

Development Management Report

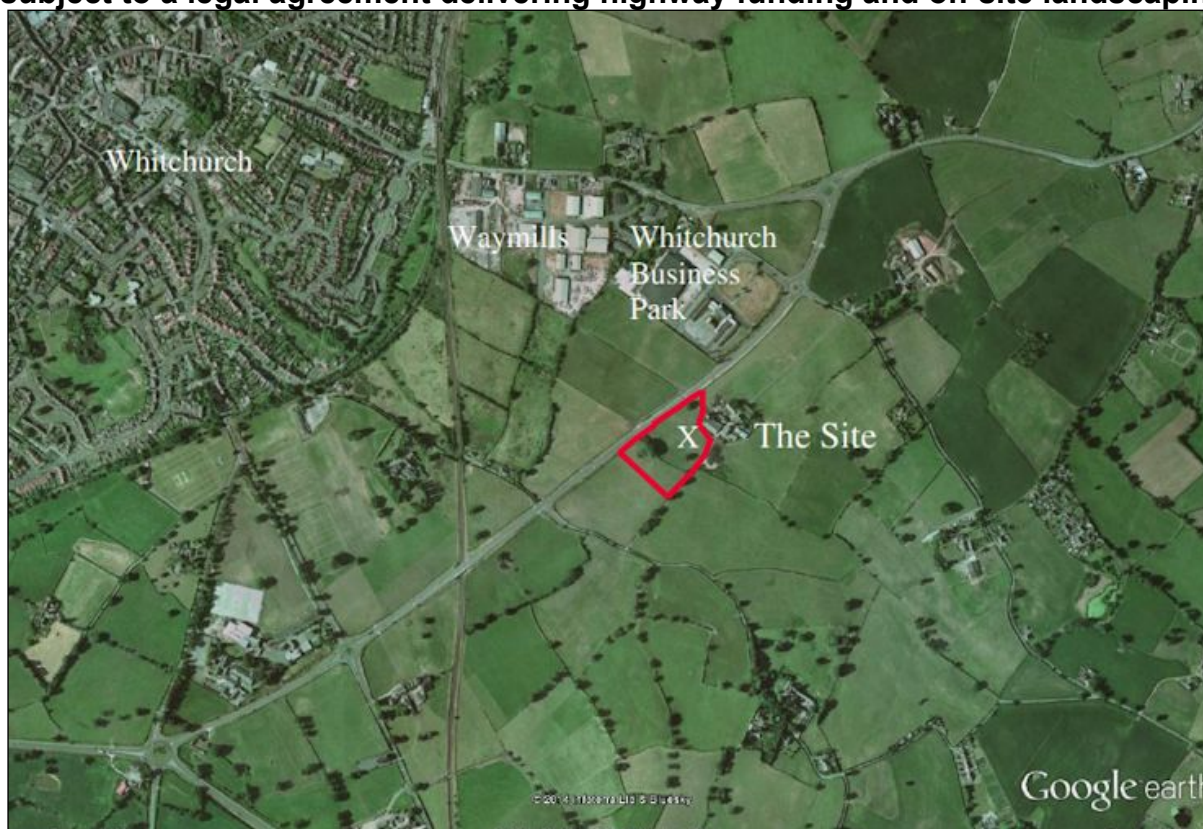
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Summary of Application

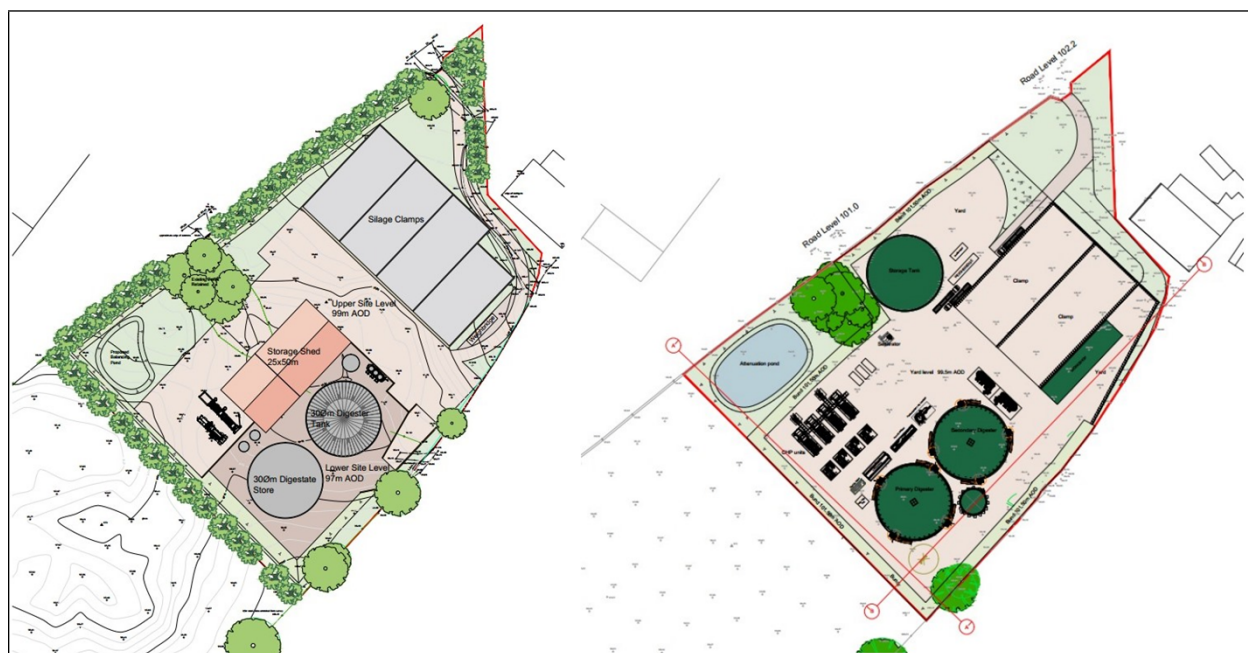
<u>Application Number:</u> 16/04784/VAR	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> Variation of conditions 2, 3 and 8 attached to 14/01398/MAW dated 19/12/2014 (for installation of an anaerobic digestion plant) to alter the site layout and increase the quantity of feedstock accepted at the site.		
<u>Site Address:</u> Broughall Fields Farm, Ash Road, Whitchurch, TF8 7BX		
<u>Applicant:</u> Grocontinental Ltd		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmc@shropshire.gov.uk	

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to a legal agreement delivering highway funding and off site landscaping



