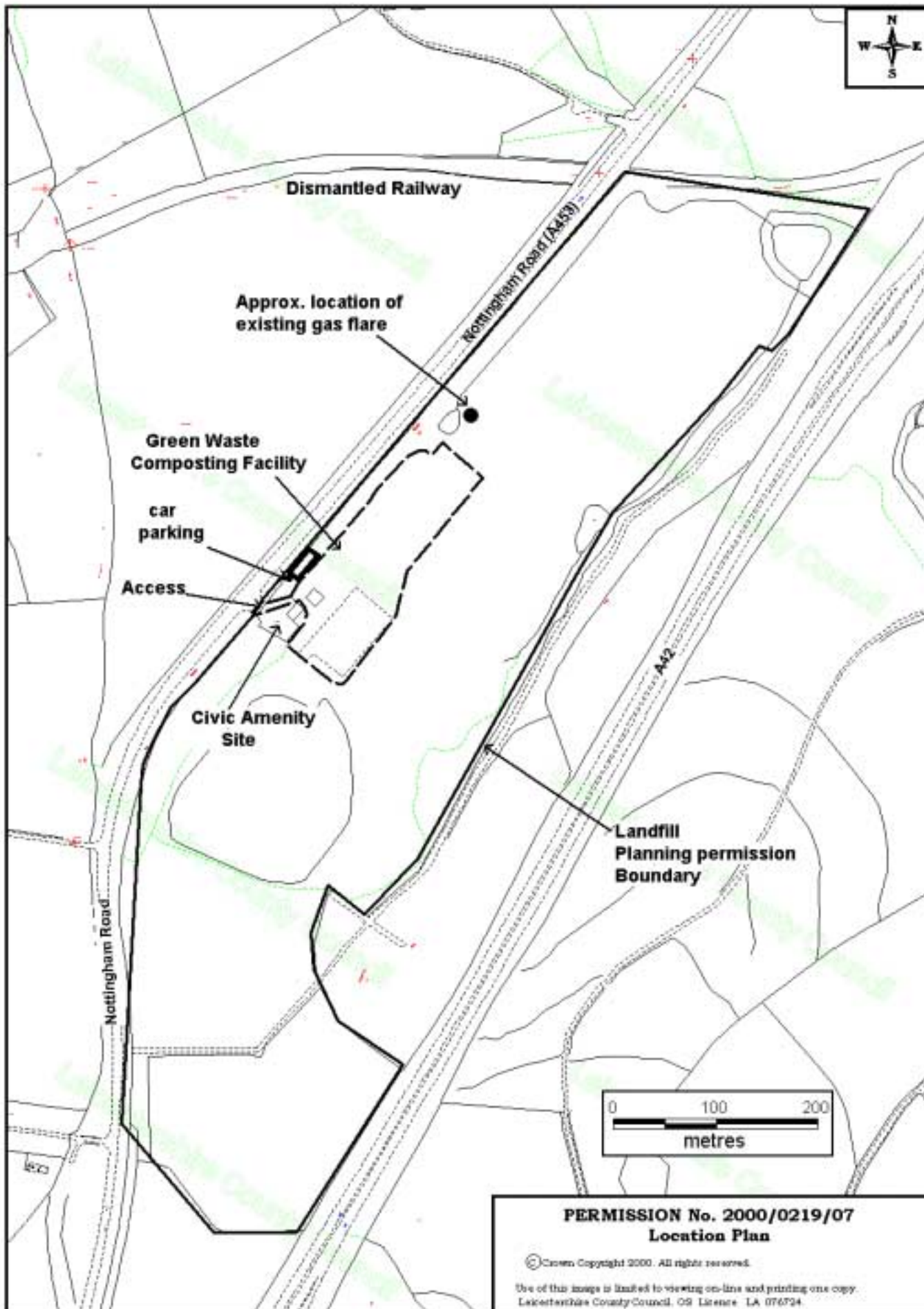


**Item 8(e)****DEVELOPMENT CONTROL AND REGULATORY BOARD****10<sup>TH</sup> OCTOBER 2002****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****REQUEST FOR VARIATION OF CONDITION****RENEWABLE POWERS SYSTEMS – REQUEST TO VARY CONDITION 5  
(LAYOUT) OF PLANNING PERMISSION 2000/0219/7 FOR INSTALLATION OF AN  
ELECTRICITY GENERATION PLANT FUELLED BY LANDFILL GAS – LOUNT  
LANDFILL SITE, NOTTINGHAM ROAD, LOUNT (NORTH WEST  
LEICESTERSHIRE DISTRICT)****2002/0219/07 – 24<sup>th</sup> July 2002****Background and Planning History**

1. The Lount Landfill site has been receiving domestic and commercial/industrial waste, mainly from the district of North West Leicestershire, for more than two decades. The landfill gas that is generated from the bio-degrading waste is collected through vertical wells and pipeworks that have been installed in the restored area of the landfill. The gas collected is currently burnt off by the use of a flare stack.
2. In June 2000 permission was granted for the installation of an electricity generating plant on the north west side of the site on land between the existing weighbridge and the site boundary adjacent to the Nottingham Road (A453). The proposal involved upgrading the existing flare stack and using the gas generated as a fuel to run the gas engine which would in turn generate electricity. The generated electricity would then be exported to the local grid for utilisation by buried underground cables.
3. Under the conditions attached to the planning permission for the landfill operation, the site was due to have been restored by 31<sup>st</sup> March 2001. Although the site ceased receiving waste materials by this date, difficulties in attracting suitable restoration and capping materials lead to significant delays in the restoration and an extension of time until 30<sup>th</sup> September 2001 to complete the works was granted in March 2001. Following a failure to meet the extended timescales, a request for a further time extension was refused in December 2001 and a Breach of Condition Notice served on the operator requiring all capping and soiling works to be completed by 30<sup>th</sup> September 2002.

