

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application should be made in accordance with the development plan unless material considerations indicate otherwise. Whilst the proposal will be submitted to the Infrastructure Planning Commission (IPC) as an application for a Development Consent Order (DCO) reference to the development plan remains appropriate.

The development plan for Rookery South is complicated due to the transitional period in moving from local plans to local development frameworks. The development plan for this application is considered to comprise:

- The East of England Plan 2001-2021, May 2008 (EoE Plan);
- Bedfordshire and Luton Minerals and Waste Local Plan First Review, adopted 2005;
- The Mid Bedfordshire Local Plan, First Review, adopted December 2005 saved policies; and
- Central Bedfordshire Submission Draft Core Strategy North Area – as required to be amended by Inspector's report of 18 September 2009.

The primary policy reference for the IPC will be the National Policy Statement (NPS). The NPS may also be a material consideration for 'regular' planning applications. A number of draft NPS have recently been published for consultation, the two that are relevant to this proposal are:

- Draft Overarching National Policy Statement for Energy, November 2009 (EN-1); and
- Draft National Policy Statement for Renewable Energy Infrastructure, November 2009 (EN-3).

There are also a number of documents which, whilst not strictly part of the adopted development plan, are considered to constitute material considerations relevant to this application:

### **European**

Providing the framework for the national, regional and local policy of relevance to this application are three key European Directives:

- Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (the Renewable Energy Directive).
- Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (the Waste Framework Directive or WFD); and
- Directive 2000/76/EC on the incineration of waste (the Waste Incineration Directive or WID).

## **National**

- Planning Policy Statement 1: Delivering Sustainable Development, January 2005 ;
- Planning Policy Statement 1: Planning and Climate Change Supplement to Planning Policy Statement 1, December 2007 (PPS 1 Supplement);
- Planning Policy Statement 7: Sustainable Development in Rural Areas, August 2004;
- Planning Policy Statement 9: Biodiversity and Geological Considerations, August 2005;
- Planning Policy Statement 10: Planning for Sustainable Waste Management, July 2005 (PPS 10);
- Planning Policy Guidance Note 13: Transport, April 2001;
- Planning Policy Guidance Note 14: Development on Unstable Land, April 1990;
- Planning Policy Guidance Note 15: Planning and the Historic Environment, September 1994;
- Planning Policy Guidance Note 16: Archaeology and Planning, November 1990;
- Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation, July 2002;
- Planning Policy Statement 22: Renewable Energy, August 2004 (PPS 22);
- Planning Policy Statement 23: Planning and Pollution Control, November 2004;
- Planning Policy Guidance Note 24: Planning and Noise, October 2004;
- Planning Policy Statement 25: Planning and Flood Risk, December 2006;
- UK Renewable Energy Strategy, July 2009;
- UK Low Carbon Transition Plan, National Strategy for Climate and Energy, July 2009;
- Energy White Paper: Meeting the Challenge, May 2007; and
- Waste Strategy for England, May 2007.

## **Regional**

- Milton Keynes and South Midlands Sub Regional Strategy; and
- Technical Paper on Waste for the Review of the East of England Plan, September 2009.

## **Local**

- Bedfordshire and Luton Waste Core Strategy: Issues and Options, October 2007;
- Bedfordshire and Luton Waste Site Allocations Document: Issues and Options October 2007;
- Bedfordshire Authorities Municipal Waste Management Strategy, April 2006;
- Bedfordshire Energy and Recycling Project (BEaR) documents;
- Bedford Borough, Core Strategy and Rural Issues Plan, April 2008;
- Bedford Borough, Climate Change and Pollution Supplementary Planning Document, December 2008; and
- Marston Vale Forest Plan, 2000.

**Energy**

The NPS makes clear the significant need for new major energy infrastructure and advises the IPC that it should start its assessment on the basis that need has been demonstrated. Further, that the IPC does not need to consider the relative advantages of one technology over another.

The PPS 1 Supplement and PPS 22 also provide national policy support for developing a robust renewable energy infrastructure, and are supplemented locally by policy in the EoE Plan, Central Bedfordshire Submission Draft Core Strategy North Area – as required to be amended by Inspector's report of 18 September 2009 and Bedford Borough, Climate Change and Pollution Supplementary Planning Document, December 2008.

However, the application will need to provide detail on how energy will be exported (ie where a connection will be made) and will need to discuss the potential for CHP.

**Waste**

The NPS requires the application to demonstrate conformity to the waste hierarchy and the extent to which the proposal contributes to regional waste management targets.