1.0 THE PROPOSAL

- 1.1 Planning permission for construction of an AD plant at Broughall Fields Farm was granted to the applicant, Whitchurch Biogas Ltd on 19th December 2014 (14/01398/MAW) and construction works are underway. Whilst the work is broadly in line with the planning approval there are a number of material differences which the current part retrospective application seeks to regularise.
- 1.2 The existing permission limits feedstock inputs to a maximum of 26,000 tonnes per annum which equates to an anticipated peak electrical output of 1MW per hour. However, due to a change in indicative feedstock mix the applicant is now seeking approval for a 65% increase in feedstocks to 43,000 tonnes per annum. This would in turn increase the level of energy production 2.55MW (equivalent to the energy requirement of over 5000 households) whilst also more than doubling of available renewable heat. The applicant confirms that all feedstocks accepted at the plant would either remain agricultural as with the previously approved scheme, or would be derived from the dairy industry. None of the feedstocks would be classed as waste and as such, the application is not for a waste development.
- 1.3 The nearby Grocontinental site has a peak electrical demand of 3MW per hour and the proposed variation would go much further to meeting this demand. This would in turn free up electricity supplies in the local grid, allowing existing businesses to expand and new residential and commercial developments to proceed.
- 1.4 It is proposed to use approximately half of renewable heat energy at Grocontinental and within the AD site. It is proposed to use some of the excess heat to dry logs at the AD site. Beyond this the applicant states that there is a potential opportunity for renewable heat to be used in a district heating scheme. The applicant has identified and in initial discussion with three potential end users within 750m of the AD site.
- 1.5 A non-material amendment to the originally approved site layout was granted in 2015 (15/02293/AMP). Fig 1 below shows the difference between the currently approved and the proposed layouts:



Original layout as varied**Proposed layout****Fig 1 – Existing and proposed layouts**

The development would involve the following structures:

- Digester Tanks: The two digester tanks are 30 metres in diameter, with the tanks 5.5 metres above finished ground level around their perimeter and 12.5 metres to the top of the gas holder domes. The AD tanks are where the AD process and the biogas production takes place (the original scheme involved one digester tank).
- Digestate Storage Tank: The digestate storage tank is 30 metres in diameter, with the tank a maximum of 4 metres above finished ground level around the perimeter and 10 metres to the top of the gas holder dome. The tank will provide temporary storage for the digestate before it is taken off-site to be used as a fertiliser on local farmland.
- Feedstock Clamps: The proposed feedstock clamps are 3 metres in height. The clamps total approximately 60 metres in length and 50 metres in width. The clamps provide storage for the crop feedstocks (in the approved scheme these extend closer to the highway).
- Workshop Shed: A workshop shed will be located east of the clamps. The shed will measure 38 metres in length, 9 metres in width, and will reach a maximum height of 5.9 metres (the approved scheme involves a much larger shed at the centre of the site).
- Solids Feeders and Shed: Two solids feeders are to be placed in a small open fronted shed adjacent to the digester tanks. The feeders are loaded with and mix the feedstocks prior to delivery to the digester tank. The feeder shed will measure 24 metres in length, 6.6 metres in width, and will reach a maximum height of 8.25 metres.
- Combined Heat and Power Units (CHPs): The 4 CHPs are located on the south western site boundary. The CHP engines will run on the biogas produced by the process to generate heat and electricity (the approved scheme involved 2 CHP engines).
- Surplus Gas Burner: During normal operations biogas will be consumed by the CHP gas engine. In the event of surplus biogas production or if the CHP is shut down (e.g. for maintenance) the biogas will be consumed in the biogas boiler and failing this will be diverted to the surplus gas burner for burning, to prevent an overpressure situation arising in the gas holder. This surplus gas burner will ensure no unburned gas is released to the atmosphere.
- Pasteurisation Unit: This unit will treat the digestate so that it can be applied to land as PAS110 accredited organic fertiliser.
- Weighbridge: A weighbridge will be located along the one traffic movement system within the site, to the east of the clamps.
- Containment Bund: A containment bund will surround the main AD structures in line with Environment Agency guidance.
- Separator and Clamp: The separator will separate the digestate produced into solid and liquid fractions. The clamp below the separator will provide storage for the solid fraction.

- 1.6 The proposed AD structures will be coloured green to aid integration with the existing farm structures, the surrounding landscape and the additional native species tree planting. The feedstock would be delivered to the solids feeder via a JCB loader or

similar handler. The feed unit would operate intermittently for 24 hours a day, loading the digester automatically every hour.

- 1.7 Landscaping: The proposals include provision of a planted bund adjacent to the Whitchurch By-Pass with additional planting on other site margins. Recently the applicant has also secured agreement to undertake significant additional planting in and around a field to the immediate west of the site and this is being carried out under the terms of a unilateral undertaking.
- 1.8 Hours of Operation: The AD process, once initiated, would carry on continuously for 24 hours a day. On site, the crops and manure would be moved to the stationary feeder by a mechanical loader once a day. This would be predominantly undertaken during daylight hours, in order to minimise light and noise pollution.
- 1.9 Traffic / access: The access is unchanged relative to the approved scheme. The increase in feedstock would be offset by the use of larger vehicles. The total increase in HGV's would equate to approximately 500 extra vehicles per year of which 90% would approach via the principal road network. 10% of traffic would approach from Ash Road, a minor road to the east of the site. The applicant states that similar levels of agricultural traffic already use this road in connection with local agricultural activity. Notwithstanding this, the applicant has agreed to make a financial contribution of £10,000 towards the cost of maintaining / improving the highway in this area and this would be secured by means of a legal agreement.
- 1.10 The applicant has emphasised the following points with respect to the proposals:
- An AD plant is already approved for the site. The amended layout which is the subject of this application is on exactly the same footprint as the approved site but reduces visual impact and improves operational efficiency.
 - The amended layout commits to providing a substantial landscaping scheme, a great betterment over the approved scheme.
 - The amended layout will more than double the quantity of the renewable energy produced from the site.
 - The plant will provide renewable energy for Grocontinental, securing a sustainable future for Whitchurch's largest employer.
 - A co-operative of local farmers will provide energy crop feedstocks for the plant, securing the future of these farms

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed AD site (area 2.15ha) is located on agricultural land to the east of the A525 Whitchurch By-Pass and the applicant's warehouses on the Waymills Industrial Estate. The site sits just outside of the Development Boundary of Whitchurch as defined in the Place Plan. The surrounding landscape comprises a mixture of industrial and commercial development and intensively managed agricultural land. The nearest residential property is located 130m to the north east. The site is not affected by any statutory rural or historic designations. Brown Moss, a RAMSAR site, SSSI and Local Nature Reserve, is located approximately 940 metres to the south.
- 2.2 Grocontinental is one of the largest international storage and distribution companies in the UK. The 30 acre unit at Whitchurch oversees 143,000 pallet spaces of multi-temperature storage and 5,000 daily pallet movements, controlled by systems technology.

3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have been referred to the Committee under the Council's scheme of delegation as they relate to major development raising complex issues and the Town Council has objected.

