

Development Control Committee – 23rd January 2017

Application Number:	CM/61/16
Title:	Proposed variation of condition 2 (approved details), 4 (hours of operation), 10 (hours for external lighting) and 30 (vehicle movements) of permission 12/20001/AWD to increase the throughput of waste from 48,000 to 96,000 tonnes, per year, increase in delivery and associated weighbridge operating hours and increase in vehicle movements (including those on Sundays and Bank Holidays).
Site Location:	Westcott Venture Park Westcott Buckinghamshire HP18 0XB
Applicant:	Shanks Waste Management Ltd Dunedin House Auckland Park Mount Park Milton Keynes MK1 1BU
Author:	Head of Planning & Environment
Contact Officer:	A Herriman dcplanning@buckscc.gov.uk
Contact Number:	01296 382819
Electoral divisions affected:	Bernwood
Local Members:	Cllr Paul Irwin and Cllr Angela MacPherson
Summary Recommendation(s):	

The Development Control Committee is invited to APPROVE application number CM/61/16 in accordance with the conditions set out in Appendix A to this report and subject to the



INVESTOR IN PEOPLE



completion of a Deed of Variation to the S. 106 Agreement dated 17th October 2014 in order to link the obligations contained in the S. 106 to the varied consent.

Appendices

Appendix A: Draft Conditions

SUPPORTING INFORMATION

Compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking resolutions to problems arising in relation to dealing with the planning application by liaising with committees, respondents and applicant/agent and discussing changes to the proposal where considered appropriate or necessary. We have liaised with the applicant regarding concerns raised over the initial proposal for 100 vehicle movements on Sundays and Bank Holidays and have allowed the applicants to amend the application to reduce vehicle movements to 50 on those days to mitigate impact on the amenity. This approach has been taken positively and proactively in accordance with the requirements of the NPPF as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Introduction

1. The application is submitted by RPS Group as the agents on behalf of Shanks Waste Management Ltd. It was received on 25th October 2016 but it was not valid until 28th October 2016. It was sent out for consultation on 1st November 2016 and again following amendment to the description of the development on 22nd November. The application was advertised by a site notice, neighbour notification and a newspaper advert due to it being a major development. An Environmental Impact Assessment Screening Opinion was carried out dated 11th November 2016. The thirteen-week target for the determination of the application expires on 27th January 2017.

Site Description

2. The site is located towards the north-western end of the Westcott Venture Park, approximately 900 metres to the north-west of Westcott village. Public Footpath no. 37 Wotton Underwood runs along the northern boundary of the proposed site. Westcott Venture Park hosts a number of small businesses. Although an airfield location, containing a hard-surfaced former aircraft dispersal area, the site comprises an operational Anaerobic Digestion Facility. It is accessed via an existing access onto the High Street/Ashendon Road, just to the south of the junction with the A41. The site measures approximately 5.5 ha including the access road.
3. The nearest residential properties are Moat Farm approximately 550 metres to the west, Moat Farm Bungalow approximately 700 metres to the north-west, Newhouse Farm approximately 820 metres to the north-east, and properties in Burnham Road approximately 900 metres to the east. The historic parks and gardens of Wotton Underwood and Waddesdon Manor extend to within 600 metres and 1.9 kilometres of the proposed site respectively. The nearest properties to the access road to the site within the Venture Park are those on Burnham Road at 212 metres away.

4. The site contains no wetlands, coastal zones, mountains or forest areas, nature reserves or parks, and no areas in which environmental quality standards have been exceeded.
5. The site is of undesignated historic and cultural value because it was originally a Second World War RAF Airfield. It does not fall within any identified non-statutory or statutory nature conservation site.
6. Figure 1 shows the plan of the site:

