

Regulatory Committee - 13 June 2017

**Retention of Existing Landfill Gas Utilisation Facility
Ryton Pools Country Park, Bubbenhall**

RBC/17CM008

Application No.: RBC/17CM008

Advertised date: 27 April 2017

Applicant(s) Warwickshire County Council
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Registered by: The Joint Managing Director (Communities) on 20 April
2017

Proposal: Variation of condition 3 (date upon which the landfill gas
generator equipment must be removed from the site) of
planning permission R1330/05CM010 (Replacement
generator for landfill gas utilisation facility) in order to allow
retention of the landfill gas utilisation facility on site for a
further 15 years until 25th May 2035.

Site & location: Ryton Pools Country Park, Ryton Road, Bubbenhall, CV8
3BG.

[Grid ref: 437250.272569].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 3 (date upon which the landfill gas generator equipment must be removed from the site) of planning permission R1330/05CM010 (Replacement generator for landfill gas utilisation facility) in order to allow retention of the landfill gas utilisation facility on site for a further 15 years until 25th May 2035 subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 This application seeks planning permission to retain the existing landfill gas utilisation facility situated on site at Ryton Pools Country Park for a further 15 years beyond the existing expiry date until 2035.
- 1.2 Ryton Pools Country Park occupies land formerly landfilled (Ryton Landfill Site) with waste material which produces gas as the waste breaks down. The landfill gas has been utilised for many years to generate electricity within a generator located on site. The electricity generated is fed into the National Grid.
- 1.3 Planning permission R1330/05CM010 was granted on 25th May 2005 to allow the provision of a landfill gas utilisation facility (this was a replacement of an existing system) at Ryton Pools Country Park, Bubbenhall. Condition 3 of the planning permission requires the generator equipment to be removed from the site by 25th May 2020.
- 1.4 A study carried out by an independent consultant has established that the old landfill site is still expected to generate landfill gas well beyond 2020 and could still produce gas until 2040. This application therefore seeks permission to retain the landfill gas utilisation facility on site for a further 15 years beyond 25th May 2020, when the present planning permission condition requires the equipment to be removed from the site.
- 1.5 The application states that if the landfill gas utilisation facility cannot be retained on site beyond 25th May 2020 it would be necessary to flare (burn off) the gas generated in the future, thus wasting a valuable resource. No changes or additions are proposed to be made to the existing landfill gas utilisation facility and it would continue to be operated on a 24 hour basis as it does currently.

2. Consultation

- 2.1 **Rugby Borough Council (PIg)** – No comments received.
- 2.2 **Rugby Borough Council (EHO)** – No comments received.

- 2.3 **Warwick District Council (PIg)** – No comments received.
- 2.4 **Warwick District Council (EHO)** – No comments received.
- 2.5 **Councillor Howard Roberts** – No comment received as of 19/05/2017.
- 2.6 **Councillor Wallace Redford** – No comments received as of 19/05/2017.
- 2.7 **Ryton on Dunsmore PC**- No comments received.
- 2.8 **Bubbenhall Parish Council** – No comments received.
- 2.9 **Environment Agency** – No comments received.

3. Representations

- 3.1 None received.

4. Assessment and Observations

- 4.1 Ryton Pools Country Park occupies the site of a former County Council Landfill. Landfill gas (LFG) produced by waste decomposing within the landfill has been utilised since 1991 for the generation of electricity. Originally a 1 MW generator was used to generate electricity. This was housed within a small industrial style building located within a fenced compound. In 2005 planning permission (R1330/05CM010) was granted to allow the replacement of the original landfill gas utilisation plant with a smaller 330 kw generator. The replacement generator is also located within the industrial building with ancillary equipment including oil tanks, blowers and a transformer sited externally within the compound. The compound is enclosed by a 3 metre high security fence.
- 4.2 The LFG utilisation facility provides a dual function of controlling gas generated by the landfill as well as putting a waste by-product to a beneficial use. The LFG utilisation facility provides an important function of controlling LFG generated as a result of the breakdown of waste within the landfill. Thus, problems which could otherwise occur if LFG, which is a potent greenhouse gas, were not appropriately managed are minimised. Utilising LFG as a fuel for electricity generation transforms a waste by-product into a useful energy source thus assisting with diversifying energy production and adding to the balance of energy supply. If LFG produced by the landfill were not positively utilised in this way it would need to be controlled by use of a flare. This means that the gas would be simply burnt off which would be a waste of a resource.

