulatively. Where relevant proposals should mitigate, attenuate and control any noise, vibration, air quality, odours, vermin, birds, litter, visual intrusion and light spillage associated with the planned development. For proposals outside of identified industrial estates hours of operation will be restricted where this is necessary to protect residential amenity”.

- 11.13 The Northampton Borough Local Plan 1997 does not have any specific saved policies that are relevant to new waste facilities. The Great Billing WwTW site is not identified for any specific purpose as shown on the proposals map of the Local Plan but the area is annotated as an existing Sewage treatment Works.
- 11.14 It is noted that NCCs Growth Management and Planning Policy section has raised no objections to the proposed development and has confirmed that it is consistent with the Northamptonshire Waste Local Plan and also the emerging Minerals and Waste Development Framework, although the latter is only emerging policy at this stage and carries limited weight.
- 11.15 It is considered that the proposed change of use of the buildings to use as a composting facility for green waste and biosolids would be broadly consistent with the above national, regional and local planning policies. In terms of national policy the proposal is consistent with the Governments aims of ensuring waste is recycled and composting in preference of other less sustainable methods such as disposal. In regional terms the East Midlands Regional Plan identifies composting as an acceptable means of waste management and also promotes the concentration of waste facilities at existing urban centres such as Great Billing. Finally, the Northamptonshire Waste Local Plan also advises that composting of waste on a commercial scale is acceptable, and also states that where such operations are likely to have the potential to cause an impact to neighbouring residential areas that such impacts must be managed and mitigated. Whilst this is normally achieved by way of planning conditions national and local planning policies advise that the ‘pollution control authority’ – in this case the Environment Agency – have precedent, and this process is managed through an application for a permit through the Environmental Permitting Regulations 2007.

Environmental Impact Assessment

- 11.16 The development falls within the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (the Regulations) whereby an Environmental Impact Assessment may be required to accompany the planning application for the purposes of assessing the likely significant environmental effects of the development.
- 11.17 Schedule 2 paragraph 10(a) of the Regulations states that proposals for industrial development of more than 0.5 hectares in area (which this application falls within) may

require an Environment Impact Assessment (EIA). The applicant requested a formal screening opinion from the local planning authority in August 2008 as to whether or not the development was of such a nature that an EIA was required.

- 11.18 As required pursuant to 4(5) of the Regulations and having regard to the criteria set out in Schedule 3, which provides criteria against which a local planning authority can consider whether an EIA is required, it was concluded that the characteristics of the proposal, the location of the development and the characteristics of the potential impact would not be of a nature that warranted the submission of an Environmental Impact Assessment.

Environmental impacts

- 11.19 As with previous applications at this site the potential environmental impacts of the proposal are in essence one of the most contentious issues among local groups and people. The potential impacts raised include the issues of odours, bio-aerosols and noise. Objections and comments have been received from Cogenhoe and Whiston, Billing and Ecton Parish Council's, the local residents group CLEAN (Campaign for Lower Ecton Action Now) and a number of local residents (one of whom it is worth noting is a retired environmental consultant). The County Councillor for this area (David Mackintosh) has added his concerns to those of the objectors.
- 11.20 AW have commissioned consultants to investigate the above issues and the findings of these assessments have been submitted with the application. On behalf of AW Cambridge Environmental Research Consultants (CERC) have prepared reports examining the bio-aerosols and odour issues and RandTech Consulting have examined the noise issue.
- 11.21 WNDC have undertaken a consultation with statutory bodies such that they can analyse the environmental information submitted. The bodies are: the Environment Agency (EA), Northampton Borough Council's (NBC) Environmental Health Office (EHO) and Wellingborough Council EHO. To give some context to this Members may wish to note that whilst matters of noise and odour are normally dealt with by NBC EHO because of the nature of the use proposed here (a waste management facility) the applicant is required to seek an Environmental Permit from the EA under the Environmental Permitting (England and Wales) Regulations 2007. Furthermore, whilst the application site lies within NBC's area it sits near to the border of Wellingborough Council's areas and as such they have been consulted on the application.
- 11.22 The EA have no objection to the application, either on a point of principle of the proposed composting use or the technical information submitted to support. In terms of the proposed use it is the EA – not NBC or Wellingborough Council's EHO – that are responsible for monitoring the environmental impacts of the proposed used and ensuring that they do not cause any loss of amenity to local residents of businesses.

