

Committee and Date

North Planning Committee

19th April 2016



Development Management Report

Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/05563/FUL

Parish: Prees

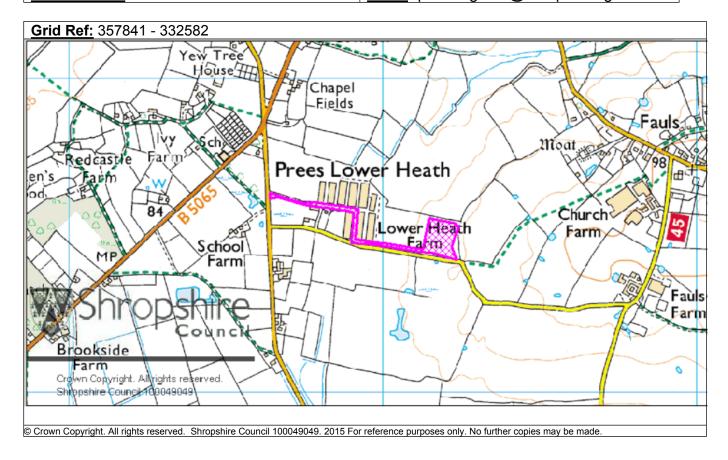
Proposal: Installation of an on farm Anaerobic Digestion plant and associated infrastructure, for the production of both renewable heat and electricity

Site Address: Lower Heath Farm Lower Heath Prees Whitchurch Shropshire

Applicant: Thornfield 002 Ltd

Case Officer: Kelvin Hall

email: planningdmc@shropshire.gov.uk



Recommendation:- That Members grant planning permission for the proposed development subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for an on-farm anaerobic digestion (AD) plant on land adjacent to the poultry units at Lower Heath Farm. The plant would utilise poultry manure produced at the farm, together with agricultural feedstock such as crop residues. The AD process would generate biogas, heat and digestate. The biogas would be converted into electricity by a 750kWe combined heat and power (CHP) unit. The electricity would be used on site when a demand exists, with surplus being fed into the national grid. Part of the heat generated would be recirculated through the system to heat the primary digester. The remaining heat would be utilised to dry the fuel for the biomass boilers which heat the existing poultry units onsite. The process would produce digestate in both fibrous and liquid form. The fibrous fraction would be passed through the drying operation. The liquid fraction would be spread on surrounding farmland as a replacement for conventional fertilisers.
- 1.2 A flarestack would be on site to ensure that any biogas can be combusted safely in the event that it cannot be used within the CHP, eg. in the event of emergencies. The plant would be connected to the National Grid by underground means.
- 1.3 It is proposed that the AD plant would process up to 15,250 tonnes of feedstock per annum. This would principally be a mixture of poultry manure arising at the farm, and material derived from agricultural, forestry and biomass processing residues. The applicant has confirmed that the use of purpose grown energy crops would only be processed if it meet specific criteria that regulate the subsidies that support AD schemes. All feedstock would be derived from agricultural or forestry operations, and it is not proposed to import food waste to the facility.
- 1.4 The proposed AD plant would include the following:

<u>Primary digestion tank:</u> measuring approximately 25.4 metres x 6.5 metres
high, with a dome of 5.8 metres giving a total height of 12.3 metres; materials:
dark green coloured metal sheeting with flexible membrane above
Secondary digestion/storage tank: measuring approximately 25.4 metres x 6.5
metres high, with a dome of 5.8 metres giving a total height of 12.3 metres;
materials: dark green coloured metal sheeting with flexible membrane above
Feedstock hopper: approximately 10 metres x 3 metres x 4 metres high
<u>Pre-digester tank:</u> cylindrical tank approximately 6 metres diameter x 8 metres
high, dark green in colour
<u> </u>
3 metres x 3 metres high, with cooling equipment and exhaust stacks to a
maximum height of 10 metres
Feedstock clamps: concrete construction, 3 metres high
Poultry litter store: to be installed within the feedstock clamp area, with an area
of 450m ²
Drying facilities: these would be accommodated within a container,

approximately 13 metres x 5 metres x 3 metres nigh, with exhaust features
extending a further 2 metres. Dark green in colour
<u>DNO transformer:</u> to DNO specification, measuring 4 metres x 3 metres x 3
metres high, dark green-coloured glass reinforced plastic
Private substation: measuring 4.5 metres x 3.5 metres x 3 metres high; dark
green-coloured glass reinforced plastic
Flare unit: approximately 5 metres high, on a concrete plinth of 2 metres x 2
metres
<u>Control system:</u> to house the electrical infrastructure; approximately 12 metres
x 3 metres x 3 metres high, coloured dark green
Retaining bund: up to 3 metres high, of earth construction with landscaping on
top
<u>Detention basin:</u> to provide attenuation of clean surface water runoff from the
site; depth to 0.4 metres.

Welfare facilities and staff parking would be provided at the adjacent farm.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located directly to the east of existing farm and poultry units at Lower Heath Farm, approximately 2.5km to the south-east of Prees. The site area is approximately 0.87 hectares and comprises uneven ground and dense undergrowth. The existing poultry development includes 12 large poultry sheds together with a number of associated feed silos and other plant and buildings. Other land surrounding the site comprises agricultural fields, with an unclassified public highway running adjacent to its southern boundary. The nearest residential property is the farmhouse, approximately 290 metres to the west. Access to the site from the public highway to the west would be gained via the existing access road to the poultry units.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Principal Planning Officer, in consultation with the Chairman of the Planning Committee has agreed that the Parish Council has raised material planning concerns and that the application should be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 Prees Parish Council Objects.