4. CONSULTEE RESPONSES

- 4.1 Whitchurch Town Council – A discussion was held at the Town Council's meeting regarding the fact that the development had gone ahead without planning permission and that substantial changes have been made that include:

- doubling of the feedstock for the digester
- more than doubling of vehicular traffic to and from the site
- construction of a workshop
- construction of a digestate storage tank
- addition of two CHP engines,
- extension of the site boundary and proposal to add a log drying facility to the site would appear, to a reasonable person, to be more than a non-material amendment to the agreed planning permission.

The Town Council resolved that it would send a representative to address the North Planning Committee concerning the proposals.

- 4.2 Whitchurch Rural Parish Council (adjoining parish): Objection on the grounds of detrimental impact to residents in terms of increased traffic nuisance throughout the Parish. The Council has queried why it is not a consultee in this application when the land area abutts its boundary.

- 4.3 Environment Agency: - No objections in principle. Pre-permit discussions with the Agency's Installations at Warrington office have been ongoing for some time. A written agreement has been issued that Whey Permeate (produced by Belton Cheese Limited) and used as an AD Feedstock at Broughall Fields AD Facility is considered a by-product. On the basis that the Agency would not regulate the site now, following the feedstock amendment, we would not look to raise any EPR related amenity/emission issues on the planning application. We would advise that these issues are considered by your Public Protection team, as we would not regulate the site.

- 4.4i. Public Protection – No objection. In relation to noise a noise impact assessment, reference DYN010814_2A/3 dated October 2016, has been submitted in support of the application. Particular note should be given to section 3.3 which states, 'We understand that the client proposes to erect an appropriate acoustic fence/construct an earth bund along the side of the CHP generators i.e. at approximately 2m from Northern and Eastern edges of the generator location, to form a permanent barrier between the CHP generators and 'Broughall Fields Farm'. Our understanding is that a typical CHP generator is housed in a steel container, with noise generating components no more than approximately 3.0 ' 3.5m above ground level. We would recommend that any bund/barrier be at least 1.0m higher than the finalised maximum noise source height'. It goes on to state that, 'Our calculations include the implementation of the appropriate barriers/bunds and/or screening above'. The report's acoustic calculations are based on the assumption that such a barrier is in place. The report concludes that daytime and night-time noise levels should not exceed the background sound level and that noise from the proposed CHP generators should have a low adverse impact. I am in

agreement with this conclusion and would therefore recommend that a condition is placed which stipulates acoustic treatment in line with the assumed conditions as follows: that the location 2m from Northern and Eastern edges of the generators location is put in place to a height of 1m above the highest noise source height. As the noise source height is predicted to be around 3-3.5m this equates to a structure of 4-4.5m in height to the northern and eastern edges of the generator location. It is noted that a plan of the site, drawing SA22500/03, shows bunding however the applicant should provide detail of the height of any noise source relevant to the above comments and state the height of the bund to achieve 1m above the noise source. If this is not the case the predictions of the noise assessment are not robust and the assessment would be found to be unsuitable for the proposed site layout.

- ii. In relation to the odour impact assessment submitted by Isopleth Ltd reference: 01.0053.001 OIA v2 dated November 2016 concludes that that the proposed development will not lead to unacceptable odour impacts, particularly given the agricultural nature of the feedstocks which are typical of the site setting. I am in agreement and have no conditions to recommend in relation to odour other than an odour management plan being required/conditioned if the anaerobic digester is not going to be permitted by the Environment Agency. If the installation is to be permitted this type of condition will be part of the permit and should therefore not be necessary as a planning condition.

- 4.5 Highways Development Control (verbal comment): No objections.
(There was no objection to the previous application subject to a condition requiring prior approval of the new access).
- 4.6. Natural Environment - Ecology: No objection. The comments dated 19th May 2014 by Alison Slade are still relevant for this proposed application. The Star Ecology January 2016 Ecological report, which has been submitted with this application, has identified one tree with bat roost potential. The site plans show this tree as being retained. Providing the conditions and informatives recommended by Alison Slade in 2014 are on the planning decision notice, and are unaffected by this Variation of condition application, SC Ecology has no additional comments to make. A habitat risk assessment linked to the original application is relevant to the current proposals.
- 4.7 Natural Environment - Arboriculture: No objection. Having read the submitted documents and amended landscape plan I agree with the following statement made in plan: "This planting proposal provides a significant betterment over the previous planning approval and the current variation of condition application. The plans demonstrate significant new native species tree and shrub planting and sections of 3m high trellis fencing with climbers along sections of the site boundary. These planting measures will screen much of the development from the passing A525 and will in particular enhance the approach from the south west." I therefore have no objection to the enhanced scheme and variation of the landscape condition.
- 4.8 Rights Of Way: – No objections. There are no recorded public rights of way affected by the proposal.
- 4.9 Historic Environment - Conservation: No objections. It is noted that amendments to the scheme have been made to take account of previous concerns over the design and visual impact of the proposals in the rural landscape setting, including that of the designated and non-designated heritage assets in the vicinity of the proposal site.

While these measures - screening through additional landscaping, finishes to the buildings and a re-design of the roof on the structure immediately adjacent to the road - are largely considered appropriate to mitigate these adverse effects, the heights of the bunds to the rear (S to W) of the digestate tanks and the workshop building appear insubstantial on revised cross sections, when compared to the height of the structures. It is recommended that these are planted appropriately and bund heights are increased where necessary to further mitigate the potential for visual impacts, especially when viewed from the western approach. As discussed with the case officer, a condition may also be appropriate to determine and control the style, lumen level and position of lighting within the site to mitigate any potential adverse effects at night.

- 4.10 Historic Environment - Archaeology: No objections.
- 4.11. Flood & Water Management - No objection. We have no further drainage comment to make as the drainage is covered under Condition 23a.
- 4.13 Councillor Mr Gerald Dakin (Whitchurch South) – has been informed of the proposals.

