



meeting **PLANNING COMMITTEE**

date **15 JUNE 2004**

from: **Director of Environment**

agenda item number

4

**RUSHCLIFFE BOROUGH COUNCIL 8/04/00244/CTY
MODIFICATIONS AND USE OF CREMATORS IN CONNECTION WITH
OVER 30 MONTH SCHEME AND ANIMAL BY-PRODUCTS REGULATIONS
FOR A TEMPORARY PERIOD EXPIRING 31 DECEMBER 2007
UNIT 4E HARBY ROAD INDUSTRIAL ESTATE, HARBY ROAD, LANGAR,
NOTTS
APPLICANT: WRE SERVICES LTD**

Purpose of Report

1. To consider a planning application for modifications to the existing cremators located within the Harby Road Industrial Estate and their use in connection with the Over Thirty Month Scheme (OTMS) and the Animal By-Products Regulations 2003 for a temporary period expiring on 31 December 2007. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. Harby Road Industrial Estate lies directly north of Langar Airfield on the eastern side of Harby Road close to the County boundary with Leicestershire. The villages of Langar and Barnstone lie 1.2 km to the north-west and north respectively, whilst Harby lies within Leicestershire approximately 3km to the south (see plan). Several isolated properties exist in the vicinity of the industrial estate, the nearest being 'Fairfield' some 450m to the east of the site. Other nearby properties are to the north (Works Farm approximately 645m) and north-west (Raglan Farm and Wildflower Farm approximately 670m). Barnstone Landfill Site lies approximately 750m to the north-east.
3. The Industrial Estate comprises general industrial uses some of which have utilised former military buildings. Access to the estate is from Harby Road. The application site comprises an irregular piece of land containing a conventional pitched roof industrial building on its eastern side. Four cremators are located under a canopy immediately to the west which feed a 12m high chimney. A concrete yard forms the far western part of the site used to receive container lorries and feed the cremators. It is enclosed by a 4m high breeze block wall.

Planning Background

4. Planning permission was granted in March 1997 (Plg Ref. 8/96/1178) for the temporary siting and use of four incinerators for the cremation of cattle carcasses in connection with the Government's OTMS arising as a consequence of the BSE crisis and the worldwide ban on the export of British beef imposed by the European Union in March 1996.
5. Several subsequent permissions have been granted to modify the plant, revise/extend the site layout and modify the hours of delivery for animal carcasses. Two permissions have also been granted to extend the life of operations, the most recent, issued in May 2001, allows for incineration under the OTMS to continue until 31 December 2007. The applications to extend the life of the operations were promoted in direct response to subsequent Government projections as to the remaining numbers of cattle requiring incineration under the OTMS.

Proposed Development

6. This application seeks planning permission to modify the plant so as to allow the facility to burn animal carcass waste arising as a result of the Animal By-Products (ABP) Regulations 2003 by using the spare capacity made available as the OTMS winds down.
7. The ABP Regulations will require fallen and other stock, such as road kill, beasts put down by vets and out of date supermarket meat, to be incinerated. Under the regulations animal by-products have been separated into three categories comprising high, moderate/high and low risk material.
8. The proposed operations would essentially be similar to existing operations. Fallen stock would be delivered to the facility via knackers yards where the carcasses will have been skinned and cut so as to improve the burning process. The material would then be transported to the facility within durable lidded containers known as 'Dolvas' by means of refrigerated lorries. The material is burnt at 1000°C and residual ash is collected for onward disposal at the nearby Barnstone Landfill Site.
9. The facility is presently allowed to cremate material on a 24 hours basis although the delivery of material is restricted to between 9.00 am – 9.00 pm. There would be no more than two container lorries on site at any one time. Stricter restrictions are in place in respect of deliveries of fuel and removal of residual ash. It is not proposed to alter these existing arrangements. It is proposed to run the facility for a temporary period expiring on 31 December 2007 enabling matters to be reviewed at that point.
10. It is also proposed to extend the existing canopy to the boundary walls thus enabling surface water to discharge to drains without contacting the yard floor. The canopy extension and fascias would cover 441 sq.m and be coloured slate grey to match the existing canopy.