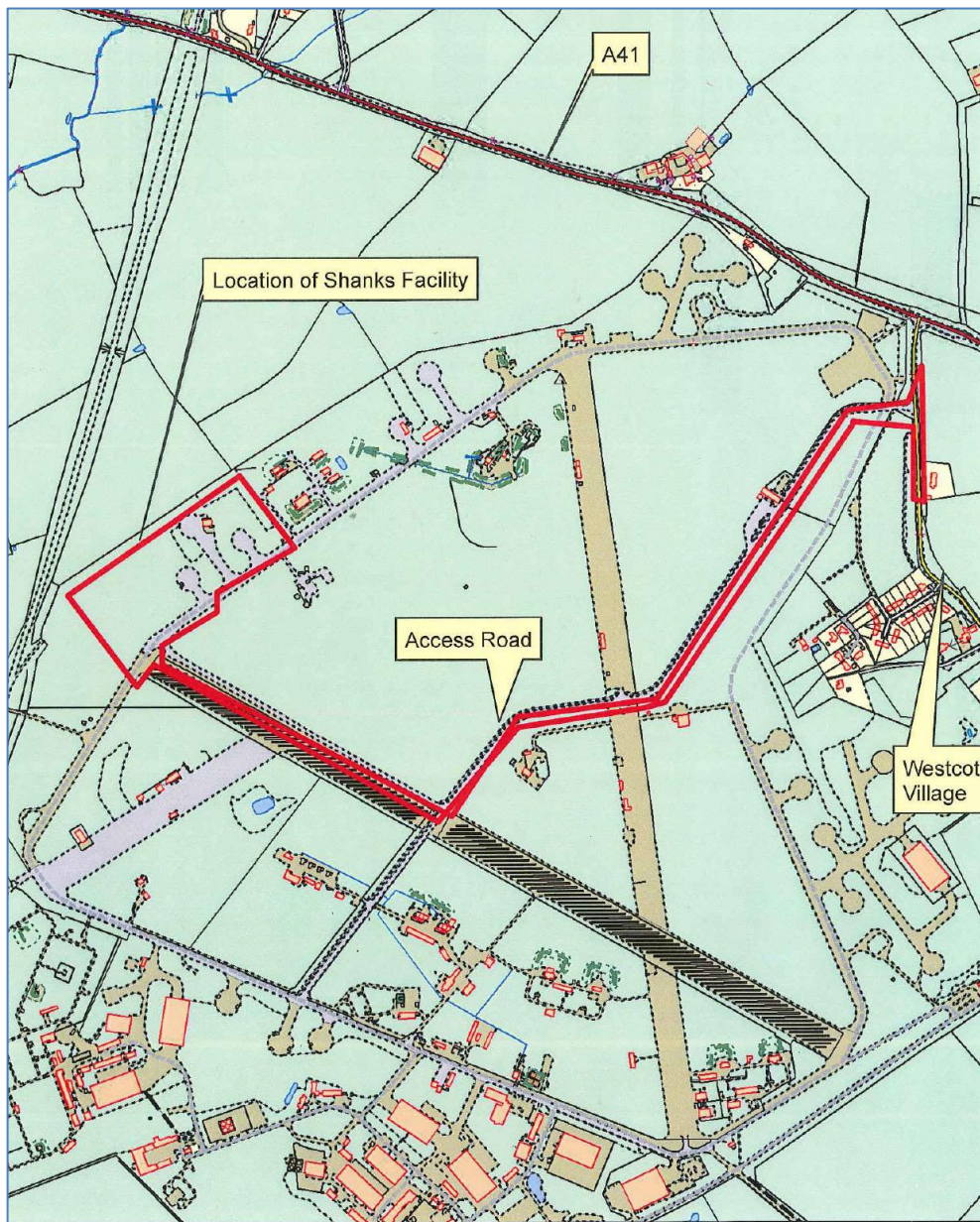


Figure 1 – Shanks Anaerobic Digestion facility site plan

Planning History

7. The planning history for the site is as follows:

Planning consent reference	Description of development and outcome
08/20006/AWD	Application for in-vessel composting and anaerobic digestion facility, temporary transfer station and ancillary development. Approved 19 th June 2009
10/20001/AWD	Proposed development of an in-vessel composting

	and anaerobic digestion facility and ancillary development. Approved 1 st December 2010
12/20001/AWD	Proposed variation to Condition 2 attached to planning consent 10/20001/AWD for in-vessel composting and anaerobic digestion facility and ancillary development to revise the site layout elevations. Approved 22 nd October 2012
NMA/0068/2015	Non-material amendment to condition 30 attached to consent 12/20001/AWD to remove staff and visitors journeys from the number of vehicle movements permitted. Approved 29 th January 2016.

Background

8. The Anaerobic Digestion facility at Westcott is currently operated by Shanks Waste Management Limited under planning permission 12/20001/AWD. The current capacity of the plant is 48,000 tonnes per annum. Currently conditions 2, 4, 10 and 30 are as follows:

Condition 2:

“The development hereby permitted shall not be carried out otherwise than in complete accordance with the details submitted with the application and the following drawings:

JER4486-003aA – Site Location Plan

JER4468-004aA – Site Plan 1:2000

D135744-WVP-1103-01 Rev P5 – Site Layout Proposed AD Facility Ground Floor & First Floor Phase 1 1:500

D135744-WVP-1103-02 Rev P6 - Site Layout Proposed AD Facility Phase 2 Future Expansion 1:500

D135744-WVP-1104-01 Rev P5 - Site Elevations Building & External Plant (Phase 1) 1:250

D135744-WVP-1104-02 Rev P4 - Site Elevations Building & External Plant (Phase 1 & 2) 1:250

R1426-05 Rev A – Proposed Landscape Planting 1:1250

R1426-07 – Detailed Planting Proposals 1:500 078.03.06.002G – Site Access Road Layout

D135744-WVP-3601 Rev P1 – Site Layout Drainage General Arrangement 1:500”

Reason: To define the development which has been permitted and so control the operations (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 36).”

Condition 4:

“Although the composting and anaerobic digestion processes are continuous, the hours of delivery and operations shall not be other than between the following hours: 7:00am to 6:00pm Mondays to Fridays;

8:00am to 5:00pm Saturdays;

And the facility shall not be open and no deliveries or other operations other than composting processes shall occur on Sundays or Public Holidays.

Reason: In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).”

Condition 10:

*“External lighting shall not be switched on other than between the following hours:
7.00am to 6.30pm Mondays to Fridays;
8.00am to 5.30pm Saturdays.*

Reason to ensure there is no problem of light spillage beyond the boundaries of the site (Buckinghamshire Minerals and Waste local Plan Policy 28)”

Condition 30:

“The maximum number of heavy goods and refuse collection vehicle movements shall not exceed 90 (45 in, 45 out) per day.

Reason: In the interests of highway safety and the local amenity (Buckinghamshire Minerals and Waste Local Plan Policies 28 and 30).”

9. An existing S. 106 for the development dated 17th October 2012 secures the routing of vehicles involved in the importation and exportation of material along that section of High Street between the site entrance and the A41 only and prohibits vehicles from using the High Street through Westcott Village.

The Proposed Development

10. The proposed development is to vary conditions 2 (approval of details), 4 (hours of operation), 10 (external lighting) and 30 (vehicle movements) at the Shanks Anaerobic Digestion and In Vessel facility at Areas 10, 11 and 12 at Westcott Venture Park. The proposed variations are as follows:
- Increase in capacity of operations from 48,000 tonnes per annum to 96,000 tonnes per annum;
 - Increase in vehicle movements from 90 (45 in, 45 out) per day to 100 (50 in, 50 out) per day except Sundays and Bank Holidays where the vehicle movements are proposed to be 50 per day (25 in, 25 out).
 - Increase in operational hours for front end processing including de-packaging to be 7.00am – 10.00pm Mondays to Saturdays and 8.00am – 06.00pm Sundays and Bank Holidays. The current operational hours are Mondays to Fridays 7am – 6pm and 8am – 5pm on Saturdays with no operations on Sundays and Bank Holidays;
 - However, proposed hours of delivery (vehicle movements) and weighbridge operations are: 7.00am – 6.00pm Mondays to Fridays, 8.00am – 6.00pm Saturdays and 9.00am – 1.30pm Sundays and Bank Holidays. Currently these are not specified as the proposed hours of delivery are the same as the operational hours.
 - Changes to hours of external lighting to 7.00am – 10.00pm Mondays to Saturdays, and 8.00am to 6.00pm Sundays and Bank Holidays. Currently these are 7am – 6.30pm Mondays to Fridays and 8am – 5.30pm on Saturdays;

- No changes to the buildings on site, equipment used, processing methods of the Anaerobic Digestion facility and changes to the air emissions from the facility;
- No changes to the maximum amount of energy generated by the Anaerobic Digestion process;
- No changes to the approved routeing agreement although a new S106 agreement would be signed to cover this if the application is approved, in order to link the agreement to this application.