PUBLIC REPRESENTATIONS

- 4.14 The application has been advertised in the press and by site notice and the nearest properties have been individually notified. Objections have been received from 19 individuals including some multiple representations. Three letters of support have been received, including from the farming collective involved with the AD proposals and the joint applicants - Iona Capital and Grocontinental. The grounds of objection are summarised below:

i. Traffic

- The development will increase traffic due to the increase in feedstock which would lead to more air pollution from diesel particulates and more risk to pedestrians. The Ash Road is substandard and the A525 is one of the most dangerous roads in the country and traffic would not be able to turn right into the site when heading from Wem (currently all site traffic has to make a U turn at the roundabout). Any benefits are outweighed by disadvantages.
- The highway proposal suggests that the existing two way two lane road can operate safely marked out as three lanes. It would seem to require that stretch of road to be widened to have adequate space.
- To utilise the process and heat generated by the plant it is intended to dry logs. Timber will be brought to site in HGV's with 4 loads per week or 208 loads per year. Traffic is increasing once again, more HGV movements entering and leaving the site, making the A525 even more dangerous.
- The minor roads from the A525 leading to Ash Magna and Ash Parva, Edgeley Bank to Brown Moss are being used as a main route for hauling maize. The danger to pedestrians, horses, cyclist and cars has escalated. Large transporters and maize trailers have been seen entering and leaving the AD site by crossing the centre line of the highway in direct contravention of the initial planning conditions.
- It is outdated technology as it will divert agricultural land from food production to energy production which is now considered not to be in the interests of the environment, also more energy may be put in than is taken out.
- I am a keen cyclist and it is almost impossible to ride along this stretch of road already from the railway flyover to the Ash roundabout, the road surface, particularly in the cycle lane, is so rutted that you are forced to ride in the main

carriageway. With an already evident constant trail of Grocott HGVs and now super sized farm tractor/trailers carrying maize, it makes it exceedingly dangerous to transit this road unless you are in a motorised vehicle.

ii. Amenity

- It is bad enough with the noise of the fans in the warehouses, now this ...extra traffic running day and night ,not to mention the smell. The digester will be sited to the south east of the town with many houses less than 1 km away and most of the town within a 2km radius, and the wind is in that quarter several days each month. The council is likely to receive very many and frequent complaints about bad odours, and it will have a detrimental effect on the quality of life in Whitchurch.
- I see little in the way of environmental enhancement on the Grocott site - there is no screening by trees of the huge pale-coloured sheds, and although I live 1 km away some evening I hear a low and intrusive 'hum' from the site. Many people in the town do not want to see this site expanded.
- There is also an issue with inappropriate siting and glare of the flood lighting used to illuminate the site at night which affects road users passing the site. I also have concerns at the noise etc if the site is in continual use throughout the night.
- Due to the health risks from air pollution, it is too close to established work places (including schools and nurseries) and homes.
- The new site taking shape certainly complements the existing Grocott storage units making both sides of the A525 an eyesore.
- It will emit Bioaerosols - these are microscopic airborne particles including bacteria, fungal spores, protozoa and organic constituents of microbial and fungal origins. They can penetrate into the lungs causing respiratory inflammation, coughs, respiratory diseases and have been known to cause intestinal illness and eye irritation.
- This Industrial AD is close to our children at nursery, at schools, playing at the nearby Rugby Club, people at work at Waymills just over the road and nearby houses. It will have effects on any future expansion of Whitchurch on that side of the town.
- the original application should never have been granted as it is within 200 meters of residential and/or commercial property, including a children's nursery. AD's are at risk of explosion and there are many cases to corroborate and this alone should be enough for the project to be scrapped due to the proximity of properties.

v. Damage to the Environment

- There will also be an added risk of pollution to the environment /water table in the event of leakage/accident.

vi. Principle of the proposals:

- The change in feedstock means that the AD facility will not run on waste. This now means that if permission is given the facility will run totally counter to the Governments stated policy that waste should be used in Anaerobic Digesters and that they should not use only specifically grown feedstocks as this takes land out of food production.
- My main objection is that the feedstock is to be maize. The growing of maize for digesters has caused environmental problems in parts of Germany where large areas are devoted to this crop. I strongly object to any development that encourages yet more maize production
- The feed crops proposed are not those required by government policy - they are

food crops with other better uses. This site cannot use feeds that would comply due to the nature and location of the site.

- The previous decision was for an on farm digester this is industrial.
- Is this a back door for further industrialisation of the south side of the bypass?
- This development is riding roughshod over planning and safety rules in an attempt to meet deadlines for feed in tariffs.
- there were about 100 objections for the previous application, and this one is much larger and will have a greater impact.
- The building of it, south of the Whitchurch by pass, is NOT part of the overall development plan for Whitchurch. A bio digester so close to an established business park and homes makes this an unsuitable site. It will endanger people's health through air pollution and is a potential environmental hazard.

vii. Process of Application

- I object to retrospective planning permission being applied for to normalise proceedings which have already begun. It amounts to a fait accompli and in my experience elsewhere is not usually tolerated by planners. S.C must have monitored the building of this site, it must therefore have been aware of the changes to the original plans a long time ago.

4.15 Iona Capital support letter: Iona Capital advise that they are an investment company who supports the renewable energy sector and contributes positively to the need to address climate change. To date the company has made over £180m of investments in the UK renewable energy sector including 18 AD plants providing multiple benefits to local stakeholders. Farm derived feedstocks will be supplied by a local farming co-operative within 3.5 miles of the site which has become established following the decline of the local dairy industry. The cooperative will also take back organic fertiliser. It is stated that the AD site is a sustainable location which has good transport and electrical infrastructure connections and is centrally located in relation to its feedstock and digestate management activities. The proposals will also use green energy to help reduce the carbon footprint of the Grocontinental business.

4.16 Farming cooperative support letter: A letter of support has been received which is signed by 10 local farms who will supply feedstocks and receive digestate from the AD site. Similar points are made to those made by Iona Capital.

4.17 Grocontinental support letter: Grocontinental advise that the AD plant will be a major factor in securing a sustainable future for the Whitchurch business. As the town's largest employer Grocontinental wants to be able to protect the jobs of its 360 local employees. The business plays a vital part in Shropshire's food manufacturing industry, providing temperature controlled storage and distribution to the county's major food suppliers, all of whom are under increasing pressure to demonstrate sustainable use of energy. The expanded AD plant will provide around 80% of our total electricity needs which will help to secure the on-going demand for our services for many years to come. The AD plant is also fully aligned with the UK Government's directive to support the switch to low-carbon energy. We operate in a cut-throat and dynamic industry with small margins. Our business is stringently regulated and our green credentials are coming under increasing scrutiny from our customers. This demand will increase. More generally we do as much as we can to support Whitchurch and its economy, including through our long-established policy of using local suppliers and employing local people. We believe our annual wage bill of £11 million helps to sustain the town.

5. THE MAIN ISSUES

- Principle of the development and the proposed variation;
- Environmental implications of the proposed variation, with reference to:
 - odour;
 - traffic;
 - noise and vibration;
 - visual impact;
 - air quality and health
 - water resources;
 - community benefits.
- Other issues including enforcement and waste licensing.