The Council's primary reason for objecting is the increase in traffic movements caused by the amount of materials that will have to be brought onto the farm in order to feed the Digestor. It is currently proposed that only 10 - 30% of the material used in the digestor will come from the farm in the form of chicken manure the remainder will have to be brought in. This will increase the traffic flow to and from the farm and although the traffic survey indicates 8 extra vehicle movements per day in reality this will be concertinaed into a few months of the growing/harvest season. This will have a huge impact on the local road network, local residents and safety of the children at Lower Heath School, there is little benefit to the local

community from this scheme but it will bear the brunt of the impact from the additional traffic movements. The Council ask that the application is sent to Committee where the full impact of the increase in Traffic, visual impact, smell, high water table, and overflow of gas can be assessed.

If approved there should be conditions, one of which is a Traffic management plan to reduce the impact on the school, steer the traffic away from it, particularly during its operating times in the day. To reduce the impact on the local community the applicant should be asked to provide Vehicle Activated Signs with data collection for the routes either side of the farm to help ensure the traffic adheres to the speed limits and is aware of safety hazards such as the sharp bends.

Lastly the Bund round the site should be increased to the maximum height and planted to provide the best possible screening. The site should be returned to agriculture in the event the plant is no longer required.

4.1.2 **Environment Agency** No objections.

<u>Controlled water impacts:</u> The site is located upon a 'Secondary B' Aquifer – Bollin Mudstone formation, adjacent to a 'Secondary A' Aquifer – Devensian Glacio-fluvial (sand and gravel) deposits. An ordinary watercourse issues around 300 metres to the north west of the site and there are some ponds nearby, the closest being within 120 metres to the south of the proposal.

Based on our records, there is one (Environment Agency regulated) abstraction within 250 metres of the site. This is approximately 200 metres from the site, registered to 'Alan Simpson Farming' as a general farming and domestic water supply (ref. 18/54/04/1388). There may be other private water supply records. The applicant should confirm that there are no wells, springs or boreholes used for domestic purposes within 50 metres of the site (installation boundary). This should be based on information from your Public Protection Team and British Geological Survey (BGS).

The site is not located within a Source Protection Zone and there are no watercourses, ditches or land drains/culverts within 10 metres, or running through the site boundary, based on our records.

<u>Water Framework Directive (WFD):</u> The site is located within two WFD catchment areas (the boundaries cross through the development site). These are the Bailey Brook 'source to confluence of the River Tern', which is classified as 'moderate' ecological status, and the Soulton Brook which is also classified as 'moderate'. The aim is to achieve good ecological status by 2027.

<u>'Groundwater' – sub water table impacts:</u> The planning application shows that all tanks will be set 'above ground', thus avoiding any impact upon groundwater. We therefore have no objection on this basis, noting some minor foundation works may be below ground. This proposal avoids the need for any depth to groundwater assessment etc.

Environmental Permit: From the information provided, without prejudice, it appears that the applicant could design the plant for a SR2012No10 'On-farm anaerobic

digestion facility including use of the resultant biogas' (New Standard Rules Permit - SRP), or vary the existing poultry permit. This is on the basis that the site capacity is less than 100 tonnes of waste (including process water) per day.

Based on the further information and looking through the potential constraints which might affect the appropriateness of the land use, we do not anticipate any significant cause for concern, at this stage.

<u>SRP controls:</u> We can confirm that the EP would regulate and control matters such as the following: - general management of the site; Permitted activities e.g. operations; waste acceptance (quantity and type of waste); emissions to land, water and air (including odour, noise and vibration relevant to the 'operational area'); monitoring, records and reporting.

Odour and Noise: With regard to odour and noise, the proposal should incorporate measures to avoid and minimise potential impacts on local air quality and noise. The nearest 'sensitive receptor' appears to be the Lower Heath Farmhouse at just over 200 metres from the proposed installation. Other receptors are present much beyond 200 metres. The noise assessment suggests that noise is unlikely to be a constraint.

The supporting statement suggests the introduction of the AD plant will offer benefit to the local area in terms of odour containment, primarily through the processing of farmyard manure, slurry and poultry litter.

The Permit will control appropriate mitigation and management measures should these emissions pose a nuisance. It should be noted that the above Standard Rules Permit will normally only require a detailed Odour Management Plan and Noise Management Plan, as a reactive measure, if the activities give risk to pollution etc.

<u>Air Quality:</u> We note that a gas flare will be present on site to dispose of un-burnt biogas in the event of the engine failing/maintenance. Monitoring data is likely to be required as part of permit compliance. To avoid adverse air quality impacts, the gas engine stack should be more than 200 metres from the farmhouse. This appears to be the case looking at the plans submitted. Should it need to be closer, then the applicant will need to ensure an effective stack height of 3 metres or more, or the stack should be set above 7 metres in height.

<u>Secondary Containment:</u> The information submitted, including drawing no. 1508/D001, confirms appropriate secondary containment measures in the form of an earth bund structure, to protect controlled waters. The applicant should ensure that the area around the tanks will be lined with an impermeable membrane and stoned on the surface. This area should be enclosed by the bund. The containment structures associated with the proposed AD plant will need to be compliant with CIRIA 736 (July 2014). The hydraulic permeability testing and construction detail will be controlled as part of the permit in this instance.

Note - All storage and process tanks shall be located on an impermeable surface (a hydraulic permeability of not greater than 1x 10-9 m/s) with sealed construction joints within the bunded area.

'Engineering' – advisory comments: The proposal suggests the creation of level platforms. As part of any 'cut and fill' exercise it is important for the entire platform to be structurally stable and sufficient to take the loading of the proposed AD plant. The stability of the secondary bund is also essential to the pollution prevention measures. Again, it is noted that there is to be no below ground digester tank. The applicant must demonstrate that the above issues are addressed in their EP application. A full engineering report (undertaken by appropriately qualified persons) is likely to be required at the EP application stage. This will need to demonstrate appropriate secondary containment, construction practices, stability assessments etc. A follow up Construction Quality Assurance (CQA) report will also be required. The works must be in accordance with CIRIA 736 and appropriate standard referenced within.

For completeness, we would not object to grass seeding or suitable wildflower/landscaping mix being incorporated into a containment bund. This helps to maintain some soil integrity. However, we would not wish to see any deep rooted trees planted on the bund, or other pipework etc being proposed through the bund, which could breach the integrity of the structure.