11. The 48,000 tpa capacity originally calculated for the facility was based on a number of assumptions regarding the anticipated liquid content of the feedstock that would be available to the plant. It was assumed at the time that feedstock with generally low liquid/high solids content would be available and that this would be blended with fresh (mains) water within the site as part of the process prior to being fed to the digestors. This process leads to the plant having a high fresh (mains) water usage. The primary factor that impacts the tonnage of food waste imported to the site is the dry matter (DM) content within the material.

12. In an effort to reduce fresh water usage on site and to utilise available material on offer in the market place, it is the operator's intention to take more liquid based food waste than was initially planned and would like to have the flexibility to do so. The liquid material currently being accepted/available in the market has a significantly lower dry matter content (approximately 13% solid matter & 87% water) when compared to solid waste (which usually comprises 25% solid matter and 75% water) and thus needs little or no mains water to bring it to the required operational level. Without the addition of mains water, more of this 'liquid' waste is, however, required in order to maintain the feed rates to the digesters and hence production of biogas to run the 3.2MW engines at their design capacity. The applicant states that this effective beneficial replacement of a significant percentage of the volume/tonnage of digester feedstock from fresh (mains) water to water contained within the imported waste itself, means that this additional volume/tonnage will be delivered to the site within the waste vehicles rather than via the mains water pipe resulting in an increase in the total tonnage of material brought to the site and the number of vehicles required to deliver the same quantities of dry matter content.

Two previous permissions included an In Vessel Composting facility proposed as Phase 2 of the development. The IVC facility has not yet been constructed and, whilst, there are no immediate plans to develop out this phase, Shanks Waste Management Ltd have not yet formally ruled out its future development and therefore the details remain on the approved plans.

13. The applicant would, however, like to increase the permitted vehicle movements from the current limit of 90 (45 vehicles in, 45 vehicles out) to a limit of 100 (50 vehicles in, 50 vehicles out) to build in future proofing for the operations in case vehicles bring in smaller loads. Importantly, whilst the tonnage of imported liquid material will increase, the actual tonnage of slurry being used by the digesters and the resulting digestate produced and electricity generated will not change from that originally anticipated. i.e. there will be no change in the actual capacity of the plant – which is limited by being able to produce 3.2MW and process timings will not change whether the waste being managed is solid or liquid. The application also confirms that whilst there will be changes to waste compositions, the waste types proposed will remain in line with those stipulated under condition 10 of the extant consent. A review of planning permission 12/20001/AWD (as amended by NMA/0068/2015) has concluded that, in order to

accommodate the changes outlined above, the following planning conditions will need to be varied:

- Condition 2 (approved details) – to address the required flexibility to enable the volume of imported material to be treated at the site to increase from the 48,000 tpa to 96,000tpa;
- Condition 4 (hours of operation) – to address the increased operating hours required;
- Condition 10 (hours for external lighting) – to mirror the revised operating hours proposed;
- Condition 30 (vehicle movements) – to address the requirement to increase the maximum daily vehicle movements by 10 from the currently approved maximum 90 movements to 100 movements per day

Requested Revisions to Conditions

14. Each of the existing conditions to be varied is detailed below followed by the requested revised wording of that condition.

15. The applicant requests that the wording of condition 2 to be revised to read as follows:

“The development hereby permitted shall not be carried out otherwise than in complete accordance with the details submitted with the application, as varied by this permission, and the following drawings:

JER4486-003aA – Site Location Plan

JER4486-003aA – Site Plan 1:2000

D135744-WVP-1103-01 Rev P5 – Site Layout Proposed AD Facility Ground Floor & First Floor Phase 1 1:500

D135744-WVP-1103-02 Rev P6 - Site Layout Proposed AD Facility Phase 2 Future Expansion 1:500

D135744-WVP-1104-01 Rev P5 - Site Elevations Building & External Plant (Phase 1) 1:250

D135744-WVP-1104-02 Rev P4 - Site Elevations Building & External Plant (Phase 1 & 2) 1:250

R1426-05 Rev A – Proposed Landscape Planting 1:1250

R1426-07 – Detailed Planting Proposals 1:500

078.03.06.002G – Site Access Road Layout

D135744-WVP-3601 Rev P1 – Site Layout Drainage General Arrangement 1:500”

16. The applicant requests the wording of condition 4 is revised to read as follows:

*“4. Although the anaerobic digestion processes are continuous, the hours of delivery and associated weighbridge operations shall not be other than between the following hours:
7:00am to 6:00pm Mondays to Fridays;
8:00am to 6:00pm Saturdays;
9:00am to 1:30pm Sundays and Bank Holidays*

The hours of operations for front end processing including de-packaging shall not be other than between the following hours:

7:00am to 10:00pm Mondays to Saturday;

and 8:00am to 6:00pm Sundays and Bank Holidays”

17. The extended hours for delivery and weighbridge operations will help to reduce the operational impact of the increase in vehicle movements by spreading the amount of vehicle movements over a longer timeframe and thereby minimising the build-up of vehicles on site at any one time. It will also assist in supporting existing waste suppliers and securing future waste contracts by allowing the site to take in waste on Sundays and Bank Holidays which would help local hauliers and Local Authorities to avoid the build-up of waste that currently occurs over public holidays. For the avoidance of doubt, it is confirmed that during the extended operational hours being requested, the site would operate both the front end processing system and the de-packaging system. The only vehicle movements during these extended operational hours would be one or two tanker movements for digestate offtake and, internal to the building, the use of the telehandler to move waste around. The extended operational hours would facilitate compliance with the relevant planning and permitting requirements including the clean floor policy and are particularly important following periods of downtime and maintenance.

18. The applicant requests the wording of condition 10 to be revised to read as follows:

“10. External lighting shall not be switched on other than between the following hours:

7.00am to 10.00pm Mondays to Saturdays;

8:00am to 6.00pm on Sundays and Banks Holidays.”

19. This change is required in order to ensure that external lighting can be used during the proposed extended operating hours.

20. The applicant originally requested the wording of this condition is revised to limit the number of vehicles to 700 per week including Sundays and Bank Holidays; however following the consultation and negotiation process, the following wording is proposed:

“30. The maximum number of heavy goods and refuse collection vehicle movements shall not exceed 100 (50 in, 50 out) on Mondays to Saturdays and shall not exceed 50 (25 in, 25 out) on Sundays and Bank Holidays.”

21. The applicant states that this change in vehicle movements is required in order to accommodate:

- the increased volumes of liquid within the waste material being received at the site and associated reduction in mains water usage;
- the waste types available in the market; and
- the variable types of waste delivery vehicles.