These requirements are reflective of key principles of the Waste Framework Directive ie:

- Member States must establish an 'integrated and adequate' network of waste management facilities – ie concepts of 'proximity' and 'self sufficiency'
- to manage waste according to the 'waste hierarchy'. In the first place, Member States should prevent or reduce waste generation as well as its harmfulness. Where prevention and reduction is not possible and in order of priority, waste materials should be reused, recycled or recovered, including being used as a source of energy. If none of the above offers an appropriate solution, waste should be disposed of safely.
- Article 4, which specifically requires that risks to the environment and health must be avoided. Measures should be taken to ensure waste is processed:
  - without risk to water, air or soil, or to plants or animals;
  - without causing a nuisance through noise or odours; or
  - without adversely affecting the countryside or places of special interest.

These principles are also contained within the key planning objectives of PPS 10.

Within local policy the above concepts have been given a stronger emphasis, for example policy W3 of the MWLP states:

'Proposals for facilities primarily intended for the management of imported wastes by any means other than landfill will not be granted permission'.

The application will need to address the size of facility and that waste is being sourced from within an appropriate area.

**Impacts from development**

There will be local environmental impacts from the development, both positive and negative. The application will need to demonstrate that positive impacts have been enhanced and that negative impacts have been either designed out or mitigated so that the effects are not significantly detrimental. To enable this understanding, the Environmental Statement considers a wide range of topics, namely:

- Transport & Access;
- Air Quality incorporating human health risk;
- Noise & Vibration;
- Cultural Heritage;
- Landscape & Visual Effects;
- Ecology & Nature Conservation;
- Land & Water Quality;
- Hydrology & Flood Risk;
- Socio- economics;
- Archaeology;
- Waste Management;
- Utilities; and
- Impact Interactions & Cumulative Effects.

### **Site Choice**

Rookery South is not allocated in any development plan document for waste related development, although the MWLP Inspector recognised that it had a role to play in sustainable waste management.

PPS 10 advises that in searching for sites and areas suitable for new or enhanced waste management facilities, waste planning authorities should:

- consider opportunities for on-site management of waste where it arises;
- consider a broad range of locations including industrial sites, looking for opportunities to collocate facilities together and with complementary activities.
- give priority to the re-use of previously-developed land, and redundant agricultural
- and forestry buildings and their curtilages.

It further advises that the following criteria should be considered in assessing a site's suitability:

- the extent to which they support the policies in this PPS;
- the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);
- the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

MWLP policies W7 and W13 identify the following locations as suitable for development of integrated waste management systems:

- as part of an integrated waste management facility [policy W13 only]; or
- within the area of an existing planning permission for a waste management related use; or
- on land designated for general industrial (B2) use; or
- on areas of despoiled, contaminated or derelict land.

The application will need to demonstrate that Rookery South is an appropriate site at which to locate the proposed development. This is most commonly addressed through an alternative site search, such as that completed by the BEaR project, which identified Rookery South as the preferred site for an EfW facility.

**Consultation**

Consultation has long been an important part of the planning process, for example PPS 22 requires developers of renewable energy projects to engage in active consultation and discussion with local communities at an early stage in the planning process. An application submitted to the IPC is required to deliver comprehensive consultation and engagement initiatives – this is a key test that the IPC will need to be satisfied on before it will validate the application.

## **PPS 10, ANNEX E - Locational Criteria**

In testing the suitability of sites and areas against the criteria set out in paragraph 20, waste planning authorities should consider the factors listed below. They should also bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). Advice on likely impacts and the particular issues that arise with specific types and scale of waste management facilities is given in accompanying practice guidance.

### **a. protection of water resources**

Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care.

### **b. land instability**

Locations, and/or the environs of locations, that are liable to be affected by land instability will not normally be suitable for waste management facilities.

### **c. visual intrusion**

Considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; (ii) the need to protect landscapes of national importance (National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts).

### **d. nature conservation**

Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites) or a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves).

### **e. historic environment and built heritage**

Considerations will include any adverse effect on a site of international importance (World Heritage Sites) or a site or building with a nationally recognised designation (Scheduled Monuments, Conservation Areas, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens).

### **f. traffic and access**

Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads.

### **g. air emissions, including dust**

Considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

### **h. odours**

Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

### **i. vermin and birds**

Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/2003) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the proposals map in the local development framework).

The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.

**j. noise and vibration**

Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly if night-time working is involved.

**k. litter**

Litter can be a concern at some waste management facilities.

**l. potential land use conflict**

Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.