11.23 It is noted that a number of objectors have raised concerns with the accuracy of the information submitted by AW in support of the application. Throughout the course of the application Officers have liaised with the EA to ensure that they are aware of the concerns being raised by the Parish Councils and CLEAN etc insofar as the accuracy of the information submitted is concerned. On this point it is worth reiterating elements of the EA's formal consultation response to this application which is reported in full in paragraph 9.5. The EA state:

"In accordance with Planning Policy Statement 10 'Planning for Sustainable Waste Management' (PPS10) and Planning Policy Statement 23 'Planning and Pollution Control' (PPS23) we consider that any concerns regarding the reliability of some of the data and information submitted at the planning application stage, should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

11.24 Furthermore, in raising no objections to the application the EA do not recommend any *planning* conditions to control the potential environmental impacts that may ensue from the proposed development. This is because all of these matters are controlled by separate legislation that falls outside of the remit of the planning process. Planning circular 11/95 states in relation to the use of non-planning controls that "...matters are subject to control under separate legislation, yet also of concern to the planning system. A condition which duplicates the effect of other controls will normally be unnecessary, and one whose requirements conflict with those of other controls will be *ultra vires* because it is unreasonable. For example, a planning condition would not normally be appropriate to control the level of emissions from a proposed development where they are subject to pollution control, but may be needed to address the impact of the emissions to the extent that they might have land-use implications and are not controlled by the appropriate pollution control authority."

11.25 In relation to this the EA advise that:

"The proposed development requires an Environmental Permit, under the Environmental Permitting Regulations (2007), which are issued by the Environment Agency. I can confirm that the Environment Agency's National Permitting Centre has received an application for an Environmental Permit, and is currently being reviewed. In accordance with PPS10, paragraph 32, any planning conditions required to control the pollution aspects of the proposal will be imposed on the Environmental Permit granted. The Permit will provide conditions that set standards for operations at the site with the focus on the protection of the environment itself (i.e. land, groundwater, surface water and the atmosphere)."

11.26 Officers note that both CLEAN, the local Parish Councils and a number of residents have undertaken their own in depth analysis of the supporting technical information submitted by AW (reported in full in Section 9 of this report). NBC EHO have also raised a number of points with the documents. AW have prepared a rebuttal to the

points raised by these consultees and third parties. Given the position of the EA as outlined above, AW's response to the concerns raised have been included at the end of this report as Appendix A so that Members can make themselves aware of these.

- 11.27 The comments of CLEAN in relation to the local of 'sensitive receptors', i.e. residential and commercial properties, within 250m of the application site are noted. The EA advise that they acknowledge that the site does lie within 250m of such receptors. However, as part of this process AW have submitted a site specific risk assessment which the EA confirms that "based on clear, independent, scientific evidence which showed that the bio-aerosol levels are, and can be maintained at, appropriate levels".
- 11.28 In summary, whilst Officers note the concerns raised insofar as the accuracy of the information submitted by AW and the potential implications the proposed development may have for adjacent and nearby properties, the EA as the appropriate overseeing body responsible for managing these risks and enforcing pollution controls have confirmed that they do not have any objection to the application as a matter of principle or in relation to the information submitted. On this basis it is considered that the concerns raised in relation to these matters are not of sufficient weight to warrant the refusal of planning permission for this scheme and as such the proposed scheme is recommended for approval.

Visual impact

- 11.29 This is an application for the change of use of two existing structures and no external changes are proposed. As such this matter is not considered to be of any significant material consideration to the determination of this application.