22. In order to ensure that the potential impacts of the proposed changes can be fully understood, a detailed Transport Assessment and Noise Assessment have been submitted with the application. Consideration has also been given to the potential impacts that would result from the proposed increase in hours within which external lighting would be used at the site.

Transport Assessment

23. The transport assessment has examined the existing, permitted and proposed waste volumes and types managed at the site and the potential impact that the proposed changes would have on the operation and safety of the highway network. Assessments have been undertaken to determine the operation of the A41 / High Street junction in relation to its capacity and found that it is predicted to remain operating within capacity. Additional assessments have been undertaken based upon an increase of 50% in HGV movements and found that the A41 / High Street junction would still remain operating within capacity. This gives confidence that if day-to-day variation occurs, there would be no capacity issues. Changes in traffic flows along the A41 and High Street have been found to be negligible and difficult to perceive.
24. The assessment concludes that there are no transport or highways reasons that should prevent the proposed changes from being approved.

Noise Assessment

25. A detailed noise assessment has been undertaken to support the application. The assessment examines the potential noise impacts associated with the increase in operating hours to include increased Saturday working hours and Sunday and Bank Holiday working and the increase in the additional vehicle movements to and from the site to the proposed average of 100 HGV movements per day. An assessment of noise from on-site activities has been carried out using BS 4142:2014. Baseline sound levels for the assessment site have been recalculated to include Sundays. The model has been updated to include the revised anticipated number of HGVs per hour on the site access route with the proposals. The results of the assessment indicate that the rating level would be at least 4 dB below the background sound level and that the level of specific sound would be around 20 dB below the existing residual sound levels. Therefore the noise impact from activities on the site and access route would be negligible.
26. An assessment of noise from increases in traffic on the public highway has also been provided. The results indicate that there will be a change in traffic noise levels of less than 1 dB with the proposals. Therefore, the noise impact from traffic increases on the local road network route would be negligible. On the basis of the above, with the proposed changes, noise from activities on the site and access route and increases in noise from road traffic on the local road network at noise sensitive receptors within the locality, is unlikely to exceed the 'Lowest Observed Adverse Effect Level' (LOAEL) with respect to national planning guidance including the NPPF. The assessment concludes that the changes to the planning conditions should therefore be acceptable with respect to noise.

External Lighting

27. The applicant states that in order to ensure a safe working environment at the site during the proposed extended operational hours, it will be necessary to use external site lighting during these periods. Details of external lighting to be used at the site, designed to minimise light spillage, have previously been approved under condition 9 of the extant consent and the applicant has stated that it is not considered that the use of this lighting within the proposed extended hours will have any significant impact or adverse harm on the landscape character or visual amenity.

Other

28. The applicant has also confirmed that the extra tonnage throughput would not have any impact on odour levels. The applicant is also working closely with the Environment Agency with regard to monitoring the use of bio-filters.

Planning Policy

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area comprises of the Buckinghamshire Minerals and Waste Core Strategy (BMWCS), the saved policies of the Buckinghamshire Minerals and Waste Local Plan (BMWLP), the saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2004.

30. National Planning Policy for Waste (NPPW) 2014 and National Planning Policy Framework (NPPF) 2012 are also material considerations.

31. The following policies from the Buckinghamshire Minerals and Waste Core Strategy (BMWCS) would apply to this development:

- CS9 (Additional Waste Management Capacity and Net Self Sufficiency);
- CS10 (Recycling and Composting Capacity to be provided for MSW and C&I by 2026);
- CS18 (Protection of Environmental Assets of National Importance);
- CS19 (Protection of Environmental Assets of Local Importance); and
- CS22 (Design and Climate Change).

32. The following saved policy from the Buckinghamshire Minerals and Waste Local Plan (BMWLP) would apply to this development:

- Policy 28 (Amenity)

33. The following saved policy from the Aylesbury Vale District Local Plan (AVDLP) would apply to this development:

- GP.8 (Amenity);
- GP.59 (Preservation of Archaeological Remains); and
- GP.95 (Unneighbourly uses);

CONSULTATIONS

34. **Local Member** – The Local Member opposes the proposal. The village suffers greatly from the site and with extended working hours and Sunday operation it will really affect them greatly.

35. **District Council** – No comments have been received by the District Council.

36. **Parish Council** – Westcott Parish Council objects to this proposal on the following grounds:

- The extended working hours proposed for Mondays to Fridays;
- The disturbance to local residents if Sundays and Bank Holidays are to be included as working days;

- The increase in noise levels if Sundays and Bank Holidays are approved;
- The impact on the night environment if night-time lighting hours are extended;
- The increased traffic movements will have an adverse effect on the already congested A41 junction.

37. **Highways DM** has no objection to the proposed development subject to a condition stating that there would not be more than 100 vehicle movements per day Monday to Saturday and no more than 50 vehicle movements per day on Sundays and Bank Holidays.

38. The **District's Environmental Health Officer** has no objection to the proposal.

39. The **County Council Flood Management Team** has no objection to the proposal.

40. The **County Ecologist** has no objection to the proposal.

41. The **Environment Agency** has no comments to make regarding the variation of conditions 2,4,10 and 32 because they did not originally request the conditions that are proposed to be varied. These proposed variations would not impact on any conditions they might have proposed.

42. The **County Council's Archaeology service** has stated that these proposed variations are unlikely to have archaeological implications.

43. Full consultee responses available at <http://publicaccess.buckscc.gov.uk/online-applications/applicationDetails.do?activeTab=consulteeComments&keyVal=OFLG74DS00100>

Representations

44. Nine representations have been received. Their main reasons for objection were the following:

- Noise;
- Increased traffic (and junction wouldn't be able to cope and more traffic through the village);
- Increase in accidents;
- Increase in weekend and Bank Holiday working;
- Impact on air quality;
- Effect on health;
- Increased hours of operation;
- Unsure of the need for this development;
- Increased lighting;
- Issues with the bus stop;
- Dust;
- Impact on amenity.

DISCUSSION

45. Given that the anaerobic digestion and in-vessel composting facility has an extant planning consent, and taking into account the nature of the changes proposed, the main issues for consideration are:

- Principle of the variation to the development;
- Impacts on the amenity & Highway Network
- Impact on Landscape and Historic Environment

Principle of the Development (CS10 of the MWCS and NPPF / NPPW)

46. Buckinghamshire Mineral and Waste Core Strategy (BMWCS) Strategic Objective SO2 states that in order to support waste prevention and reuse, new facilities as well as existing ones should be improved to maximise local recycling and composting and ensure value in the production of energy recovery as Buckinghamshire needs to move away from landfill waste disposal.