6. OFFICER APPRAISAL

- 6.1 Need for the development: The principle of establishing an AD facility at this site has already been established by permission reference 14/01398/FUL. If the current variation application was not to proceed then the fall-back position for the applicant would be to implement this existing planning consent. The main issue to consider is whether the amendments proposed under the current application would be supported by relevant policies and guidance or whether they would lead to any unacceptable environmental or amenity impacts relative to the approved scheme.
- 6.2 The National Planning Policy Framework advises that planning authorities should not require applicants for renewable energy schemes to demonstrate the overall need for the renewable energy (s98). It is noted however that the variation proposals would deliver a significant increase in renewable electricity of the currently approved scheme (2.55MW as opposed to 1MW). This is equivalent to the electricity requirement of 2800 homes and would nearly match the total energy requirement of the nearby Grocontinental site (3MW), in turn freeing up an equivalent amount of energy for use by other local businesses.
- 6.3 The amount of renewable heat energy would also more than double. This would provide the opportunity to establish an ancillary wood drying facility within the AD site with sufficient surplus heat energy remaining to allow consideration of a local district heating scheme. The applicant has identified three potential end users. The increase in renewable energy which the proposed variation would yield is a significant planning consideration.
- 6.4 The Council's Business and Enterprise team supported the original scheme on the basis that the proposals would help provide a secure and sustainable energy source which would support the further development and growth of Grocontinental as a major local employer. A similar justification would apply for the current proposals. The applicant is a major energy user and there is an energy shortage in Whitchurch which the plant would help to address. The Business and Enterprise team has confirmed that there have been difficulties in attracting the funding necessary for the local energy supplier to upgrade the local grid system. As previously noted, the current proposals would deliver a significant increase in renewable energy relative to the approved scheme.

- 6.5 Need - Climate change: The NPPF advises that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change (s94). The renewable energy produced by the plant would reduce carbon dioxide released from the traditional fossil fuel generation by around 5200 tonnes of carbon equivalents each year. In addition, the digestate produced by the AD process would replace conventional fertilisers, the manufacture and distribution of which is very energy intensive. The climate change benefits of the proposals are also a significant material consideration.
- 6.6 Need - Agriculture: The AD unit would be operated in association with local farming enterprises and will represent a vertical integration whereby the digestate produced can be utilised to fertilise the crops grown as feedstock for use in the digester, along with feedstock sourced from other local businesses. A collective of 11 local farming businesses has been formed to supply feedstocks and to take back organic fertiliser from the plant. These businesses have signed a letter indicating their support for the AD proposals. The letter states that the proposals would aid farm diversification and would assist in making adjustments to farming practices to adapt to a long-term decline in dairy farming activities that were traditionally practiced in the Whitchurch area. It is considered that the proposals would in principle promote the development and diversification of agricultural business in a way that supports the rural economy (NPPF s28, Core Strategy CS5)
- 6.7 Need – conclusion: The need for renewable energy and the climate change benefits of the proposals are strongly supported by the NPPF (e.g. para 97, 98) and the level of renewable energy would be significantly greater than for the currently approved scheme. In addition, it is considered that the economic benefits of a renewable power supply are significant and consistent with Core Strategy Policy CS13. The potential benefits of the scheme to the local agricultural economy also align with this aspect of Core Strategy Policy CS5. It is necessary however to also assess justification for the site location and the potential environmental effects in order to determine whether or not the proposed variation is sustainable and can therefore benefit from the NPPF presumption in favour of sustainable development.

Environmental considerations

- 6.8 Odour and feedstock mix: The currently approved planning scheme (14/01398/MAW) involved the importation of up to 6,000 tonnes per year of poultry manure. However, the Environment Agency's permitting team did not issue a permit due to their concerns about the potential odour impact of this material. During the processing of the above application an original proposal to also import some food waste to the facility as part of the feedstock mix was also withdrawn for the same reason. A minor change to the layout was subsequently approved in response to these changes under the non-material amendment procedure (15/02293/AMP). The applicant subsequently sought a variation in early 2016 which included an increase in output and re-introduction of food waste (16/00919/VAR) but the Environment Agency however retained reservations about the potential for odour impact from the introduction of food waste and the application was subsequently withdrawn.
- 6.9 Since this time discussions have been ongoing between the applicant and the Environment Agency, resulting in submission of the current application which does not involve the use of any waste materials as part of the feedstock mix. During these discussions the Agency's Permitting team has confirmed to that the whey permeate (– a cheese manufacturing by-product from nearby Belton Cheese) would not be classed

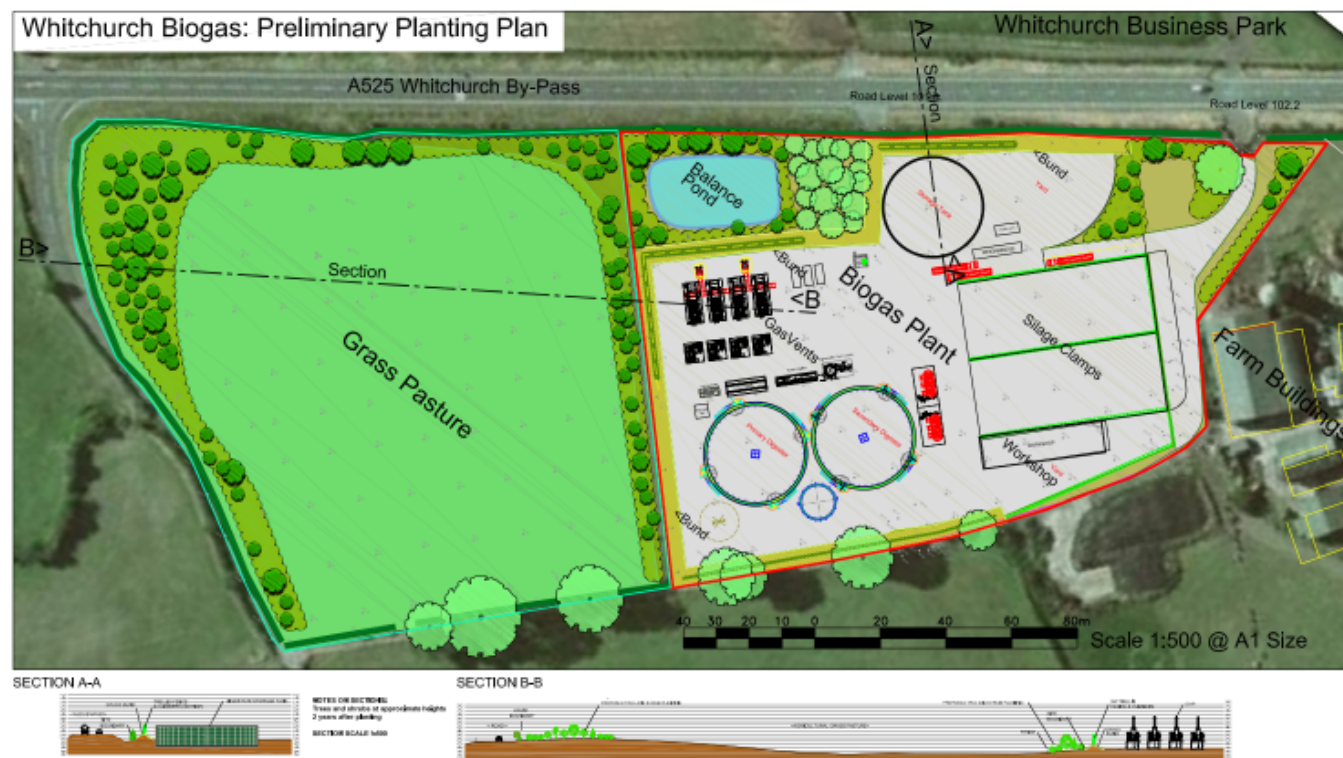
as a waste material. The current proposals therefore involve utilising a feedstock mix consisting just of energy crops and whey permeate. There would be no materials which are classed as wastes and which would potentially have a higher intrinsic potential to cause odour problems. The current proposals, if approved, would lead to the site being the only AD facility in Shropshire operating which does not employ the use of waste materials as part of the feedstock mix. The Environment Agency has confirmed on this basis that the proposals would not require an environmental permit.

