Dear Mr Szymanski,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 73
APPLICATION FOR VARIATION OF A PLANNING CONDITION

PLANNING APPLICATION REF. 13/00090/WASVOC

BIOGEN (UK) LIMITED: WESTWOOD ANAEROBIC DIGESTION PLANT, BEDFORD ROAD, RUSHDEN - VARIATION OF PLANNING CONDITION

Following our meeting on 30 January 2017, I enclose an application under s.73 of the Town and Country Planning Act 1990 to vary the condition 23 attaching to NCC planning permission Ref. 13/00090/WASVOC

The existing condition is as follows:

All waste materials to be processed on the site shall originate from locations within the dark blue catchment as shown on the submitted catchment area plan ref. BIO.2013.1. In addition waste from the area shown in pale blue on the same plan and described as Greater London may be brought to the site for a temporary period ending on 31 December 2015.

Reason: To ensure that the waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to policy CS9 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in Policy CS1 of the Northamptonshire MWDF Core Strategy DPD (May 2010) and Policy CMD414 of the Northamptonshire MWDF Control and Management of Development DPD (June 2011)

In the current application Biogen proposes to replace this condition with the following:

Prior to the implementation of this planning permission, a plan showing the catchment from within which all waste materials to be processed on the site shall originate shall be submitted to and approved in writing by the waste planning authority. Thereafter, no less than 80% of all waste materials to be processed on the site shall originate from within the approved catchment. The catchment may be updated from time to time with the prior written approval of the waste planning authority.
Reason: To ensure that the waste materials are dealt with as close to their source as possible in the interests of self sufficiency and sustainability having regard to policy 23 of the Northamptonshire Minerals and Waste Local Plan (adopted 1 October 2014) and to enable the Waste Planning Authority to monitor progress towards achieving the principles in policy 11 of the same plan.

This letter provides supporting information for the current application, and is structured as follows.

1. Introduction to the applicant
2. The Westwood site
3. Overview of the Westwood operation
4. Relevant planning history of the site
5. Changing market conditions and future operational requirements
6. Explanation of the proposed variation of planning condition

1. Introduction to Biogen

Biogen is a local company that processes food waste to produce renewable energy and a valuable biofertiliser, using the anaerobic digestion (AD) process explained in the next section. The company pioneered the development of this process at a commercial scale and maintains a leading research and development role in the AD sector.

Biogen now operates seven AD plants in England and Wales, processing over 200,000 tonnes/year of food waste and generating enough renewable energy from biogas to meet the electricity demand of c. 25,000 homes. In addition to biogas, the other end product of the AD process is a nutrient-rich biofertiliser suitable for widespread use on farmland, reducing the need for chemical-based fertilisers.

The company operates to high environmental, safety and quality standards. The Westwood plant near Rushden has PAS110 certification and Biogen is ISO9001, ISO14001 and OHSAS 18001 certified.

2. The Westwood site

The proposed development site lies within the administrative area of East Northamptonshire District Council and Northamptonshire County Council.

The site is located 2.3km south of Newton Bromswold village and 1.6km north of Souldrop village. The A6 Bedford Road runs in a north-west to south-east direction 600 m to the west of the site, with Knotting lying 1.3km east of the site.

The site is situated immediately north of West Wood and is surrounded by open farmland with well established native hedgerows and small copses. The site rises to approximately 97 metres above sea level, with the adjacent area to the west rising to approximately 100 metres and land to the north, east and south dropping to 85 metres.

There are a few small residential areas surrounding the site, the closest being Avenue Road, some 1.5km from the site. Located to the south of Rushden, Avenue Road is flanked by residential development in a linear pattern, comprising terraces, semi-detached and detached bungalows, some with views towards the site.
There are a number of footpaths, bridleways and byways in the locality of the site, including the Three Shires Way, a long distance footpath and bridleway skirting the southern boundary of the application site.

The existing operation is contained within a landscape bund planted with native woodland tree species. At the centre of the site is a main building for the reception and sorting of waste. This building also contains ancillary office, mess room and toilet facilities. To the south-west of this building is a group of sealed AD, pasteurisation and digestate storage tanks. The site also contains external CHP units in containerised modules for heat and power generation, and surfaced areas for access and parking.

3. Overview of the Westwood operation

Biogen's Westwood AD plant accepts up to 65,000 tonnes per year (t/yr) of food waste, originating principally from private sources such as supermarkets and food processing companies. Following depackaging and pre-treatment in the main building on the site, the waste is subject to a carefully monitored process of anaerobic digestion.

Anaerobic digestion is the biological treatment of biodegradable organic wastes such as food waste in the absence of oxygen. The process takes place in sealed cylindrical tanks and allows microbial activity to break down the waste in a sealed and controlled environment. The two principal products of AD are a nutrient rich digestate that can be used as a bio-fertiliser and soil improver, and ‘biogas’, which is rich in methane and can be used to generate electricity and heat. During the digestion process, most of the pathogens and odours associated with organic wastes are neutralised. AD is thus regarded as a notably benign recycling process.