47. The National Planning Policy for Waste (NPPW) sets out objectives for sustainable waste management and encourages diversion from landfill as well as encouraging the reuse, recycling and biological processing of waste. This is also reflected in pages 43 – 45 of BMWCS. Page 43 of the Core Strategy states:

“The strategy for waste is to encourage waste prevention and to safeguarding existing waste management capacity within Buckinghamshire, whilst increasing local provision for recycling and composting so as to increasingly divert waste from landfill”

48. Policy CS10 of the Minerals and Waste Core Strategy further states that, where applications for additional recycling/composting capacity are to be supported, they should be located as extensions to existing sites, intensification or re-development of existing sites, or suitable sites within employment areas. This approach is also set out in Paragraph 4 of the NPPW. The current proposal would meet these criteria through allowing the intensification of an existing site by increasing the throughput of waste without making any changes to the buildings and layout.

49. The AD plant that is the subject of this application is an existing facility where the principle is established. It is also located in an allocated employment area that is well accessed from urban areas and has excellent access to the A41, a Strategic Highway Network. It would not normally be the case that the planning system would seek to limit the capacity of an operational facility, except where the impacts of doing so (for example on the local amenity of neighbouring residents, or the highway network) were adverse and significant enough to warrant refusal of permission.

50. The Committee is therefore advised that, subject to consideration of the impacts of the proposal, the development is acceptable in principle and would be in accordance with the strategic policies set out in the BMWCS and the NPPW.

Impacts on the Amenity (Policy 28 of the MWLP, Policies CS22 of the MWCS, Policies GP.8 and GP.95 of the AVDLP, NPPF and NPPW)

51. Policy 28 of the MWLP states the County Council will protect the amenity of those who may be affected by mineral and waste development proposals and will not grant planning permission for proposals which are likely to generate significant adverse levels of disturbance, both near the site and on routes to and from the site, from noise, vibration, dust, fumes, gases, odour, illumination, litter, birds or pests.

52. Although external lighting would be used as a result of longer operating hours to accommodate the extra waste tonnage, the two main effects from this could have an impact on noise and highways due to the increased vehicle movements required.

Noise

53. Policies GP.8 and GP.95 of the AVDLP states that development would not be permitted where it would unreasonably harm any aspect of the amenity of the nearby residents when considered against the benefits of the development. Section a) in Policy CS22 of the MWCS mentions noise pollution should be minimised. Paragraph 123 of the NPPF sets out the planning policy approach to noise when determining planning applications. In essence, it sets out that decisions should aim to :

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which will remain relatively undisturbed by noise and are prized for their recreation in amenity value for this reason.

54. This is an existing facility seeking to increase throughput, the operation / delivery hours as well as vehicle movements. A Noise Report has been submitted with the planning application to assess the increase in noise levels from longer operating hours and increased vehicle movements, especially on a Sunday and Bank Holiday. These are based on measurements taken from the site, access route and public highway. The noise assessment demonstrates that the proposal does not give rise to any new noise issues.

55. The Environmental Health Officer has no objection to the proposed variations of conditions. With conditions to control noise levels, this should not have a detrimental impact on the local residents and therefore I consider the proposed variation of conditions to be compliant with the above policies.

Highways

56. In order to handle the extra throughput of waste and the increase in operating hours to deal with this, the applicant anticipates that this would bring in an extra 10 vehicle movements (5 in and 5 out) a day Mondays to Saturdays, and 50 vehicle movements a day (25 in and 25 out) on Sundays and Bank Holidays. A noise assessment has been provided to assess the potential risk of increased noise levels that could arise from this and it was considered that there was minimal increased risk. The Highways Officer was consulted on this application and had no objection subject to a condition limiting vehicle movements to 100 (50 in 50 out) Mondays to Saturdays and 50 (25 in 25 out) on Sundays and Bank Holidays.

57. A Deed of Variation to the existing S. 106 dated 17th October 2012 linking the planning obligations to this application will ensure the continued routing of vehicles along the permitted route and prohibit vehicles involved in the importation and exportation of materials from using the High Street through Westcott Village. Therefore, I consider that

the proposed variation of conditions would not have a detrimental impact on amenity and would therefore be compliant with the above policies.

58. Paragraph 5 of the NPPW states that the capacity and potential transport infrastructure to support the movement of the waste must be suitable and encourage the use of other modes of transport other than roads. This is also mentioned in Appendix B in the Location Criteria in the NPPW. Policy CS22 of the MWCS seeks to minimise the distance travelled of materials by road in order to minimise greenhouse emissions and other pollutions, taking into account factors such as residential amenity and routing agreements. The transport assessment confirms that the transport capacity and infrastructure is there to support the transportation of material by road via excellent access on the A41 which is a Strategic Highway Network.

Landscape Designations and Historic Environment (Policies CS18 and CS19 of the MWCS and policies GP.59 of the AVDLP)

59. Policies CS18 and CS19 of the MWCS state that permission will not be granted for waste development that would be likely to endanger or have a significant adverse effect on the character, appearance and affect the setting of designated Locally importance landscapes, nature reserves, heritage assets, water resources including canals. Policy CS18 of the MWCS states that the proposed development shall not have an impact on Listed Buildings and Conservation areas and SSSIs. Paragraphs 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment with paragraph 118 seeking to ensure Local Planning Authorities conserve and enhance biodiversity interests. Paragraph 128 of the NPPF states that Local Planning Authorities should require the applicant to describe the significance of any heritage assets that could be affected by the development. Policy GP.59 reiterates this.

60. The site is located in a nationally important archaeological site and in proximity to the nearby Brill-Winchendon Hills Area of Attractive Landscape (AAL), Wotton House Historic Park and Garden and a Biological Notification Site. There are also a few Grade II listed structures within the Venture Park but not in close proximity to the site. However, given the industrial / mixed use characteristics of the wider Venture Park and that the proposed variation of conditions does not include any changes to the building or layout of the site, and with it being an existing facility, I consider that the proposed variations would not have a detrimental effect on the character, appearance or setting of the nearby landscape designations. The County Archaeologist and Ecologist have considered the variations to have no impact on the archaeology and ecology interests of the park and site. Therefore I consider the development to be compliance with the above policies.