- 6.10 The application includes an odour impact assessment which concludes as follows: 'Dispersion modelling has been completed, which predicts that the proposed development will not lead to unacceptable odour impacts, particularly given the agricultural nature of the feedstocks which are typical of the site setting. The operation of the site in accordance with an Odour Management Plan will ensure that remains the case during typical operation and abnormal events'. The Council's Public Protection team has supported this conclusion. The site as currently proposed would not require an environmental permit to operate. It is considered on balance that subject to the recommended conditions the measures proposed by the applicant are sufficient to prevent any reasonably foreseeable loss to amenity at neighbouring residences.
- 6.11 Noise and hours of working: Ambient traffic noise from the Whitchurch By-Pass is a dominant part of the local noise climate at most times. The process of anaerobic digestion is itself silent running continuously over a 24-hour period. Given the separation distance to residential properties and the positioning of the CHP, it is not anticipated that the plant would give rise to an increase in ambient noise levels at any nearby residential property.
- 6.12 A noise report accompanying the application concludes as follows: 'Based on the information contained within this report, the result of our noise assessment in line with BS4142:2014 demonstrates that the predicted/calculated daytime and night-time noise levels should not exceed the background sound level. Therefore, noise from the proposed CHP generators should have a low adverse impact, in accordance with BS 4142'. The Public Protection service has not objected. Conditions covering noise were imposed on the original planning permission and it is recommended that they are re-imposed on any consent linked to the current application. Subject to these measures it is considered that noise from the proposed facility is capable of being controlled to an acceptable degree.
- 6.13 Traffic and Access The proposed level of feedstock would increase from 26,000 tonnes to 43,000 tonnes to facilitate the more than doubling of the renewable energy output from the site. A Traffic Statement details how the likely traffic generated by the AD unit would affect the surrounding highway network based on a worst case scenario where there were no saved journeys. The A525 is a principal road and is considered suitable to carry large volumes of daily traffic. Good links are available from this road to the A41, the A49 and the wider principal road network. The AD Unit would use the following feedstocks including crops which are harvested at different times of the year so individual harvest peaks will not coincide:
- Whey Permeate – 15,000 tonnes- sourced within 2 miles of the site. This will be delivered by HGV in 27 tonne loads 556 loads distributed across the year. This will be an average of 11 (10.68) movements per week.

- Maize – 7,000 tonnes is typically harvested over a 6 week period in October and November. This will result in typically 58.33 movements per week.
- Rye - 7,000 tonnes is typically harvested over a 6 week period in June and July. This will result in typically 58.33 movements per week.
- Grass silage – 14,000 tonnes is typically harvested at the end of April/early May as the principal cut and a secondary cut typically between August and September as growth dictates. This will result in typically 175 movements per week or 25 movements per day.

- 6.14 Currently 11 local farmers have committed to supply a mix of feedstocks, with one other local commitment for the supply of the whey permeate. Typically the farms are located within a 6 – 7 mile radius of the site, with 5 farms located to the south, 3 from the north/north-west and two from the east. All farms have satisfactory direct access or are only a relatively short distance from a suitable highway network and can gain access to site via the higher order roads such as the A525, A41, and A49. The adjacent farm to the unit will also supply the feedstock.
- 6.15 The 15,000 tonnes of whey permeate would be sourced within 2 miles of the site and 2,000 tonnes of maize/rye crop provided would be sourced from Broughall Fields Farm itself. Hence 44% of the overall feedstock would be sourced from very near to the facility. The remaining 26,000 tonnes would be from the other contracted farms, with only 10% of the overall tonnage arriving from the west and the Ash/Calverhall south east direction. It is further stated that many of the local farms supplying the AD Plant already grow crops that are not used within their own enterprise and are sold elsewhere. Hence, most if not all trips for these harvests are already on the road network. The traffic statement also advises that overall traffic levels in the rural area have fallen significantly due to the decline in dairy farming.
- 6.16 The traffic report acknowledges that there would be an overall increase in traffic movements to the site due to the 17,000 tonnes of additional feedstock. However, it is stated that a significant number of these movements would be by HGV, meaning less movements from the larger loads. The original approved feedstock of 26,000 tonnes would potentially result in 1734 tractor and trailer movements, with 1473 outgoing tractor and trailer movements from the digestate. The current proposals for 43,000 tonnes of feedstock would result in an overall increase of 570 movements per annum or an average of 1.56 movements per day. It is not considered that this level of average increase would be likely to cause detriment to the immediate or wider highway network.
- 6.17 Notwithstanding this, the applicant has agreed to pay a voluntary contribution of £10,000 to facilitate improvements to the Ash Road where some 10% of the feedstock would be transported from, in recognition of the local concerns in relation to vehicle movements. The applicant has also previously agreed to implement a voluntary code of traffic management in order to minimise the potential for adverse highway impacts during peak times. This is to be welcomed and an advisory note covering this matter has been included in Appendix 1. Highway officers did not object to the original scheme and have indicated verbally that there are no objections to the current amended proposals. Whilst objectors maintain concerns with respect to the traffic implications of the scheme it is not considered that a highway refusal could be justified. (Core Strategy Policy CS7, SAMDev Policy MD8)
- 6.18 Visual impact: The Development Plan seeks to protect landscape quality (Core Strategy Policy CS17, SAMDev Policy MD12). The nearest residential properties are

generally well screened visually from the site and the proposed landscaping works would further improve this containment. The applicant states that the structures within the site would have an agricultural appearance and would be directly related to the agricultural activities taking place within the wider farming unit. The applicant has recently agreed to undertake additional landscaping measures in order to improve the screening and visual integration of the site.