2002/0219/07 - continued



**PERMISSION No. 2000/0219/07  
Location Plan**

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2002/0219/07 - continued

4. The installation of a synthetic cap is now complete and placement of restoration soils at the site is currently ongoing. On completion of these works the company intend to commence installation of the gas extraction system for this final area.
5. In connection with this the company have been looking to implement the existing planning permission for the electricity generation compound and re-examining the proposed details.

**Location of Proposed Development**

6. Lount Landfill site is located approximately 3km north east of Ashby de la Zouch and 7 km north west of Coalville. The site is bounded along its north western margin by the Nottingham Road (A453) and to the east by the A42 Trunk road. The permission area for the electricity generation compound is more than 500 metres from the nearest residential property of Lount Village and 700 metres north east of the property of Eastern Old Parks.

**Description of Proposal**

7. The submission is seeking approval for a variation of details regarding the layout and type of plant to be located within the electricity generation compound.

8. Condition 5 of the planning permission states;

*“Unless otherwise agreed in writing by the Mineral Planning Authority or by other conditions attached to this permission, the development shall be carried out in accordance with the details contained in planning application no. 2000/0219/07 dated 9<sup>th</sup> March 2000 and supporting statement and associated drawings.”*

9. Whilst the original application for the power generation scheme was submitted by Renewable Power Systems, Natural Power Ltd. (NPL) are now intending to take over the development in partnership with SITA. NPL's plant is slightly different from that in the approved planning permission and this has led to a change in the layout of the proposed plant. In addition, the new plant is slightly taller than that originally proposed, being 7m as opposed to 6m and will include a new ground flare within the compound rather than upgrading the current flare in its existing location.

**Planning Policy**

10. Policy WLP 20 of the emerging Waste Local Plan considers proposals for the extraction, treatment, recovery and utilisation of landfill gas. It states that:

*Planning permission will be granted for the extraction and utilisation of gas from landfill sites provided that:*

- i. The visual impact of the proposed operations and the infrastructure required to connect with statutory installations is acceptable;*
- ii. The proposed operations would meet the criteria in Policy WLP 8.*

2002/0219/07 - continued

**Consultations**

**North West Leicestershire District Council (Environmental Health)**

11. Reply awaited.

**Staunton Harold Parish Meeting Council**

12. Reported verbally - no objection.

**Colerton Parish Council**

13. Reported verbally – no objection.

**Ashby de la Zouch Parish Council**

14. Reported verbally – no objection.

**Environment Agency**

15. No reply

**Assessment of Proposals and Conclusion**

16. This proposal is for a minor amendment to the approved type and layout of plant to be located within the electricity generation compound.
17. The permitted site for the compound is well screened and is more than 500 meters from the nearest residential development. The existing landscape requirements are adequate to deal with this variation. The proposed amendments are not significantly different from those already approved in terms of visual or noise impact.
18. Consultation regarding the proposed amendments have been carried out with all parties consulted on the original proposals and no objections have been raised.

**Recommendation**

Approve subject to the following conditions;

1. The details hereby approved are carried out in accordance with the planning application no. 2000/0219/07 dated 9<sup>th</sup> March 2000 and supporting statement and associated drawings as amended by the letter dated 24<sup>th</sup> July 2002 from Natural Power Limited or as otherwise required by the conditions attached to planning permission no. 2000/0219/07.

**Reason**

1. To ensure the permission is implemented in all respects in accordance with the submitted details in the interests of the amenities of the area and for the avoidance of doubt.

2002/0219/07 - continued

**Policies and Proposals in the Development Plan Relevant to the Decision**

Waste Local Plan, Policy WLP20.

**Background Papers**

- 1) Letter from Natural Power Limited dated 24<sup>th</sup> July 2002 and accompanying plans and supporting information.
- 2) Planning Permission No 2000/0219/7 and accompanying plans and supporting information.
- 3) Planning permission No 2000/1180/07 dated 13<sup>th</sup> March 2001 and all correspondence held on the Department of Planning and Transportation's file 2000/1180/07.
- 4) Planning Permission No. 95/8069/07 dated 30<sup>th</sup> August 1996 and all correspondence held on the Department of Planning and Transportation's file 95/0896/07.

**Circulation Under Sensitive Issues Procedures**

Mr. E. Palmer C.C.

Mr. N. J. Rushton C.C.

**Officers to Contact**

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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equal opportunities implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of Property will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990**

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

|                   |   |   |
|-------------------|---|---|
| Section 70(2)     | : | determination of applications;  |
| Section 77(4)     | : | called-in applications (applying s. 70);  |
| Section 79(4)     | : | planning appeals (applying s. 70);  |
| Section 81(3)     | : | provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);  |
| Section 91(2)     | : | power to vary period in statutory condition requiring development to be begun;  |
| Section 92(6)     | : | power to vary applicable period for outline planning permission;  |
| Section 97(2)     | : | revocation or modification of planning permission;  |
| Section 102(1)    | : | discontinuance orders;  |
| Section 172(1)    | : | enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A); |
| Section 177(2)    | : | Secretary of State's power to grant planning permission on enforcement appeal;  |
| Section 226(2)    | : | compulsory acquisition of land for planning purposes;   |
| Section 294(3)    | : | special enforcement notices in relation to Crown land;  |
| Sched. 9 para (1) | : | minerals discontinuance orders.   |