<u>Surface Water (Flood Risk Assessment):</u> The site is located within Flood Zone 1 (low probability of fluvial risk) based on our indicative Flood Map for Planning. We would draw your attention to our Area 'Flood Risk Standing Advice'; for your consideration in consultation with your Flood and Water Management team (Lead Local Flood Authority).

4.1.3 **SC Public Protection** No objections.

Having considered the noise assessment and likely impact of any noise from operations on site having an impact on nearest receptors I do not consider it likely that noise will have a significant impact on nearby receptors. Odour is not considered likely to have any impact on the surrounding area as the only odour comes from feedstock bays and in this instance there is already odour from existing operations on site which would mask any odour associated with the anaerobic digester. In addition the digestate when spread on any agricultural land is far less malodorous than chicken manure and therefore a betterment in odour is anticipated during spreading.

It is confirmed that there are no private water supplies within 300 meters of Lower Heath Farm buildings according to our records.

4.1.4 **SC Highways** No objections subject to conditions requiring approval and implementation of site access improvements and a Traffic Management Plan.

It is considered that the submitted Transport Statement is acceptable in general transportation terms. However, the applicant's conclusion that a proposed 70% increase in daily traffic flows is insignificant is somewhat optimistic. An increase of nearly 8 trips a day from a site, already generating an average of 10 trips a day, is considered significant in the context of the development. In addition, the averaging of vehicle movements can be somewhat misleading rather than the profiling of hgv movements which can indicate peaks and troughs in connection with the poultry unit and associated AD Plant. The difficulty in the traffic assessment is the certainty

of the direction of travel of hgv movements dependent upon the source material being brought in and subsequently taken out.

That being said above, it is acknowledged that the local public highway network is of a standard which could adequately cope with this increase in traffic. Therefore, it is not considered that any specific road improvement mitigation measures would be necessary.

However, where there is no clarity in the application submission is the capacity of the facility long term and therefore the resultant HGV traffic generation. As I understand it from the application, whilst the facility is predicated upon specific tonnage figure at this stage, any permission granted would be restricted by virtue of the Permit Licence and not by the planning consent. This needs clarifying and the highway authority would suggest that a restriction based upon tonnages and input/outputs would be reasonable in order to control the development. The highway authority would advise therefore that the development is controlled in terms of its scale of operation.

Notwithstanding the above, concerns have been raised regarding the local school and the movement of HGV traffic during the morning and afternoon peak school dropping off and picking up periods. Clearly there are no restrictions currently in place which prevent HGV movements on the local highway network. It is considered however that the applicant should attempt to manage the development traffic movements, particularly the large vehicles, through the implementation of an appropriate Travel (Transport Management) Plan, in order to reduce the incidents of conflicting large vehicles, associated with the site operation, on the local network and at peak times in connection with the school opening and closing.

It is also apparent that turning vehicles, at the site access at Shrewsbury Road (B5065) are over-running and damaging the adjacent highway verges, despite the submitted track plots indicating the contrary. Therefore, it is considered that the applicant should undertake further improvements to the existing access to mitigate the adverse effects of overrunning the highway verge. The access details could therefore be amended accordingly to condition a plan or be the subject of a planning condition.

- 4.1.5 **SC Drainage** No objections. Drainage details need to be submitted for approval and this can be dealt with by planning condition.
- 4.1.6 **SC Ecologist** Recommends informatives'. Ponds within 250m of the proposed development have low potential to support great crested newts. There are no designated sites within 500m of the proposed development. No further survey work is required to support this application.
- 4.1.7 **SC Archaeology** No further archaeological mitigation required.

The proposed development comprises an anaerobic digestion plant and associated infrastructure to be located immediately adjacent to and to the east of the existing Lower Heath poultry farm. At present the Shropshire Historic Environment Record (HER) contains no records of any heritage assets with archaeological interest either on, or within the vicinity of, the proposed development site. A number of dispersed

metalwork finds dating from the Roman to the post-medieval period have been found by metal detectorists on the arable land to the north and north-west of the site. Historic editions of the Ordnance Survey map indicates that two small field ponds, possibly representing flooded marl pits, previously existed on the site and have now been infilled. It was also crossed by a former field boundary of likely post-medieval date. The Historic Environment Desk Based Assessment that has been submitted with the application concludes that there is low potential for prehistoric and post-medieval remains of low significance to be found on the proposed development site.

It is advised that the Historic Environment Desk Based Assessment by Ecus Environmental Consultants that has been submitted with the application satisfies the requirements set out in Paragraph 128 of the NPPF, and Policy MD13 of the SAMDev component of the Local Plan, with regard to the archaeological interest of the proposed development site.

In broad terms we would concur with the conclusions contained within this Assessment in respect of the archaeological potential of the proposed development site. However, we would further observed, on the basis of recent digital vertical aerial photographs held by Shropshire Council and Plate 1 and 5 of the assessment, that the site has previously been subject to extensive dumping/levelling activities and at least some intrusive groundworks. This appears to have occurred in associated with the construction with the last phase of the poultry farm in c.2012 – 13. In our opinion these works will have had the effect of reducing the archaeological potential to negligible.

4.1.8 **SC Conservation** The application is a further intensification of the use of this site as a poultry unit upon which pre-application comment was made by the HE Team. This advice requested that both designated and non-designated heritage assets should be assessed with regard to impact of the proposed development on their significance.

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Having reviewed the Heritage Assessment it would appear that the requirements of para 128 of the NPPF have been partially fulfilled. However, little actual assessment of non-designated heritage assets and the potential impacts of the proposal on them has been made and this should form part of the overall assessment when looking to the SAMDev policy MD13. Also, no assessment with regard to the impact on the significance of the Grade I Obelisk, which is mentioned within the Grade I Historic Park assessment, but nothing more. The obelisk is some 30 metres tall and therefore an assessment would have been expected, especially with regard to the elevated position of the obelisk and the greater part of the Grade I parkland, as identified on the Topography and National Character Areas plan Ref: 1195/01a. The relationship of the Obelisk with Hawkstone Hall and how the whole composition of the of the Park, which contains many designated and

non-designated heritage assets, is assessed in the wider landscape and the cumulative impact of yet another phase of the development on this site. A development which is yet taller than many structures already on the site and how this is justified as having no further harmful impact on the significance of the whole park and structures.