Updated landscaping proposals

- 6.19 An updated planting scheme has been submitted and this encompasses a wider area surrounding the site, including planting of native tree and shrub species in a field area to the immediate west. Sections of 3m high trellis fencing with climbing plants are also proposed along sections of the site boundary including behind existing roadside hedging. These planting measures are designed to screen much of the development from the A525 and will in particular enhance the approach from the south west. The Council's Conservation section has acknowledged that these measures represent a significant enhancement relative to the original proposals.
- 6.20 Whilst the current variation proposals would result in some changes to the local landscape there would not be an unacceptably adverse impact once the proposed updated landscaping measures have been fully implemented. The proposals are therefore considered to be capable of complying with Policies CS17 and MD12.
- 6.21 Ecology An ecological assessment advises that the site is not located within or adjacent to a designated ecological area. Possible bat roosting features were identified within one tree. Compensation measures recommended in the assessment have been incorporated into the landscaping proposals which would provide a significant overall biodiversity enhancement for the area. The Council's ecology section has not objected. It is considered that the proposals can be accepted in relation to ecology and biodiversity. (Core Strategy Policy CS17, NPPF chapter 11.

- 6.22 Water resources: A Flood Risk Assessment confirms that the site is not located in an area of flood risk. The main tanks would be sited on impermeable bases within a fully bunded area and the silage clamps and reception shed would also have concrete bases. The site would have a rainwater management system that will direct rainwater to a balancing pool from where it can be released at a sustainable rate into the existing drainage system. In line with Environment Agency advice, an area of secondary containment has been provided around the main AD structures. Boreholes confirm that groundwater levels are 3-5m below the ground level within the site. Therefore a sufficient freeboard will exist between the base of any excavation and the highest seasonal groundwater table.
- 6.23 The line of a blocked up watercourse running through the site has previously been diverted around the edge of the site so that if the watercourse is reinstated at some time in the future the flow can continue around the site. The Council's land drainage sections have not objected subject to relevant drainage conditions (included in appendix 1). It is concluded therefore that the proposals can be accepted in relation to development plan policies and guidance covering the protection of water resources. (Core Strategy Policy CS18; NPPF – natural environment (s110))
- 6.24 Lighting The proposed site is located away from private dwellings. Low levels of external lighting are proposed. The applicant has confirmed that measures would be employed to minimise any unnecessary light spill. There would be no round the clock external lighting. A lighting condition has been recommended and is included in appendix 1.

Other matters:

- 6.25 Energy efficiency / use of surplus heat: As well as producing electricity, the proposed facility would generate an equivalent amount of energy in the form of surplus heat. Some of this would be used to maintain the temperature of the AD tanks and to dry wood within a building next to the feedstock clamps. It would also be possible in principle to utilise remaining heat energy in nearby buildings. The current proposals would generate additional surplus heat relative to the currently approved scheme. The ability to optimise the use of surplus heat would be beneficial in terms of national climate change and energy policy and would further reduce the carbon footprint of the proposals. It is therefore considered that, if planning permission is granted, a condition requiring an annual review of the potential to maximise use of renewable heat energy is imposed. It is understood that discussions have already taken place with three potential heat users. Subject to this it is considered that the proposals can be accepted in relation to the objectives of national climate change and energy policy and related development plan policies.
- 6.26 Variation application: The application is part-retrospective. As such, if permission is granted any consent would immediately supersede the original planning permission. It is appropriate in this instance to re-impose the bulk of the conditions attached to the original planning consent as the current proposals will require essentially the same planning controls as the previous scheme. Whilst pre-commencement conditions have previously been discharged in relation to the original application it is considered appropriate to re-impose these conditions on any permission to allow updating and review of previously submitted information. A 3 month timescale has been recommended in Appendix 1 for the submission of such updated information.

- 6.27 Retrospective application: It is regrettable that the applicant has progressed the current amended scheme in advance of any planning permission for these amendments. It is understood that the applicant had to make difficult decisions based on the need to secure funding for renewable energy and heat at a sufficient rate and within a tight timescale to optimise the viability of the scheme. Officers have expressed reservations to the applicant and have emphasized that if the current proposals are not approved then the Planning Authority would not hesitate to consider taking appropriate action in order to remedy the breach in planning control.
- 6.28 Objectors consider that the Planning Authority should have taken enforcement action as soon as the departure from the approved scheme became apparent in August 2016. However, planning enforcement is a discretionary and risk-based function and must take appropriate account of the context of any breaches. In this respect the Planning Authority had been considering an application to regularize the development for some time. Following internal discussions it was determined that it would not be expedient to take any formal action until the outcome of the application was known. If the application is approved then this will have the effect of regularising the currently unauthorized works. If the application is not approved then the applicant would have the option of appealing. Ultimately however, the proposed amended layout which is currently being constructed could be operated in principle as a 1MW scheme. In this respect officers consider that the amended proposals including enhanced landscaping measures would represent significant benefits overall relative to the currently approved proposals.
- 7.0 CONCLUSION
- 7.1 The principle of allowing a 1MW AD scheme on the same site has already been established by permission reference 14/01398/MAW. The current proposals would more than double the level of renewable electricity and heat energy produced by the facility for an increase in feedstock of 44%. Much of the additional feedstock would be in the form of whey permeate imported in larger loads from nearby Belton Cheese. The increase in renewable energy supplied by the proposals is a significant material consideration. The proposals would nearly match the amount of electricity used by Grocontinental, securing a reliable source of affordable renewable energy for the company and freeing up grid capacity for other local users (NPPF97, 98). The company is a major employer and performs a vital role in supporting the wider food industry in Shropshire.
- 7.2 The individual issues raised by the proposals have been assessed. No environmental issues have been identified which would suggest any material conflict with relevant development plan policies. The proposals include enhanced landscaping measures which would represent a significant benefit relative to the currently approved scheme. The increase in traffic would equate to be less than 1.6 extra loads per day and is not considered sufficient to warrant a highways refusal in this location on the major road network.
- 7.3 It is regrettable that construction operations departed from the originally approved scheme before the current application was determined although an application to regularize this situation has been lodged with the Council throughout this period and the applicant's discussions with the Environment Agency had resulted in significant delay to the determination of this application. The officer considers that the amended design has significant benefits relative to the approved scheme, including in terms of landscaping and renewable energy. Notwithstanding this, the amended scheme could easily be amended to a 1MW scheme in principle.

7.4 The NPPF requires that applications for renewable energy should be approved if the impacts are, or can be made, acceptable (s98). It is concluded on balance that the proposals are capable of being accepted in relation to relevant development plan policies, guidance and other local considerations. Approval is therefore recommended subject to the conditions set out in appendix 1.

8. RISK MANAGEMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

8.1.1 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, i.e. written representations, hearing or inquiry.
- The decision may be 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 made a) promptly and b) in any event not later than three months after the grounds to make the claim 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

8.2.1 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

8.3.1 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.

8.4 Financial Implications

8.4.1 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.