Conclusion

61. The applicant wishes to reduce fresh water usage on the site for the AD plant by importing more liquid based food waste. It would assist in meeting the need towards the reduction of waste going to landfill and increase the amount of waste contributing towards the target of the Minerals and Waste Core Strategy under energy recovery in Policy CS9. It would also support the diversion from landfill waste disposal in accordance with the NPPW. It is also in accordance with the aim of paragraph 4 of the NPPW and Policy CS10 of the Buckinghamshire Minerals and Waste Core Strategy.

62. In addition to need, the two areas of consideration were the impacts on highways and impacts on local amenity which have been assessed above and do not give any reasons for objection to the variation of conditions 2, 4, 10 and 30 as proposed.

63. It is my opinion that the conditions, which would be imposed would bring appropriate controls to mitigate against any significant environmental impact of the proposed development. The proposal is therefore in accordance with the principles within the NPPF, NPPW and the relevant policies of the development plan. I therefore consider that this proposal is acceptable in planning terms.
64. Therefore the recommendation is that planning permission is granted subject to conditions as outlined in Appendix A and the completion of a Deed of Variation to the existing S. 106 Agreement dated 17th October 2012.

BACKGROUND PAPERS

Planning Application Ref. CM/61/16

Consent: 12/20001/AWD

Buckinghamshire Mineral and Waste Core Strategy Adopted November 2012

Buckinghamshire Mineral and Waste Local Plan 2004-2016

Aylesbury Vale District Council Local Plan January 2004

National Planning Policy Framework 2012

National Planning Policy for Waste 2014

Consultation replies dated November and December 2016

APPENDIX A

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason:

In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the details submitted with the application, as varied by this permission, and the following drawings:

JER4486-003aA	Site Location Plan
JER4486-004aA	Site Plan 1:2000
D135744-WVP-1103-01 Rev P5	Site Layout Proposed AD Facility Ground Floor & First Floor Phase 1 1:500 dated 14 th December 2011
D135744-WVP-1103-02 Rev P6	Site Layout Proposal AD Facility Phase 2 Future Expansion 1:500 dated 14 th December 2011
D135744-WVP-1104-01 Rev P5	Site Elevations Building and External Plant (Phase 1) 1:250 dated 30 th November 2011
D135744-WVP-1104-02 Rev P4	Site Elevations Building & External Plant (Phase 1 and 2) 1:250 dated 30 th November 2011
R1426-05 Rev A	Detailed Landscaping Planting 1:1250 dated April 2010
R1426-07	Detailed Planting Proposals 1:500 dated 6 th January 2012
078.03.06.002G	Site Access Road Layout dated 16 th March 2009
D135744-WVP-3601 Rev P1	Site Layout Drainage General Arrangement 1:500 dated unknown

Reason:

To define the development which has been permitted and so to control the operations (Buckinghamshire Minerals and Waste Local Plan Policies 28).

Hours of operation

3. Although the composting and anaerobic digestion are continuous, the hours of delivery and associated weighbridge operations shall not be other than between the following hours:
 - 7:00am to 6:00pm Mondays to Fridays;
 - 8:00am to 6:00pm Saturdays;
 - 9:00am to 01:30pm Sundays and Bank Holidays

The hours of operations for front end processing including de-packaging shall not be other than between the following hours:

- 7:00am to 10:00pm Mondays to Saturday; and
- 8:00am to 06:00pm Sundays and Bank Holidays

Reason:

In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Design

4. The in-vessel composting building and the de-packaging operations building shall be constructed and maintained for the duration of the development only in accordance with the colour scheme as approved by the County Planning Authority in writing on 20th July 2012 the colour scheme set out in the document titled '*Shanks Waste Management Ltd, Application No: 10/20001/AWD, Discharge Condition 5*' (reference no: MNR/Property/21.06.12) dated 21st June 2012 pursuant to the requirements of condition 5 attached to planning consent no: 10/20001/AWD.

Reason:

In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

5. The fence that has been erected to enclose the main operational area shall be maintained in accordance with the details as approved by the County Council in writing on 19th October 2012 as natural galvanised silver colour in accordance with details as set out in note titled '*Shanks Waste Management Ltd, Application No: 10/20001/AWD, Discharge Conditions 6 & 9*' (reference no: MNR/Property/17.08.12) submitted with application dated 17th August 2012 pursuant to the requirements of condition 6 attached to planning consent no: 10/20001/AWD

Reason:

In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Operational Methods

6. No waste other than separated and co-mingled municipal food waste and commercial and industrial food waste with and without packaging shall be imported to the facility hereby permitted.

Reason:

In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

7. All operations other than anaerobic digestion processes shall be carried out inside the de-packaging building. All composting and associated operations shall be carried out inside the in-vessel composting building.

Reason:

In the interests of local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Control of pollution

8. External lighting shall not be switched on other than between the following hours:

- 7.00am to 10.00pm Mondays to Saturdays;
- 8:00am to 6.00pm on Sundays and Banks Holidays.”

Reason:

To ensure that there is no problem of light spill beyond the boundaries of the site (Buckinghamshire Minerals and Waste Local Plan Policy 28).

9. Noise from the operations shall not exceed the levels set out in the approved Noise Assessment submitted with the application reference CM/61/16 and dated 17th October 2016 as measured at the facades of the nearest residential properties.

Reason:

To protect the occupants of nearby residential premises from loss of amenity due to noise disturbance (Buckinghamshire Minerals and Waste Local Plan Policy 28).

10. Noise from the development shall be controlled in accordance with the details as set out in the document titled '*Shanks Waste Management Ltd: Proposed Biogas AD & IVC Facility – Westcott Venture Park, Aylesbury: Planning Reference 10/20001/AWD – Planning Conditions Compliance*' submitted under covering letter dated 6th December 2011 and approved in writing by the County Planning Authority by letter dated 28th March 2012 pursuant to the requirements of condition 12 attached to planning consent no: 10/20001/AWD.

Reason:

To protect occupants of nearby residential premises from loss of amenity due to noise disturbance (Buckinghamshire Minerals and Waste Local Plan Policy 28).

11. No tonal reversing beepers shall be operated by any vehicles whilst on the site.

Reason:

To protect occupants of nearby residential premises from loss of amenity due to noise disturbance (Buckinghamshire Minerals and Waste Local Plan Policy 28).