Highway matters

- 11.30 It is noted that as part of the proposed process approximately 25,000 tonnes of material would be transported to and from the site annually. AW have commissioned a Transport Statement to accompany the application.
- 11.31 The Transport Statement identifies that Green Waste would be imported using 15 tonne vehicle loads and the Compost would be exported using 21.5 tonne vehicle loads. The resulting heavy goods vehicle movements would therefore be seven vehicle loads of Green Waste imported per day (or fourteen vehicle trips per day), and for the Composting five loads of compost exported per day (or ten vehicle trips per day).
- 11.32 In addition, there would be a number of other trips associated with the proposed development. These include skip lorries removing rejected Green Waste material from the process, staff trips and other servicing. It is proposed that two 15 tonne skips will be required each week. For the assessment an additional heavy goods vehicle per day (or 2 trips per day) has been added.

- 11.33 The existing cake generated by the WwTW is currently exported in 21.5 tonne loads for use in agriculture and due to the proposed co-composting development these vehicle trips would remove 100 tonnes of cake material export each day. This equates to the removal of five 21.5 Tonne loads per day (10 vehicle trips per day).
- 11.34 The skip vehicles may also not be full to capacity. Therefore the Transport Statement advises that for the traffic assessment an additional 20% has been added to the number of heavy goods vehicle movements relating to the Green Waste.
- 11.35 Overall the Transport Statement advises that the maximum heavy goods vehicle movements on the road network resulting from the proposed co-composting development would increase by ten 15 tonne skips (20 vehicle trips per day) and there would be no change in the 21.5 tonne loads. The resulting flow of heavy goods vehicles per hour due to the development in the existing daily peak hour traffic flow would be less than 3 vehicles.
- 11.36 Both Northamptonshire County Council Highway Authority and the Highways Agency have been consulted on the applicant and neither agency have raised any concerns with the proposed application. On the basis of these consultation responses and the figures put forward in the Transport Statement submitted it is considered that the impact upon the local and strategic highway network would not be significant.

Flooding

- 11.37 The Environment Agency (EA) had originally raised some concerns with the development in relation to the potential for flood risk. This in essence was because during the course of the application the EA have updated their flood zone maps for this area and as a consequence the proposed development site is now shown to be partially within Flood Zone 3 'high probability', as defined in Table D1 of Planning Policy Statement 25 'Development and Flood Risk' (PPS25). The implication of this is that the application requires a Flood Risk Assessment (FRA).
- 11.38 As such the applicant has prepared a FRA and this has recently been submitted to WNDC. At this stage the EA is still considering the FRA and its acceptability in terms of PPS25.
- 11.39 Officers consider that on the basis that only a small portion of the site lies within Flood Zone 3 and a FRA has now been prepared to mitigate against the potential issues of this it is likely in this context that the EA will withdraw their objection to the application on these grounds. As such officers recommend that issuing of any planning permission be delegated to the interim Director of Planning and Development subject to confirmation being received from the EA that this is the case. Should it transpire that the EA are not able to withdraw their objection and subsequent revisions to the FRA would not be able to overcome their concerns Officers would return the application to the Planning Committee to re-consider in light of this.

11.40 It should be noted that should the EA confirm that the submitted FRA is acceptable it is likely they may wish for specific planning conditions to be imposed on the consent in relation to this. However, WNDCs Scheme of Delegation already allows for the Interim Director of Planning and Development to revise planning conditions after a committee resolution.

Other matters

11.41 It is noted that concern has been raised in relation to the applicants pre-application publicity and the feedback of this into this planning application. It is apparent that some local concern has been raised in relation to this application insofar as all three Parish Councils have objected to the proposal as well as the local residents group CLEAN. WNDC as part of considering the planning application have undertaken statutory consultation in accordance with planning legislation and have taken into account the comments received through this process.

11.42 The comments received in relation to the operations at Esholt WwTW are noted. However, the application must be considered on the basis that the EA would enforce all pollution and environmental controls through the issuing of an Environmental Permit.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