It would appear that there are photos of the site from indicated view points as existing but I could not find any as proposed i.e. photomontage of the digesters in position in relation to the site and its setting. Some view points from the higher ground, even though they may be outside the 2 km zone, have also not been submitted for consideration with associated photomontages, nor some of the closest designated heritage assets, Manor House, Vale Farm etc. being required too to justify the that there is no harm to the significance through this proposed development.

It is recommended, therefore, that should decision takers be minded to approve this application it will be necessary to address the short comings as noted above so as to comply with the requirements of MD13 and when considering the requirements of paras 128, 134, 135 and 137 of the NPPF together with Section 66 (1) of the above Act, 1990. It is also considered necessary to ensure that planting is not only carried out on the site of the digesters and associated structures but also to the existing site boundary. The existing site boundary to the immediate west of the application site would appear to have had a bund to the southern road boundary approved under the 2012 application for one additional poultry building and feed bins, which under this application (if approved) will be removed, or indeed does not exist and was never implemented as part of that 2012 application approval. It should also be investigated as to whether other screen planting could be accommodated in other further hedgerows although I have been able to find a blue line to indicate other ownership.

It would appear that no consultation with Historic England has been carried out in relation to any perceived impact on significance through development within the setting of Grade I listed structures, buildings and the Historic Park and Garden.

4.2 **Public Comments**

4.2.1 The application has been advertised at the site boundary. In addition nine residential properties in the area have been individually notified. Objections from 14 households have been received. There have been four letters of support.

4.2.2 Objections:

- bad smells, including hydrogen sulphide smell
- attraction to vermin
- substantial increase in HGVs leading to Increased risk of accidents
- traffic impact on two well supported schools nearby from extra 32 tonnes HGVs
- increase in day and night traffic
- impact on residents using local lanes to transport children to school, walk dogs, ride horses etc.
- bad accident record of public highway
- traffic routing would not be adhered to; query over who would police it
- health problems due to vermin and smell
- noise 24 hours per day

- light pollution
- dust
- flies
- potential contamination
- concern over ability of earth bunds to contain spillages
- no economic benefit to local community
- safety concerns with reference to the explosion at Harper Adams AD plant
- uncertainty over type and source of feedstock; could be open to waste food or maize (which Defra controls as it ruins arable land) coming from anywhere in the country, and being taken anywhere after processing
- query whether we should be using agricultural land for growing fuel instead of food
- submitted reports are dismissive of the cares of residents and pupils
- independent reports should be produced on sustainability, safety, noise, visual impact, environmental effects
- concern over rural setting of the round the clock industrial facility
- disturbance due to night-time activities
- concern that waste would not be taken away
- Inefficient, unnecessary and unwanted scheme
- not green energy as the bulk material has to be brought to the site and away again after processing
- not carbon neutral due to HGV traffic impacts
- not sustainable energy, not good for the environment or residents of Lower Heath
- solar panels should be added to rooves of existing buildings for a sustainable energy solution
- farm will supply only 15% of the feedstock; manure and digestate will still require removing from the farm
- size of plant far exceeds the average farm installation
- local area cannot supply the maize tonnage required, there will need to be brought from a longer distance
- impact from growing maize as a feedstock: the least friendly of crops, requiring more fertiliser, causing greater ground compaction, greater erosion and increased run-off into water courses
- impact on land prices
- 450-500ha of land required for maize for one MW biogas plant
- visual impact; out of scale
- neither the farmer nor the applicant would be the owner responsible for the site; would be a financial backer/group
- carbon footprint of all the concrete and steel to build the plant

4.2.3 Objections from Lower Heath Primary School

- Increased traffic on the B5065
- Impact on safety of children and parents
- Noise and vibrations from vehicles passing school impacting on building foundations and distracting children
- Detrimental to health of children through additional vehicle emissions
- Increased smells
- Dangers from gas escape
- Concern over potential for food waste to be used, resulting in further problems with smell, vermin etc.

- Concern over who would be accountable for the venture should problems arise
- A Traffic Management Plan is required

4.2.4 Support:

- Siting is well thought out, away from the main road and from other properties
- Applicant has sought to disguise farm buildings
- Traffic has never been a problem
- No existing dust, smell or fly issues
- Farm is kept to a very high standard; owner seeks to utilise sustainable energy and efficient processing, minimising the impact on the environment and surroundings
- Business is good for local employment
- Farmer has won awards
- Owner has planted a hedge to make a screen and a more sympathetic view
- Will make the country more eco-friendly by generating electricity and being selfsufficient
- Added bonus that the farm can supply electricity to the grid
- Will create additional employment
- Would be less smell as less manure would be taken off site
- Vehicle movements would largely counter balance each other so will be relatively little additional traffic

5.0 THE MAIN ISSUES

Environmental Impact Assessment considerations
Principle of development
Siting, scale and design
Residential and local amenity considerations
Historic environment considerations
Traffic and access considerations
Drainage and pollution considerations
Ecological considerations

6.0 **OFFICER APPRAISAL**

6.1 Environmental Impact Assessment considerations

6.1.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 specify that development comprising industrial installations for the production of electricity, steam and hot water where the area is greater than 0.5 hectares is Schedule 2 development. Shropshire Council adopted a Screening Opinion in September 2015 (ref. 15/03898/SCR) advising that the proposed development was not likely to have a significant effect on the environment by virtue of factors such as its nature, size or location. As such no Environmental Impact Assessment is required for the proposed development.