- 4.3 The LFG facility is located within the Country Park adjacent to other facilities and buildings used in connection with maintenance of the Park. The facility is well screened by existing vegetation from outside of the Park. The current proposal would result in no change to the physical appearance of the facility. Ryton Pools Country Park is located within open countryside where residential properties are limited in number. The application site is reasonably isolated with the nearest residential property located approximately 100 metres to the north.
- 4.4 The generator is located within the building on site which minimises noise emissions and combustion of the LFG limits potential odour generation. The current application seeks to make no changes to the facility, the operation of which has not resulted in complaint during the period of time the current generator has been in operation. Retaining the generator on site for a longer period of time than currently envisaged would result in no changes in respect of potential noise and odour emissions.
- 4.5 The application site is located within the Green Belt, as defined by the Rugby Borough Core Strategy and Warwick District Local Plan (the application site is situated within Rugby Borough but immediately adjoins the border with Warwick District). The National Planning Policy Framework (NPPF) stresses the importance the Government attaches to Green Belts. Development is not permitted in Green Belt except in one of a number of exceptions or where the proposal is inappropriate development in 'very special circumstances'. The development does not fall within one of the exceptions and is therefore inappropriate development in Green Belt terms. However, the function of the LFG facility to control and utilise gas arising from the landfill constitutes the very special circumstances sufficient to allow retention of the facility within the Green Belt. Furthermore, retention of the existing LFG facility, with no changes made to its physical form, would result in no greater impact upon the openness of the Green Belt.
- 4.6 The NPPF has at its heart a presumption in favour of sustainable development whilst at the same time seeks to minimise pollution and other adverse effects of development on the local and natural environment. Policies contained within the Warwickshire Waste Core Strategy similarly seek to avoid development having unacceptable adverse impacts on the local environment and communities. The NPPF also identifies that the planning system has a key role in supporting the delivery of renewable energy which is central to sustainable development. The LFG Facility controls a potentially polluting by-product of the landfill and puts it to a beneficial use thus supporting these aims.
- 4.7 The NPPF, Warwickshire Waste Core Strategy, Rugby Borough Local Development Framework Core Strategy and Warwick District Local Plan all contain guidance and policies which seek to secure good design and development which sits sympathetically within its setting.