Planning Policies

11. Policy 3/20 of the Nottinghamshire Structure Plan Review states that permission for industrial or other forms of development will not be granted where they would:
 - a) generate emission levels of noise or toxic emissions or offensive odours or any other form of pollution seriously detrimental to the environment of surrounding areas;
 - b) result in unacceptable traffic flows;
 - c) be seriously detrimental to environment of surrounding residential areas due to inadequate provisions for access;
 - d) be seriously detrimental to the visual quality of the environment;
 - e) involve the presence of hazardous substances where they may cause danger.
12. Policy 12/1 confirms that the need for waste management proposals will be examined against any environmental impact. Particular regard will be given, inter alia, to
 - a) the contribution to waste management of reduction, reuse and/or recovery and, where necessary, safe disposal or other management, as close to the waste source as reasonably possible;
 - b) the economic use of land and avoidance of conflict with other land uses;
 - c) the health, safety and amenity interests of communities and businesses;
 - d) the protection of the natural and built environment;
 - e) the minimisation of air, surface and groundwater pollution;
 - f) the impact of waste movement on the transport network.
13. Policy W2.1 of the Nottinghamshire Waste Local Plan looks for waste to be managed according to the Best Practicable Environmental Option with regard to the principles of the Waste Hierarchy and proximity. Policy W6.6 requires incineration proposals to incorporate energy recovery schemes where this is viable.
14. Policy ENV1 of the Rushcliffe Borough Local Plan (Adopted June 1996) confirms that planning permission will normally be granted for new development, changes of use or extensions provided various criteria are met. These include there being no significant adverse effect upon the amenity of

adjoining properties; compliance with car parking standards; sufficient circulation space; the scale, height, design and materials of the proposal are neither unsympathetic to the character of its surroundings nor overbearing on neighbouring properties; and noise attenuation is achieved.

15. Policies E2 and E3 set out criteria for assessing the extension or alteration of existing employment uses on existing employment sites. Such developments will normally be granted provided they meet environmental criteria. Policy E8 refers specifically to Langar Airfield and confirms that permission will normally be granted for employment development proposals provided they arise from the reasonable expansion of existing firms or the beneficial use of suitable existing buildings.
16. Similar policies are rolled forward within the Rushcliffe Replacement Local Plan Deposit Draft. Policy ENV25 of that plan states that development which would result in unacceptable levels of noise, air, water or other pollution will not be permitted.

Consultations

17. **Rushcliffe Borough Council** raise no objection subject to the imposition of similar conditions previously applied relating to the site's temporary use; access; condition of egressing vehicles; hours of delivery and removal of ash; noise generated and surface water drainage.
18. **Langar-cum-Barnstone Parish Council** raise no objection but do comment that of four access routes identified within the Supporting Statement, only one (via Langar and the C28 to the A52 at Bingham) is suitable. The Parish Council would wish to see a restriction imposed on the times allowed for HGV movements to between 9.00 am – 9.00 pm on weekdays and mornings only on Saturdays and Sundays.
19. **Leicestershire County Council (LCC)** have provided Officer comments as both the planning and highways authority for the adjoining area and raise no objection considering the site to be a suitable location. LCC consider the local road network within Leicestershire to the south of the application site unsuitable to cater for large traffic volumes, especially HGVs, but accept that the impact on roads in Leicestershire would be slight. It is recommended that any planning permission granted is subject to:
 - a) the applicants entering into a Section 106 Agreement to limit the throughput tonnage to the levels specified in Table 6.2 of the Supporting Statement; and
 - b) it being for a temporary period expiring on 31 December 2007.
20. **Melton Mowbray Borough Council** (Leicestershire) have not responded. Any comments received will be reported orally.
21. **Clawson, Hose & Harby Parish Council** (Leicestershire) raise no objection.

22. **The Environment Agency** has no objection in principle but recommends the imposition of a planning condition to prevent pollution of the water environment should permission be granted. The Agency does, however, raise concerns regarding the following issues:
- a) Odour – The proposed feedstock would originate from several sources which may give rise to odours should delivered material not be incinerated within a reasonable timeframe, particularly when delivered by non-refrigerated vehicles. Such vehicles need to be suitably sealed to prevent any leakage of liquid waste in transit. The Agency recommends various measures to control odour.
 - b) Biosecurity – The Agency requires details of the control and segregation of Category 1 (high risk) material.
23. **The Health Protection Agency** has not responded. Any comments received will be reported orally.