12. Air quality monitoring shall be carried out in accordance with the details as set out in the document titled: '*Shanks Waste Management Ltd – Application No.: 12/20001/AWD (previously 10/20001/AWD) – Discharge of Conditions 14 & 17 (reference no. MNR/Property & Environment/27.11.12)*' and document titled '*Shanks AD and IVC Facility, Westcott Venture Park – Planning Condition 14*' submitted

under covering letter dated 27th November 2012, subsequent letter dated 4th December 2012 enclosing the requisite fee and subsequent application dated 4th March 2014 and approved in writing by the County Planning Authority by letter dated 14th April 2014 pursuant to the requirement of condition 14 under planning consent no: 12/20001/AWD.

Reason:

To protect occupants of nearby residential premises from loss of amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28).

13. Dust from external areas of the site shall be monitored and mitigated for the duration of the development in accordance with the details as set out in the document titled: '*Shanks Waste Management Ltd: Proposed Biogas AD & IVC Facility – Westcott Venture Park Aylesbury: Planning reference 10/20001/AWD – Planning Conditions Compliance*' submitted under covering letter dated 6th December 2011 and approved in writing by the County Planning Authority by letter dated 28th March 2012 pursuant to the requirements of condition 15 attached to planning consent no 10/20001/AWD.

Reason:

To protect occupants of nearby residential premises from loss of amenity from dust (Buckinghamshire Minerals and Waste Local Plan Policy 28).

14. Surface water shall be managed for the duration of the development in accordance with the details as set out in the document titled: 'Surface Water Drainage Strategy' dated 1st December 2010 (ref: BES0541) submitted under application form dated 2nd December 2010 and emailed dated 5th January 2011 confirming that the embankment at the western edge of the building would be moved back from the edge of the hardstanding by the distance necessary to accommodate the ditch shown in Appendix G Drainage Layout Plan. These details were approved in writing by the County Planning Authority by letter dated 14th January 2011 pursuant to the requirements of condition 16 attached to planning consent no: 10/20001/AWD.

Reason:

The proposed development could increase flood risk unless suitable attenuation measures are used in line with Technical Guidance to the National Planning Policy Framework and the Planning Practice Guidance. In addition, activities on site mean surface water drainage could pose a pollution risk. It is important that any detailed surface water drainage scheme reduces flood risk, improves water quality through the use of appropriate SUDS, and also includes pollution prevention measures in line with the National Planning Policy Framework and Planning Practice Guidance (Buckinghamshire Minerals and Waste Core Strategy Policy CS22 and Buckinghamshire Minerals and Waste Local Plan Policy 28).

Note: The Environment Agency would require reassurance that the reuse of grey water in the system is acceptable under BSI PAS 100 and 110.

15. The disposal of foul water shall be in accordance with the details as set out in the following documents titled:
- *Shanks Waste Management Ltd – Application No.: 12/20001/AWD (previously 10/20001/AWD) – Discharge of Conditions 14 & 17 (reference no. MNR/Property & Environment/27.11.12)';*

- *Drawing titled 'As-built Drainage' (dated September 2012) prepared by Birse Civils;*
- *Brochure supplied by Klargester titled 'Biotech Package Sewage Treatment Plant for Domestic Applications';*
- *Document compiled by Kingspan Environmental titled '013531 Biotech 1 & Biotech 2 Installation & Operation Guidelines' (Issue no. 04, Description CC1065 and dated August 2012); and*
- *Discharge consent CP2011 (dated 12th November 1987).*

The above documents were submitted under covering letters dated 27th November 2012, 4th December 2012 enclosing the requisite fee, email dated 18th February 2013 and email 18th March 2013 and approved by the County Planning Authority by letter dated 17th July 2013 pursuant to requirements of condition 17 under planning consent no: 12/20001/AWD.

Reason:

The activities on site produce effluent that has the potential to cause contamination to groundwater. The site is not on a foul sewer and therefore it is important that any effluent does not pollute controlled waters (Buckinghamshire Minerals and Waste Core Strategy Policy CS22 and Buckinghamshire Minerals and Waste Local Plan Policies 28).

16. The development shall not be carried out other than in accordance with the contamination risk assessment and remediation scheme set out in the report produced by BAE Systems Environmental titled 'Desk Study and Ground Investigation' dated October 2010 (ref: A1007-00-R2-1) and approved in writing by the County Planning Authority by letter dated 18th January 2011 pursuant to the requirements of condition 18 attached to planning consent no: 10/20001/AWD for the duration of the development. Any proposed changes to the components of the contamination risk assessment and remediation strategy shall be submitted to and approved in writing by the County Planning Authority.

Reason:

Contaminating activity is likely to have taken place on site and in line with the National Planning Policy Framework a phased investigation should be undertaken. The site in general has had a wide variety of uses including propellant research. The application indicates there is evidence of effluent channels and former landfilled areas (including chemical drums and paint tins) on the site. Sampling for the 2000 investigation by BAE systems also encountered elevated metals and hydrocarbons in the made ground/soils. It also indicates the presence of drainage ditches on the site which could act as pathways for contaminants to controlled water. Boreholes elsewhere on the Westcott Venture Park have also encountered areas of perched waters in sand lens. Any investigation should also incorporate the construction of boreholes to determine the presence and quality of any perched water (Buckinghamshire Minerals and Waste Core Strategy Policy CS22).

17. The development shall not be carried out other than in accordance with the verification plan and plan for long term monitoring and maintenance of pollutant linkages, including arrangements for contingency action, for the duration of the development as set out in the report produced by BAE Systems, Environmental titled 'Desk Study and Ground Investigation' dated October 2010 (ref: A1007-00-R2-1) submitted under covering letter dated 17th December 2010 and approved in writing

by the County Planning Authority by letter dated 18th January 2011 pursuant to the requirements of condition 19 attached to planning consent no: 10/20001/AWD.

Reason:

Contaminating activity is likely to have taken place on site and in line with the National Planning Policy Framework, suitable remediation should be undertaken. The site in general has had a wide variety of uses, including propellant research. The report indicates there is evidence of effluent channels and former landfilled areas (including chemical drums and paint tins) on the site. (Buckinghamshire Minerals and Waste Core Strategy Policy CS22).

18. The development shall not be carried out other than in accordance with the details set out in the report produced by MLM Consulting Engineers Ltd titled 'Piling Risk Assessment' dated October 2011 (ref: DMB/770004/R1) submitted under covering letter dated 6th December 2011 and approved in writing by the County Planning Authority by letter dated 28th March 2012 pursuant to the requirements of condition 20 attached to planning consent no: 10/20001/AWD. Otherwise piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall not be carried out other than in accordance with the approved details.