6.2 Principle of development

6.2.1 Applications need to be determined in accordance with the Development Plan unless material considerations indicate otherwise. National planning policy is provided by the National Planning Policy Framework (NPPF) and is a material consideration. One of the core planning principles of the NPPF is to encourage the use of renewable resources, for example by the development of renewable energy.

It advises that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy. It also states that such applications should be approved if its impact are (or can be made) acceptable.

- 6.2.2 Anaerobic digestion (AD) technology has central government support as a means of producing electricity through renewable means. The government has advised that it is the best environmental option currently available to deal with unavoidable farm waste. The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 9), and that renewable energy generation is improved where possible (Policy CS6). The site lies within an area defined as countryside for planning policy purposes. Core Strategy policy CS5 states that applicants for developments in the countryside which include small-scale new economic development, including farm diversification, should demonstrate the need and benefit of the proposal.
- 6.2.3 The proposal would allow the use of poultry manure as an energy resource, allowing this to be used in conjunction with agricultural crop residues and crops, to generate a renewable form of electricity. It would also produce a nutrient rich digestate to be spread on farmland, thereby reducing the use of conventional fossil fuel derived fertilisers. The proposed AD plant would have a peak electrical generating capacity of 750kW. Based on the UK average household consumption the proposal would produce the equivalent to the annual electricity usage of 1,453 homes. The proposal would provide significant environmental benefits and as such is supported in principle by national policy guidance and local planning policies.
- 6.2.4 The proposed development is a recognised form of farm diversification. It would provide an additional income stream for the farm, and reduce the cost of farm waste management. In terms of need and benefits Officers conclude that in principle the proposal is acceptable in this rural, farm-based location.
- 6.2.5 The proposal would involve the processing of agricultural and related wastes only. Nevertheless in terms of national and local waste policies SAMDev Plan policy MD14 (Waste management facilities) supports new AD facilities in appropriate locations. This policy also supports the recovery of energy from waste subject to this not undermining the provision of waste management facilities further up the waste hierarchy. Given that the proposal would utilise principally poultry manure from the adjacent chicken sheds, and locally derived crop residues, Officers do not consider that the proposal would adversely affect other waste management facilities.

6.3 Siting, scale and design

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that developments contribute to and respect locally valued character and existing amenity value through design. SAMDev Plan policy MD7b supports agricultural development which is of a size/scale consistent with its agricultural

purpose and nature of enterprise it is intended to serve, and is well designed and sited so that it is functionally and physically closed related to existing farm buildings.

- 6.3.2 The proposed AD plant would be located adjacent to the existing poultry development, which includes 12 large poultry sheds that cover an area in excess of 5 hectares. The principal structures of the AD facility, including the cylindrical steel tanks and concrete clamps, would be agricultural in appearance and therefore not out of keeping with the adjacent buildings. The proposed development would be constructed at the same level as the adjacent poultry units, and this would ensure that the ground level of the facility would be lower than surrounding levels. This, together with the retention of the existing embanked hedgerow and other hedgerow around the site perimeter, would reduce the visibility of the development within the landscape. The proposed planted bund around the development, a total of 358 metres, would provide additional screening. Although the tallest structures would be higher than the poultry sheds and feed silos, the development itself would occupy a significantly smaller footprint.
- 6.3.3 The application is accompanied by a Landscape and Visual Impact Report undertaken by chartered landscape architects. This states that the well vegetated boundaries surrounding the site, and the existing land-use pattern, means that the landscape has the capacity to accommodate the proposal. The proposed bunds around the site would be planted with trees and shrubs and this would mitigate the scheme's visual effects and strengthen the character of the landscape in the longer term. The report states that the long-term effects on landscape character within 0.6km of the site would be negligible/slight to slight adverse significance. The report concludes that, although the proposal would bring about changes to the local landscape, it would not be out of scale with, nor substantially alter, local landscape character.
- 6.3.4 Views of the higher elements of the development from properties surrounding the site would be possible, including those at Darliston to the north (740 metres away), Fauls to the north-east (520 metres away), and properties to the south-west (440 metres away). These views would be seen in the context of the existing large poultry development, and it is not considered that they would be significant given the distances involved and the existing and proposed screening.
- 6.3.5 The proposed development would also be visible from the public footpath which runs east from close to the south-east corner of the development, and the unclassified public highway which runs adjacent to the southern boundary. These views would reduce with time as boundary planting establishes. In the context of the existing large poultry development to the west, it is not considered that the visual effects of the proposal would be significant in relation to existing public viewpoints.
- 6.3.6 The proposal would bring about significant environmental benefits in terms of the generation of renewable energy. In addition it is considered that the location is justified in that it would be able to utilise agricultural crop residues and poultry manure from the local area, and use the resulting digestate on the nearby agricultural land. It is not considered that the proposal would have an unacceptable impact upon the landscape character of the area, or on visual receptors, particularly

when considered against the wider benefits of the proposal. It is therefore acceptable in relation to Core Strategy policies CS6 and CS17, and SAMDev Plan policies MD2 and MD7a regarding design and protection of the visual environment.