Publicity

24. The application has been publicised by means of a site notice, press notice and neighbour notification letters sent to the nearest occupiers. One letter has been received in support of the proposals from the Licensed Animal Slaughterers' and Salvage Association.

Highway Observations

25. No highway objections as there is unlikely to be a significant change in vehicular activity associated with the proposals. It is, however, pointed out that one of the vehicular routes identified within the application (to the A46 via Nottingham Road, Cropwell Bishop) is the subject of an environmental weight restriction prohibiting vehicles in excess of 7.5 tonnes

Observations

26. The applicants have confirmed that the OTMS is winding down and, on its completion, the facility would close. It is expected that only a few facilities will have their contracts renewed to deal with the remaining OTMS material. However, the ABP Regulations introduce new requirements for animal and animal by-products wastes to be disposed of by incineration in response to European Regulations aimed at reducing risk of infection from diseased animals. It is presently unclear whether the Langar facility would have its contract renewed. However, since the facility is operating below capacity, scope exists to accept non-OTMS material subject to planning.
27. The ABP Regulations include fallen stock on farmland for which DEFRA is funding a three year National Fallen Stock Collection Scheme (NFSCS), dead animals from road traffic accidents and waste meat from food manufacturing. This application proposes to use the existing facility to incinerate such material by gradually taking up the facility's capacity which would become increasingly available as the OTMS winds down. The Regulations aim to

improve the way in which certain wastes are handled, treated and disposed of with a distinct move away from the previous practice of burying fallen stock on farmland or their disposal at landfill sites. From this perspective the proposals should, in principle, be supported.

28. The implications of the regulations can be expected to be significant given their wide reaching scope affecting livestock producers, food manufacturing, catering and retail outlets, abattoirs, pet food plants etc. Bearing in mind that the only other suitable incinerator in the East Midlands region is based in Derbyshire, the facility's catchment can be expected to extend to bordering counties. Municipal incinerators would not logistically be readily capable of accepting such wastes due to requirements for different feeding mechanisms to prevent cross contamination of bacteria from Animal By-Product waste.
29. The site lies within an existing employment area and the facility already has planning permission for the cremation of cattle in connection with the OTMS until 31 December 2007. The current application does not seek to extend this temporary period. Whilst it is likely that the operator would wish to apply for a permanent permission in future, the temporary period sought ties in with the DEFRA's current NFSCS and allows a suitable time-frame in which to monitor proposed operations. Any future application for a permanent facility could therefore be judged in the light of operational experience and associated impacts.
30. The Waste Local Plan does not specifically cover this form of incineration since the regulations have been introduced subsequent to its adoption. In this case incineration with landfill disposal of residual ash is the only accepted means of treating the waste and issues of disease control dictate that such waste must be managed as close as possible to source and through specialist incinerators such as the facility at Langar. The proposals would therefore accord with Policy W2.1 provided there is no additional landscape or other amenity impact.
31. Policy W6.6 requires incineration proposals to incorporate energy recovery schemes where viable. In this instance the volume of the feedstock can be expected to fluctuate given the winding down of the OTMS and in response to disease outbreaks. Given this, and its relatively short life, these proposals are unlikely to provide a suitable basis for investment in energy recovery plant at this juncture. Accordingly it is considered that there would be no conflict with Policy W6.6.
32. As stated above, the volume of material proposed to be incinerated is less predictable than that identified under the OTMS, due largely to dealing with stock affected by disease outbreak. The recent foot and mouth outbreak led to several of the UK's fourteen animal carcass incinerators, including Langar, receiving temporary consent to deal with that national crisis. It demonstrated that the UK was not adequately equipped and the situation would be exacerbated should this existing facility be closed. This can be expected to lead to the development of other incinerators to handle this material in areas which are presently not served. Furthermore, the State Veterinary Service (SVS), as regulators of the NFSCS, generally discourages transportation of such material over great distances since the legislation is geared to the

containment of disease and the regulations impose a need to dispose of the waste promptly. The facility would be stringently controlled by the SVS and the Environment Agency to ensure there is no risk to human health.