Reason:

Piling could create a pathway to contaminants to any perched groundwater which may be present beneath the site (Buckinghamshire Minerals and Waste Core Strategy Policy CS22).

19. Other than in accordance with the surface water drainage scheme approved pursuant to the requirements of condition 16 under planning consent no: 12/20001/AWD, there shall be no direct connection between the operational site and any watercourse.

Reason:

To prevent pollution of the water environment (Buckinghamshire Minerals and Waste Core Strategy Policy CS22)

Tree Protection and Landscape Scheme

20. The development shall not be carried out other than in accordance with the landscaping scheme and five year management programme as set out in the document titled '*Landscape Management Specification for Organic Waste Treatment Hub: Westcott Venture Park, Westcott, Buckinghamshire*' dated December 2010 (ref.JWR1426) and drawing n. R1426-06 titled 'Landscape Proposals' submitted under covering letter and application dated 2nd December 2010 and approved in writing by the County Planning Authority by letter dated 14th January 2011 pursuant to the requirements of condition 23 attached to planning consent no. 10/20001/AWD. The approved scheme shall be implemented in the first planting season following completion of construction of the de-packaging building and thereafter maintained for the duration of the development.

Reason:

In the interests of local amenity and the ecological interests of the site (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Access and Transport

21. All vehicles associated with the in-vessel composting, de-packaging operations and anaerobic digestion facility shall only use the access route within the Venture Park as set out in planning application no 10.20001/AWD and identified on drawing no's 078.03.06.002G and JER4486-004a Rev.A.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway and other development (Buckinghamshire Minerals and Waste Core Strategy Policy CS22).

22. The scheme for parking and manoeuvring and loading and unloading of vehicles shall be as shown on drawing no's. D135744-WVP-1103-01 Rev P5 and D135744-WVP-1103-02 Rev P6 and shall not be used for any other purpose.

Reason:

In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policy 28).

23. The development shall not be carried out other than in accordance with the measures to reduce mud and similar development from being carried onto the public highway as set out in the document titled '*Shanks Waste Management Ltd: Proposed Biogas AD & IVC Facility – Westcott Venture Park Aylesbury: Planning Reference 10/20001/AWD – Planning Conditions Compliance*' submitted under covering letter dated 6th December 2011 and approved in writing by the County Planning Authority by letter dated 28th March 2012 pursuant to the requirements of condition 28 attached to planning consent no: 10/20001/AWD.

Reason:

In the interests of highway safety and the local amenity (Buckinghamshire Minerals and Waste Local Plan Policy 28)

24. The maximum number of heavy goods and refuse collection vehicle movements shall not exceed 100 (50 in, 50 out) on Mondays to Saturdays and shall not exceed 50 (25 in, 25 out) on Sundays and Bank Holidays.

Reason:

In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policy 28)

25. A record of the daily number of vehicle movements shall be kept and made available to the County Planning Authority no later than one week after any request to view them has been made.

Reason:

In the interests of highway safety and the amenities of the local area. (Buckinghamshire Minerals and Waste Local Plan Policy 28).

Archaeology

26. Prior to the demolition of the former vibration testing building (rocket test building 443), no aspect of the demolition shall be commenced until the developer has secured the implementation of a programme of archaeological buildings recording for the rocket test building 443 in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the County Planning Authority. The building shall not then be demolished other than in accordance with the approved method statement.

Reason:

To provide for the investigation and recording of any archaeological features (Buckinghamshire Minerals and Waste Core Strategy policies CS18 and CS19 and policy GP.59 of the Aylesbury Vale District Local Plan).

Ecology

27. Prior to the demolition of the former vibration testing building (rocket test building 443), no aspect of the development shall be commenced until a method statement for its systematic destruction which shall identify the potential for the presence of bats and the measures to be taken to ensure their protection and re-location has been submitted to and approved in writing by the County Planning Authority. The building shall not then be demolished other than in accordance with the approved method statement.

Reason:

To protect the ecological interest of the site (Buckinghamshire Minerals and Waste Core Strategy Policies CS18 and CS19).

Note: This condition does not remove or diminish the obligations of the operator, landowner and contractors to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) or The Conservation (Natural Habitats, & c.) Regulations 2010.

28. The development shall not be carried out other than in accordance with the details set out in letter dated 16th November 2010 (ref: JSL1749 Westcott IVC), including measures reflected from 'The Protected Species Survey Report and Newt Mitigation Strategy' prepared by RPS (ref: JPP1840-R-002d) attached as Appendix 18 to planning application no: 10/20001/AWD, which ensures the provision and management of compensatory habitat for Great Crested Newts for the duration of the development. These details were approved in writing by the County Planning Authority by letter dated 14th January 2011 pursuant to the requirements of condition 34 attached to planning consent no: 10/20001/AWD.

Reason:

Development that encroaches on the terrestrial habitat of the Great Crested Newt has a potentially severe impact on its ecological value. Article 10 of the Habitats

Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. (Buckinghamshire Minerals and Waste Core Strategy Policies CS18 and CS19).

Note: This condition does not remove or diminish the obligations of the operator, landowner and contractors to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) or The Conservation (Natural Habitats, & c.) Regulations 2010.

29. During the bird nesting season (1st March to 31st August) the site's buildings along with any areas that will be subject to vegetation clearance shall be checked for nesting birds by a qualified ecologist in advance of the commencement of any construction or demolition works. Where evidence of nesting birds is found details of the measures to be taken for their protection shall be submitted to and approved in writing by the County Planning Authority. Thereafter no building or demolition works or vegetation clearance in the affected area shall take place until after the birds have fledged, or until the approved protection measures have been implemented.

Reason:

To protect the ecological interest of the site (Buckinghamshire Minerals and Waste Core Strategy Policies CS18 and CS19).

Note: This condition does not remove or diminish the obligations of the operator, landowner and contractors to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) and the The Conservation (Natural Habitats, & c.) Regulations 2010.

30. In the event that the buildings and works hereby permitted cease to be used for a period of 24 months, they shall be removed from the site within a further two months and the site shall be restored to grassland within a further six months in accordance with details to be submitted to and approved in writing by the County Planning Authority no later than 14 months from the date of cessation of their use.

Reason:

In accordance with the National Planning Practice Guidance as the buildings are specialised and unlikely to be reusable for an alternative purpose.