Methane is a greenhouse gas over twenty times more potent than carbon dioxide. Its capture and use are thus highly desirable as a means of responding to the threat of climate change. The methane captured from the AD process at Westwood supports 3 MW of renewable electricity generation capacity – equivalent to the power demand from c. 5,400 homes. The liquid digestate produced is a high quality organic bio-fertiliser that is applied on farmland, replacing chemical fertilisers that are often sourced remotely. The Westwood operation is thus highly sustainable.

4. Relevant planning history of the site

Northamptonshire County Council (NCC) granted planning permission for the Westwood plant in 2008 (planning permission reference 08/00002/WAS). Planning condition 2 of this permission allowed the plant to process up to 41,000 t/yr of food waste and 4,000 t/yr of energy crops, with the processed digestate spread on the site’s host agricultural unit.

In October 2011 NCC approved a variation of this planning condition, so that ‘the development hereby permitted shall not exceed a total annual throughput of 49,000 tonnes per annum and digestate application shall be limited to a five mile radius from the site’ (planning permission reference 11/00078/WAS). The following January, NCC approved a variation of planning condition 5 to allow the plant to operate on public and bank holidays (planning permission reference 011/00073/WAS).

In December 2013 NCC approved variations of planning conditions 2 and 25 of the revised planning permission to enable an increase in the throughput of the plant from 49,000 t/yr to 65,000 t/yr.
t/yr, remove the radial restriction on the area for digestate spreading and to increase the catchment area from which food waste can be sourced (planning permission ref. 13/00090/WAS/VOC). Condition 23 of this latter consent allowed waste to be brought to the Westwood site from a defined catchment that, for a temporary period ending on 31 December 2015, includes Greater London. The plant is now operating at this revised capacity, and the existing catchment plan is attached to this letter.

5. Changing market conditions and future operational requirements

As discussed at our meeting on 30 January 2017, the market in which the Westwood plant competes for business continues to evolve. Relevant considerations are as follows.

1. Whilst acknowledging the risks, an original stimulus for the Westwood project was the knowledge that NCC would be inviting tenders for food waste separation, creating demand for a significant increase in food waste digestion capacity in the county. In the event, the tender process was halted. Since then, companies including Wykes and Agrivert have been contracted to process some of Northamptonshire’s food waste at locations outside the county.

2. At the time of the previous planning application for Westwood, it was noted that there were 30 food waste AD plants operating in Great Britain. This total now exceeds 60, including the seven plants that Biogen operates, with additional projects coming forward. There is thus intense competition in the AD sector, to the point where food waste in some parts of the country, including central Bedfordshire, is being tendered at below-zero fees – i.e. the contractor is expected to pay for it. This is commercially unsustainable.

3. The Westwood plant is an established operation and Biogen needs to ensure a continuous flow of feedstock to enable the AD process to operate effectively. Anaerobic digesters respond poorly to being underfed or overfed. Whereas the original business plan for the plant envisaged local authority contracts, most of Biogen’s food waste is sourced from waste transfer stations and a wide range of commercial customers including food processors, food retailers and the catering sector. These customers generally prefer a single waste contractor to handle all of their food waste in an efficient, auditable manner, and they are disinterested in local arrangements with the AD plant that happens to be closest to the waste source.

4. In consequence, AD operators need the flexibility to import some waste over distances greater than envisaged in Policy 23 of the adopted Northamptonshire Minerals and Waste Local Plan. For the avoidance of doubt, Biogen appreciates the intention of Policy 23, but the policy does not align with current commercial reality and is not supported by municipal waste contract arrangements.

5. Very few food waste AD plants are subject to planning conditions that impose a restrictive waste catchment, leaving Westwood at a commercial disadvantage.
6. Explanation of the proposed variation of planning condition

The proposed planning condition respects NCC’s obligation to apply NMWLP policy 23 and will ensure that 80% of the food waste will be sourced from an approved catchment. The condition is designed to simplify the process of varying the catchment, and allowing up to 20% of waste to come from outside the defined catchment will enable Biogen to service the needs of major customers.

The proposed changes will exert a negligible and undetectable effect in highways and traffic terms, and the overall volume of waste processed at Westwood would be unchanged. In practice, longer-distance haulage tends to involve the use of larger ‘bulker’ lorries, generating fewer vehicle visits. Commercial considerations militate against an extensive reliance on long distance haulage.

Also enclosed for consideration is the catchment plan that Biogen proposes to submit for approval in the event that the variation of condition is approved. The catchment is larger than before but reflects arrangements at the Fernbrook Bio plant at Rothwell, for which a larger catchment was approved.

I hope that the above information is sufficient to enable the County Council to approve the enclosed application, but if you require further clarification, please do not hesitate to contact me.

Yours sincerely

Karl Cradick
Director

c.c. Biogen
The dark blue catchment is c.15,612 km² in area, equating to the area of the East Midlands region that would be served by a regional waste facility. No waste would be brought to the Westwood AD plant from the pale blue area incorporating Greater London after 31 December 2015.