33. The request from Leicestershire County Council for a Section 106 Agreement to limit the tonnage throughput is noted. However, the need for the facility is partly to react to a disease outbreak and accordingly it seems unreasonable to constrain the operator in this respect. In any event, the capacity of the facility is restricted by virtue of the fact that there is a fixed number of cremators with a finite capacity to accept up to 10,000 tonnes of carcasses p.a. The facility already incinerates on a 24 hour basis and, whilst current throughput is understood to be around 65%, clearly the facility has previously operated at 100% capacity without complaint. Furthermore, the site can only accommodate two large refrigerated lorries at any one time and the SVS and Environment Agency impose strict time limits for the incineration of waste once delivered.
34. Material arising from the NFSCS would be delivered under a central contract arrangement using sealed, refrigerated HGVs. Local farmers who opt out of the scheme would be responsible for making their own deliveries. The applicant has confirmed, however, that such deliveries would come via knacker yards acting as bulking up facilities. All deliveries would therefore be in sealed, refrigerated HGVs. The use of such vehicles would prevent accidental spillage of animal-product waste overcoming biosecurity concerns. Fallen stock would normally be delivered within 24 hours and in any event within 48 hours. The applicant predicts that vehicles delivering feedstock would amount to approximately 30 movements per week with an additional 5 movements per week in respect of the collection of waste ash and effluent. The bulk of movements would relate to staff working shifts over 24 hours.
35. The Parish Council's comments concerning the routeing are noted and the operator has confirmed that their vehicles would continue to use the C28 to the A52 at Bingham. Existing restrictions on delivery times are not proposed to be altered.
36. The proposed canopy extension over the yard would be at a lower level than the height of the existing unit and blend in with the existing development. Such a structure would prevent surface water runoff leaving the site from the yard where loading activities are carried out and also further assist in the containment of odours and dust. The potential for odours would be further controlled through the continuation of the existing practice of using refrigerated containers, biofilters within the plant and a de-odourising fan. The applicants propose to continue using wheelwash facilities and dampening down to control dust and ash removal operations.
37. Noise can be expected to arise as a result of transport movements, unloading operations and the use of the cremators. Previous permissions have imposed day and night-time noise limits which could be attached as conditions to any permission. Accordingly the proposals are unlikely to give rise to any significant environmental impacts.

38. Tipping of waste at Barnstone Landfill Site is presently permitted until 31 December 2004 although it is unlikely that the permitted capacity will have been reached by then. It is therefore likely that an application will be submitted to extend the life of that site thus providing a nearby disposal site for the residual ash. Such an application would be dealt with, on its merits, by this Authority. Should the landfill site be completed during the life of the proposed operations then clearly an alternative suitably licensed disposal site would need to be identified by the operator.
39. Closure of the facility would result in the loss of 15 full-time jobs and the absence of such a facility in the County capable of dealing with such waste material in accordance with the ABP Regulations. Such a scenario would necessitate fallen stock being transported significant distances with greater risk of disease spread and odour problems.

Human Rights Act Implications

40. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to give rise to impacts of noise and odour. However, these considerations need to be balanced against the benefits the proposals would bring and the scope to control them through good operating practice and suitable planning conditions.

Conclusions

41. It was anticipated that the Langar cremator facility would close and the plant and machinery would be removed from the site upon the completion of the OTMS. Recent legislation has, however, introduced new requirements for the treatment of certain wastes which the existing facility is capable of handling with minimal modification. The site is suitably located and the operations are capable of being adequately controlled for the temporary period sought through appropriate planning conditions and the requirements of other bodies. Any application for a permanent facility could be reviewed in the light of operational impacts.

Statutory and Policy Implications

42. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought to out in the text of the report. Attention is, however, drawn to specifics as follows:-

Crime and Disorder Implications

43. The proposals would be undertaken within an existing enclosed site, which would operate on a 24 hour basis.

Statement of reasons for approval

44. It is considered that the proposed development would give rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise.

RECOMMENDATION

45. It is RECOMMENDED that planning permission be granted, subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

PETER WEBSTER
Director of Environment

Director of Resources' Financial Comments

As this report deals with the planning application there are no direct financial implications. [DJK 2.6.04]

Head of Democratic and Legal Services' Comments

Committee have power to decide the Recommendation. [SHB 28.5.04]

Background Papers Available for Inspection

1. Letter from Langar cum Barnstone Parish Council dated 20.03.04
2. Letter from Environment Agency dated 23.03.04
3. Letter from Rushcliffe Borough Council dated 15.04.04
4. Letter from Leicestershire County Council dated 22.04.04
5. Letter from Clawson, Hose & Harby Parish Council dated 18.05.04
6. Letter from LASSA dated 24.05.04

Electoral Division(s) Affected

Cotgrave

EPD.JS/EP4532
27 May 2004

Please note. Copies of the plan referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499, email john.sheffield@nottsc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottsc.gov.uk.