6.4 Residential and local amenity considerations

- 6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b supports agricultural development where, amongst other matters, there would be no unacceptable impacts on existing residential amenity.
- 6.4.2 Controls can be imposed through planning conditions to restrict the type of material proposed to be processed through the AD plant. The applicant has advised that central Government is proposing changes to the subsidy arrangements for these types of renewable energy developments, and that this would be likely to restrict the use of agricultural/energy crops to no more than 50% of feedstock. It is therefore anticipated that feedstock would be derived principally from poultry manure and from agricultural, forestry and biomass processing residues. The use of purpose grown energy crops would be likely to make up a smaller proportion of overall inputs. A condition restricting the type of feedstock to be used would reflect this.
- 6.4.3 Noise: The noise report submitted with the planning application has been based upon a background noise survey at the nearest noise sensitive receptors. The report has estimated likely noise levels based upon the sound power levels of the proposed processes. It concludes that noise emissions from the proposed AD plant are likely to have a low impact at the nearest receptors. These findings have been accepted by the Council's Public Protection Officer.
- 6.4.4 Odour and flies: At present poultry manure produced at the adjacent farm is transported off site to an existing AD facility. The proposed development would result in this manure instead being stored within the proposed poultry litter store, before being fed into the proposed AD plant. The AD plant is sealed and as such it is not anticipated that adverse odours would arise. The Public Protection Officer has noted that the resulting digestate would be far less malodorous than chicken manure and as such there would be expected to be a reduction in odour levels during spreading.
- 6.4.5 It is considered that the proposal would be sited with an acceptable separation distance to residential properties, and that it is not anticipated that adverse impacts on local amenity due to noise, odour, flies or other impacts would arise. The proposal would require an Environmental Permit and the Environment Agency has confirmed that this would regulate and control matters such as odour, noise, and general site management measures. Overall it is considered that the proposal is in line with Core Strategy policy CS6 and SAMDev Plan policy MD7a.

6.5 Historic environment considerations

6.5.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 seeks to protect, conserve, sympathetically enhance and restore Shropshire's heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether

to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

- 6.5.2 The submitted Heritage Assessment considers that there are three heritage assets that have the potential to receive effects from the proposed development. These are: Hawkstone Park, a Registered Park and Garden approximately 1.1km to the south; Moat House, a Grade II Listed Building approximately 450 metres to the east; Laburnum Cottage, a Grade II Listed Building approximately 660 metres to The Assessment concludes that the key aspects that are considered to contribute towards the significance of these heritage assets would remain unaffected. In terms of Hawkstone Park the Assessment considers that the character of its setting would be preserved due to the distance involved. In terms of Moat House it considers that there would be a slight change to the setting of the listed building. For Laburnum Cottage it states that whilst the development would not be visible from the house or immediate farmstead setting, the development would be situated within the wider agricultural context of the building. However it concludes that, for both of the listed buildings, any effects would be of less than substantial harm.
- 6.5.3 The Council's Historic Environment Officer has noted that the submitted Heritage Assessment does not provide an assessment of the impact on the significance of the Grade I Listed Obelisk which is located within Hawkstone Park. It is noted that this structure is 30 metres high. However it should also be noted that the obelisk is located some 3.2km (2 miles) from the proposed development, and falls outside of the Bareground Zone of Theoretical Visibility included within the Landscape and Visual Report. It is considered that these factors limit the extent to which the proposed development would impact upon the setting of the obelisk, including its relationship with the wider setting of Hawkstone Park.
- 6.5.4 The Historic Environment Officer has also advised that the submitted Heritage Assessment provides little assessment of the potential impacts of the proposal on non-designated heritage assets. The applicant's assessment notes that the development has the potential to affect non-designated heritage assets, including of as yet unknown non-designated archaeological remains, comprising prehistoric activity and medieval to post-medieval agricultural activity. Officers acknowledge that the submitted Heritage Assessment does not include detailed assessment of the impacts of the proposal on such non-designated assets.
- 6.5.5 It is acknowledged that the Council's Historic Environment Officer considers that the requirements of para. 128 of the NPPF, i.e. for applicants to describe the significance of any heritage asset affected including any contribution made by their setting, have been partially fulfilled. Nevertheless based upon factors such as distance, visibility, the existing context of the adjacent poultry farm, and existing and proposed planting, it is considered that the proposed development would be likely to lead to less than substantial harm. In such circumstances the NPPF requires that this should be weighed against the public benefits of the proposal. It is considered that these benefits are significant, as set out in section 6.2 above. In view of this, it is your Officer's opinion that potential impacts on the surrounding historic environment would not be sufficient to outweigh the public benefits of the proposal, or warrant a recommendation of refusal. It is also considered that further

landscaping and planting will help mitigate the development to an acceptable level in relationship to the surrounding landscape and historic environment. This can be addressed via the attachment of a condition to any approval notice issued.

6.6 Traffic and access considerations

- 6.6.1 Access to the proposed AD facility from the public highway would utilise the existing site access that serves the poultry units. The Council's Highways Officer has advised that some improvements should be made to the existing access to address the damage to the highway verge due to overrunning of vehicles. The applicant has confirmed that this can be done, and a condition can be imposed to require this.
- 6.6.2 The Transport Statement that has been submitted with the planning application sets out existing traffic movements associated with the poultry operation, and an assessment of proposed traffic that would be generated by the proposed AD facility. This states that at present the poultry operation generates 1,666 vehicle loads (3,332 movements/trips) per annum.
- 6.6.3 Traffic generated by the proposed development would comprise tractor/trailers associated with the delivery of feedstock and tankers removing digestate. As poultry litter arising at the farm would be used in the AD process, the proposed development would result in a reduction in the amount of vehicle movements required for the export of this material. Taking this into account the Transport Statement advises that the proposal would result in 1,217 additional loads (2,434 movements/trips) per annum. This equates to an average of around 8 additional HGV trips per day.
- 6.6.4 The Highways Officer has confirmed that the local public highway network is of a standard which could adequately cope with this increase in traffic. Nevertheless local objections regarding traffic impacts include concerns over safety implications of additional HGV traffic in the area, including impacts on the nearby school. It should be noted that the sources of feedstock would not be fixed. Therefore the additional HGVs would be likely to be split between different routes to and from the site. A Traffic Management Plan has now been submitted. This proposes that HGV traffic would avoid the route past the Lower Heath Primary School between 0800 and 0900, and between 1445 and 1630 to avoid peak school drop off and pick up times. These hours are in line with those set out in the objection letter from the School. It is considered that a restriction on the amount of material to be processed through the AD plant would provide further controls over HGV traffic to/from the site. The comments of the Parish Council that Vehicle Activated Signs should be provided are noted, however Officers do not consider that it would be reasonable to request these given the level of additional traffic concerned and the nature of the approach roads.
- 6.6.5 At the time of writing this report the comments of the Highways Officer on the submitted Traffic Management Plan were not available. Members can be updated on this matter prior to the Committee meeting. However it is considered that the submitted Plan does form the basis of an acceptable mechanism to avoid adverse highway safety on the local roads. As such it is considered that this matter can be dealt with by planning condition requiring approval of the Traffic Management Plan.