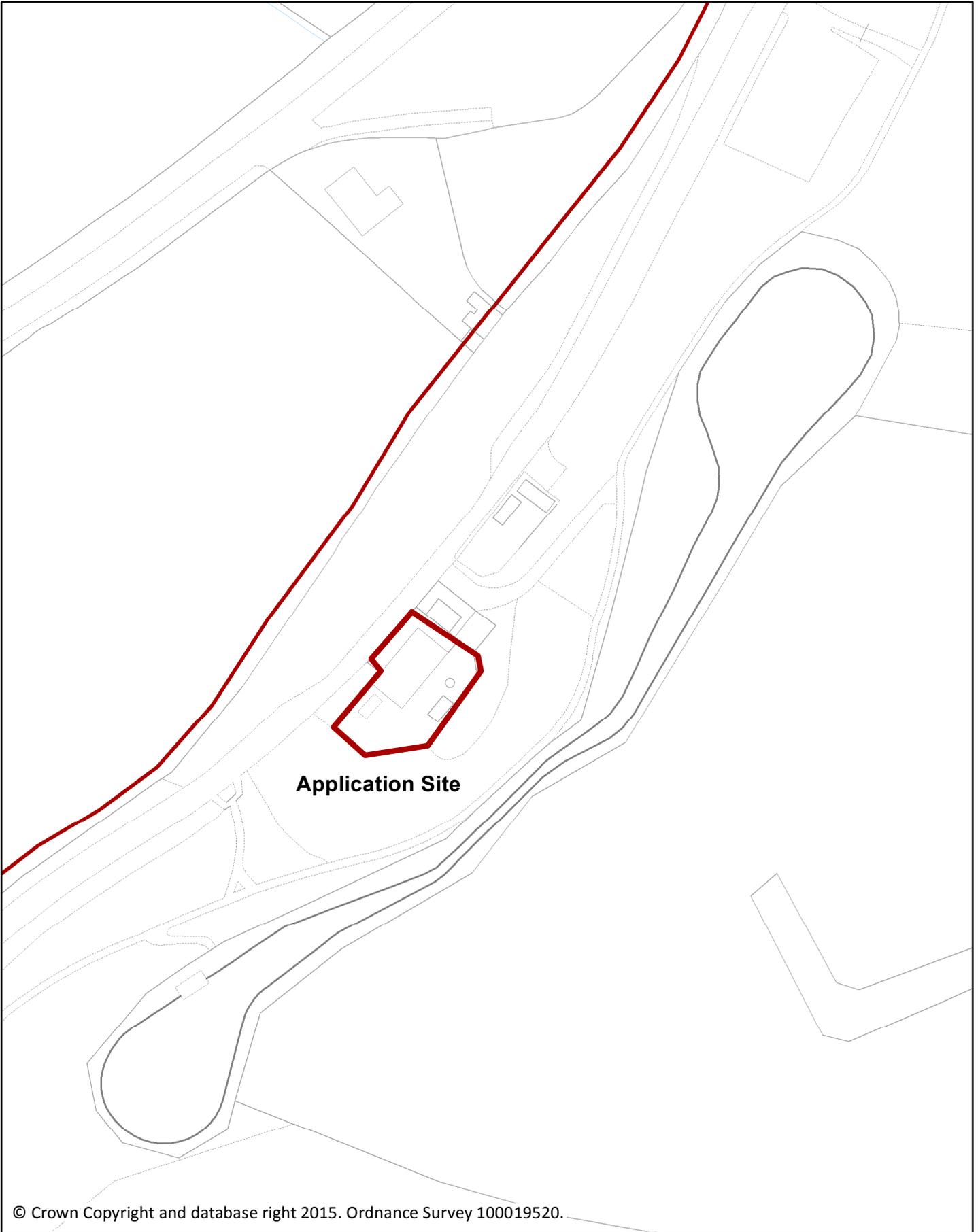
The design of the LFG facility very much reflects its function and is therefore industrial in character. Notwithstanding this, the facility is modest in scale and is reasonably well screened within the landscape and therefore does not detract from the character and quality of the area in which it is located.

- 4.8 Retention of the LFG facility for a further period of time until May 2035 would result in no greater impact upon the environment, amenity of nearby residents and oneness of the Green Belt whilst allowing the beneficial and safe use of a by-product of waste disposal. Whilst ‘very special circumstances’ exist sufficient to allow retention of the facility within the Green Belt whilst the landfill continues to produce gas, it would be appropriate to impose a condition in order to secure its removal upon cessation of use. A suitably worded condition is suggested.

5. Supporting Documents

- 5.1 Submitted Planning Application – Planning reference RBC/17CM008
- 5.2 Appendix A – Map of site and location.
- 5.3 Appendix B – Planning Conditions.

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Regulatory Committee: 13 June 2017

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Planning Conditions.

1. The landfill gas utilisation facility, including existing generator building, and associated development hereby permitted shall cease operation no later than 25th May 2035. In any event the system and associated development shall be decommissioned and removed from the site no later than six months of the facility ceasing operation.

Reason: To prevent retention of inappropriate development in the Green Belt.

Development Plan Policies Relevant to the Decision.

Warwickshire County Council Waste Core Strategy – July 2013

Policy DM1 – Protection of the Natural and Built Environment.

Policy DM2 - Managing Health and Amenity Impacts of Waste Development.

Rugby Borough Local Development Framework Core Strategy

Policy CS16 – Sustainable.

Warwick District Local Plan

DP1 - Layout and Design.

DP2 - Amenity.

DP9 - Pollution Control.

Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.