SUGGESTED PLANNING CONDITIONS

APPENDIX 1

Definition of Permission

1. The development hereby permitted shall cease by 31 December 2007.
2. Unless otherwise previously agreed in writing by the County Planning Authority (CPA) the incinerators shall only be used for the purposes of the Over Thirty Months Scheme (OTMS) Animal Carcass Cremation Programme and the incineration of fallen stock or other material arising under the Animal By-Products Regulations.
3. The area of land to which this permission relates is shown outlined in red on Figure 3 received by the CPA on 12 February 2004.

Access and Control of Vehicles

4. Unless otherwise agreed in writing by the CPA access to and egress from the site shall only be via the existing access to Langar Airfield from Harby Road.
5. No vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the highway.
6. There shall be no deliveries of animal carcasses from the OTMS, fallen stock or other material arising under the Animal By-Products Regulations outside the hours of 9.00 am to 9.00 pm on any day, nor any deliveries of fuel or removal of ash from the site outside the hours of 9.00 am to 6.00 pm on any day.
7. Unless otherwise agreed in writing by the CPA the number of HGVs entering the site shall not exceed 40 per week. The operator shall record all such vehicle movements and make such records available to the CPA upon request.
8. All material delivered to the site for incineration shall be transported within sealed, refrigerated vehicles.

Operational Matters

9. All loading and unloading shall take place within the area edged red on Figure 3 received by the CPA on 12 February 2004.
10. Prior to the incineration of fallen stock or other material arising under Animal By-Products Regulations the roof over the yard shall be constructed in accordance with the details shown on Drawing Nos. 04 and 05 received by the CPA on 12 February 2004. The roof shall be coloured grey to match the existing roof over the incinerators.
11. The site shall be kept in a clean and tidy state at all times.

12.

Noise

13. All possible measures shall be employed to ensure that noise generated in association with the use of the development hereby permitted is kept to a minimum. In any event noise levels at the site boundary associated with operations from the site shall not exceed 55dB(A) Leq (1 hour) for day-time and 44.8dB(A) Leq (1 hour) for night-time.

Dust

14. All possible measures shall be employed to ensure that dust arising from site operations is kept to a minimum and shall include the provision and use of on site watering facilities.

Odour

15. All possible measures shall be employed to ensure that odours arising from site operations are minimised. Such measures shall include:

- a) The incineration of delivered material as soon as practicable;
- b) The keeping of material received at the site for incineration within refrigerated containers until such time it may be transferred directly to an incinerator;
- c) The use of Biofilters and other odour control units.

Drainage

16. Contaminated surface water from the operational areas shall be collected in the existing sealed waste tank and tankered off site for disposal at a suitably licensed facility.

Miscellaneous

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Completion of Development

18. Within three months from the expiration of this permission as defined in Condition 1 above or, in the event that the development hereby permitted ceases for a period in excess of six months, all plant, machinery, structures and equipment shall be removed from the site and the site shall be left in a clean and tidy condition.

Reasons

- | | |
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| 1. | To enable the development to be reviewed in the light of circumstances then pertaining. |
| 2,3,9 | For the avoidance of doubt. |
| 4,5 | In the interests of the highway safety. |
| 6,7,12. | In order to minimise noise disturbance arising from the development. |
| 8. | In order to minimise odour and to suitably segregate material. |
| 10. | To assist in the containment of noise, dust and odour and in the interests of visual amenity. |
| 13, 14. | To protect the amenities of nearby occupiers and other land users. |
| 15,16 | To prevent pollution of the water environment. |
| 11, 17 | In the interests of visual amenity. |

Notes to Applicant:

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| 1. | The applicant's attention is drawn to the content of the letter from the Environment Agency dated 23 March 2004, a copy of which has previously been forwarded. |
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ep4532