6.7 **Drainage and pollution considerations**

- 6.7.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Detailed matters relating to pollution prevention measures to be incorporated within the site design would be dealt with through the Environmental Permitting process, and it is noted that the Environment Agency have confirmed that they do not anticipate any particular concerns at this stage.
- 6.7.2 The application site lies within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding. The proposed development is classed as 'less vulnerable' to flooding in the Technical Guidance to the NPPF, and such developments are considered to be appropriate within Flood Zone 1.
- 6.7.3 The application states that the preferred method of surface water management would be the use of soakaways. However at the present time soakaway testing has yet to be undertaken to determine the feasibility of this. If infiltration rates are found to be insufficient then it is proposed that runoff from the proposed development would be routed into a detention basin, to be located at the southeastern side of the site, and then discharged at the equivalent greenfield runoff rates.
- 6.7.4 The Council's Drainage Officer has confirmed that drainage matters can be dealt with by planning condition. In principle it is considered that a satisfactory surface water management system for the site can be designed, and that this can be secured through an appropriate planning condition.

6.8 **Ecological considerations**

6.8.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. The proposed site is located on disturbed ground which is vegetated with common grasses and weeds. The submitted Great Crested Newt assessment concludes that all of the ponds within 500 metres of the proposed development have a poor suitability for GCN, and that there is a low risk of GCN being present within this area. The submitted Extended Phase 1 Habitat Survey does not identify any further ecological concerns, and the Council's Ecologist has not raised any specific issues. As such the proposal can be accepted in relation to Core Strategy Policy CS17.

7.0 **CONCLUSION**

- 7.1 The proposal to develop an anaerobic digestion facility at Lower Heath Farm would bring significant environmental and agricultural benefits by utilising existing agricultural wastes produced at the farm, and crop residues and crops from surrounding land for the production of a nutrient-rich fertilizer replacement and the generation of renewable energy and heat.
- 7.2 The proposed facility has been satisfactorily designed in terms of siting and layout to ensure that impacts on residential and local amenity can be controlled within acceptable limits, and further controls can be imposed through planning conditions to provide additional safeguards. The proposed buildings and plant would be generally agricultural in appearance, and the site design takes advantage of screening from adjacent farm buildings. Additional landscaping can be agreed to

help to integrate the development within the rural landscape.

- 7.3 Potential impacts resulting from the additional traffic on the local highway network that would be generated by the proposal can be adequately managed through the implementation of a Traffic Management Plan. The proposal incorporates satisfactory site management and engineering controls to minimise the risk of pollution, and further detailed controls would be imposed by planning conditions and through the Environmental Permit.
- 7.4 National and local planning policies provide strong support for renewable energy applications including anaerobic digestion proposals. The proposal would have some impact upon the local landscape character of the area however the site has been satisfactorily designed to ensure that this impact is mitigated to an acceptable degree. Notwithstanding the concerns raised by the Council's Historic Environment Officer regarding the scope of the Heritage Assessment, it is considered that the proposal would be likely to lead to less than substantial harm to designated heritage assets. It is not considered that this harm would outweigh the public benefits of the scheme. In this policy context, and given the controls and safeguards that can be incorporated into the design of the facility, it is considered that the proposal can be accepted in relation to Development Plan and other relevant policies. On this basis it is recommended that Members grant planning permission for the proposed development subject to the conditions as set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal written representations, a hearing or inquiry.
- □ The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

10.1	Relevant Planning Policies
10.1.1	Shropshire Core Strategy ☐ Policy CS5 (Countryside and Green Belt) ☐ Policy CS6 (Sustainable Design and Development Principles) ☐ Policy CS13 (Economic Development, Enterprise and Employment) ☐ Policy CS17 (Environmental Networks) ☐ Policy CS18 (Sustainable Water Management)
10.1.2	SAMDev Plan ☐ Policy MD2 (Sustainable Design) ☐ Policy MD8 (Infrastructure Provision) ☐ Policy MD12 (Natural Environment) ☐ Policy MD13 (Historic Environment) ☐ Policy MD14 (Waste management facilities)
10 2	Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

10.3 Relevant Planning History:

NS/06/01072/OUT Erection of agricultural workers dwelling; formation of vehicular access; installation of septic tank drainage *WDN* 17th August 2006

NS/07/00892/OUT Outline application for the erection of 1no. agricultural workers dwelling; formation of new vehicular access and installation of septic tank drainage *CONAPP* 2nd August 2007

NS/07/01896/FUL Erection of an agricultural workers dwelling, detached double garage and formation of new vehicle access *CONAPP* 21st November 2007 09/01825/FUL Erection of two poultry buildings and eight feed silos; site road and pedestrian walkways *GRANT* 26th October 2009

10/01696/HAZ Installation of 7 liquid petroleum gas tanks *GRANT* 29th October 2010 **10/01702/FUL** Installation of 7 liquid petroleum gas tanks *GRANT* 29th October 2010 **11/01314/FUL** Installation of photovoltaic panels on the roofs of the existing poultry sheds *GRANT* 3rd May 2011

12/01885/FUL Erection of poultry building, four feed silos and associated hardstanding *GRANT* 16th August 2012

15/03898/SCR Environmental impact assessment screening opinion for 500kW anaerobic digestion plant *EAN* 30th September 2015

PREAPP/15/00427 500kw on farm anaerobic digestion facility **PREAMD** 10th December 2015

NS/81/00120/FUL Erection of broiler house GRANT 17th March 1981

NS/81/00868/FUL Use of land for the stationing of mobile home for farm manager and formation of vehicular and pedestrian access **REFUSE**

NS/83/00196/FUL Erection of agricultural workers dwelling and formation of vehicular and pedestrian access *REFUSE* 11th May 1983

NS/94/00349/FUL ERECTION OF TWO POULTRY HOUSES AND STORE WITH EXTENSION OF EXISTING CONCRETE HARDSTANDING *CONAPP* 29th March 1994

NS/94/00350/FUL ERECTION OF AN AGRICULTURAL IMPLEMENT SHED ALTERATION OF EXISTING VEHICULAR ACCESS AND FORMATION OF NEW FARM DRIVE *CONAPP* 6th February 1995

NS/96/00305/FUL ERECTION OF 4 NEW POULTRY HOUSES AND THE ERECTION OF 2 POULTRY HOUSES AS REPLACEMENTS FOR EXISTING BUILDINGS CONAPP 7th May 1996

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure an acceptable appearance to protect the visual qualities of the area, and as such these details need to be approved prior to the development proceeding in order to ensure a sustainable development.

4. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include information on the proposed maintenance regime for any sustainable drainage system proposed. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. No development shall take place until details of the access improvements have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is brought into use.

Reason: To ensure that the development will not cause damage to the integrity of the public highway which could prejudice the free flow of traffic and conditions of safety on the highway.

7. Prior to the development hereby permitted being first brought into use a Traffic Management Plan (TMP) shall be first submitted to and approved in writing by the local planning authority. The approved TMP shall be implemented in accordance with the approved details for the lifetime of the development. The TMP shall provide for the control of all vehicles associated with all site operations and visitors and appropriate routing & timing of HGV movements.

Reason: To avoid congestion and conflict in the surrounding area and to protect the amenities of the area.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

8. Prior to the commencement of construction works all trees, woody shrubs and hedges adjacent to the site shall be protected from damage in line with recommendations in British standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction. Tree protection measures shall be retained in place for the duration of the construction works.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

- 9. (a) The maximum tonnage of materials processed in the anaerobic digester in any calendar year shall not exceed 15,250 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.
- (b) The Site operator shall maintain a record of the tonnage and type of materials processed in the anaerobic digester. The record shall be made available to the Local Planning Authority upon prior written request.

Reason: To ensure that the development remains within the general levels of activity specified in the planning application in the interests of highway safety and general amenity, and tacilitate monitoring of tonnages processed in the anaerobic digestion facility by the Local Planning Authority.

10. No construction works shall be undertaken outside of the following hours: 0800 and 1800 Monday to Friday; and 0800 to 1300 on Saturdays. No such works shall take place on Sundays or bank holidays.

Reason:To protect the amenities of the local area.

11. Vehicle movements associated with the delivery of feedstock to/from the site via the public highway shall not take place other than between the following hours: Monday to Friday: 07:30- 18:00, Saturdays: 08:00 - 13:00 and also in accordance with detail as set out in the traffic management plan. No such vehicle movements shall take place on Sundays or Bank Holidays.

Reason: To protect local amenity

12. The anaerobic digester shall not process feedstock material other than that derived from; agricultural, forestry and biomass processing residues and purpose grown energy crops. Purpose grown energy crops shall not be processed other than in line with the criteria set out in the Renewable Heat Incentive (RHI) scheme.

Reason: To control the type of feedstock and ensure sustainable development.

13. Food waste shall not be accepted at the site for processing.

Reason: The application does not propose the processing of food waste at the site and therefore the acceptability of such waste inputs has not been assessed; to protect local amenity and to avoid pollution.

Informatives

- 1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
- 2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy

- o Policy CS5 (Countryside and Green Belt)
- o Policy CS6 (Sustainable Design and Development Principles)
- o Policy CS13 (Economic Development, Enterprise and Employment)
- o Policy CS17 (Environmental Networks)
- o Policy CS18 (Sustainable Water Management)

SAMDev Plan

- o Policy MD2 (Sustainable Design)
- o Policy MD8 (Infrastructure Provision)
- o Policy MD12 (Natural Environment)
- o Policy MD13 (Historic Environment)
- o Policy MD14 (Waste management facilities)
- 3. Further advice regarding the surface water and dirty water scheme:
- a. The proposed surface water drainage strategy in the FRA is technically acceptable, however full details, calculations and plan should be submitted for approval. This is to ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.
- b. The applicant should submit details and plan on how the dirty/ contaminated water will be managed/ isolated from the main surface water system. This is to ensure that polluted water does not enter the water table or watercourse.

- c. Information should be provided on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility. This is to ensure that the drainage system remains in good working order throughout its lifetime.
- 4. Further advice from the Council's Ecologist:

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

Informative

Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

5. Advice from Environment Agency - Climate change allowances:

We are expecting revised climate change allowances to be published very soon. These will update the figures within Table 2 of the current 'Climate change allowances for planners' (September 2013) guide, as referenced in paragraph 7-068-20140306 of the National Planning Practice Guidance (NPPG) at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296964/LIT_849 6 5306da.pdf

The table below is for 'peak river flows' within the Severn River Basin district, and for your information at this time in considering the impact upon (and of) proposed development and mitigation/resilience measures. ('Table 1' Rates of Sea level rise are not changed). For example residential would be 100 years (so 2070-2115).

Severn Peak River Flows:

Total potential change anticipated 2015-39 2040-2069 2070-2115

Upper end 25% 40% 70%

Higher central 15% 25% 35%

Central 10% 20% 25%

The following table is for 'peak rainfall intensity' allowance in small and urban catchments. Surface water (peak rainfall intensity) climate change allowances should be discussed with the LLFA.

Peak Rainfall Intensity -

Applies across all of England Total potential change anticipated for 2010-2039 Total potential change anticipated for 2040-2059 Total potential change anticipated for 2060-2115

Upper end 10% 20% 40% Central 5% 10% 20%

Note to above: This table shows anticipated changes in extreme rainfall intensity in small and urban catchments. The peak rainfall intensity ranges are appropriate for small catchments and urban or local drainage sites. For river catchments around or over 5 square kilometres, the peak river flow allowances are appropriate.

_