9. BACKGROUND

RELEVANT PLANNING POLICIES

Central Government Guidance:

9.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

9.1.1 The National Planning Policy Framework (NPPF) advises that ‘development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision’. The framework sets out clearly what could make a proposed plan or development unsustainable.

9.1.2 The Government’s objective is that planning should support the transition to a low carbon economy in a changing climate, for instance, by the development of renewable energy (s17). To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. They should:

- have a positive strategy to promote energy from renewable and low-carbon sources, including deep geothermal energy;
- design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily;
- consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (s97).

9.1.3 When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:

- not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once opportunity areas for renewable and low-carbon energy have been mapped in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying opportunity areas (s98).

9.1.4 Relevant areas covered by the NPPF include:

- 1. Building a strong, competitive economy;
- 2. Ensuring the vitality of town centres;

- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

9.2 Core Strategy:

9.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

9.2.2 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS13: Economic Development, Enterprise and Employment;
- CS14: Managed release of Employment Land
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

9.2.3 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Whitchurch area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'. Relevant policies include:

- MD2 – Promoting sustainable design;
- MD7b – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD9 – Safeguarding and improving employment investment (includes seeking to protect existing employment sites in rural areas);

- MD12 – Protecting Shropshire’s natural environment;
- MD13 - Protecting Shropshire’s historic environment.

9.2.4 DEFRA’s Climate Change Plan 2010 sets out how DEFRA will deal with the challenges of climate change. It refers to anaerobic digestion and states: “Anaerobic Digestion can reduce methane emissions from manures and slurries, whilst at the same time producing renewable energy in the form of biogas and digestate that can be used as fertiliser. The Anaerobic Digestion Implementation Plan published by DEFRA in March 2010, provides a framework for joint action by Government and Industry to drive a major increase in the use of anaerobic digestion.”

10. RELEVANT PLANNING AND SITE HISTORY:

- NS/08/02077/ENQ Enquiry regarding development of land REC
- NS/78/00100/FUL Erection of agricultural workers dwelling. GRANT
- PREAPP/13/00485 Erection of a 1 mw Anaerobic digestion plant and associated infrastructure PREAIP 11th November 2013
- 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works GRANT 19th December 2014
- 15/00835/DIS Discharge of Condition 1 (a and b) and Condition 5 of Planning Permission 14/01398/MAW for the installation of Anaerobic Digester plant consisting of control building, feedstock / reception building, 30 m diameter digester, 30 m diameter digestate store, feedstock clamps and all associated works DISPAR 20th April 2015
- 15/02229/DIS Discharge of Conditions 15 (Complaints procedure), 17 (specifications and surface treatments), 21 (drainage), 22 (Secondary containment), 23 (surface water) , 24 (External lighting) and 26 (Landscaping) of planning permission 14/01398/MAW. DISAPP 15th October 2015
- 15/02293/AMP A non-material amendment to previously granted 14/01398/MAW to amend the Site layout . GRANT 1st June 2015
- 16/00919/VAR Variation of Condition No.s 2 , 3 and 8 attached to Planning Permission 14/01398/MAW dated 19th December 2014 for installation of an anaerobic digestion plant WDN 15th September 2016
- PREAPP/16/00395 Proposed demolition of Broughall Fields Farmhouse and erection of replacement dwelling PREAIP 13th September 2016 16/04784/VAR Variation of conditions 2, 3 and 8 attached to 14/01398/MAW dated 19/12/2014 (for installation of an anaerobic digestion plant) to alter the site layout and increase the quantity of feedstock accepted at the site. PDE
- NS/02/00318/FUL Erection of 11 KV overhead line supported on wooden poles APPRVD 27th June 2002

11. ADDITIONAL INFORMATION

11.1 Policies material to the determination of the application

In determining the Local Planning Authority gave consideration to the policies listed in section 10 of this report.

location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr Gerald Dakin (Whithurch South)
Appendices: Appendix 1 – Conditions

APPENDIX 1

Conditions

COMMENCEMENT OF DEVELOPMENT

- 1a. The development to which this planning permission relates shall be deemed to be implemented beginning with the date of this permission.
- b. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of anaerobic digestion operations at the site, hereby referred to as the "Commissioning Date".

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice for commencement of the use hereby approved (1b).

DEFINITION OF SITE AND DEVELOPMENT

2. This planning permission shall only relate to the area edged red on the approved block plan (drawing number SA22500/03) hereinafter referred to as "the Site".

Reason: To define the area to which this planning permission relates.

3. Except as otherwise provided in the conditions attached to this permission the operations and uses hereby permitted shall be carried out strictly in accordance with the approved scheme comprising the application form dated 17th October 2016 and the accompanying plans and documents and plans.

Reason: To define the permitted development.

5. Construction operations shall occur in accordance with the Construction Management Plan approved under permission reference 15/0835/DIS.

Reason: In the interests of highway safety, residential and general amenity.

6. The site access and internal circulation areas shall be cleaned as necessary with a tractor mounted brush or other similar device in order to prevent the trafficking of mud onto the public highway.

Reason: In the interests of highway safety.

USE OF THE FACILITY AND CONTROL OF TONNAGES

7. The principal uses of the Site shall be restricted to:
- i. the anaerobic digestion process and the associated receipt, handling and storage of agricultural wastes and crop products;
 - ii. generation of electricity and heat and other ancillary operations associated with the above activities.

Reason: To define the type and sources of materials permitted to be managed and handled at the Site in accordance with the approved scheme, in the interests of general amenity and to protect surface and groundwater from pollution.

- 8a. The maximum tonnage of materials imported to the Site in any calendar year shall not exceed 44,000 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 of materials including energy crops and agricultural wastes delivered to the Site and the numbers of associated HGVs and tractor and trailer loads. The record shall be made available to the Local Planning Authority upon prior written request. A report of the total tonnage of waste imported to the Site in each successive calendar year shall also be provided to the Local Planning Authority in writing within one month of the year end.

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 whilst having regard to the fact that different potential feedstocks may have different calorific values (8a). To facilitate monitoring of tonnages imported to the anaerobic digestion facility by the Local Planning Authority (8b).

Note: The operator should employ traffic management measures to reduce the impact of Site traffic during peak times such as harvesting. Consideration should be given to:

- *Control of dispatch of vehicles from the Site to reduce the possibility of tractor and trailer units associated with the Site meeting on narrower parts of the public highway;*
- *Reducing the need where possible to harvest different crops within the farm unit at a similar time;*
- *Controlling the importation of poultry manure so that it is not coincident with harvesting or digestate spreading wherever possible;*
- *Ensuring drivers of AD tractors & trailers adhere to appropriate speed limits and safeguards whilst negotiating the local highway network;*
- *Providing identification markings so that vehicles using the Site can be readily identified.*

STORAGE

9. The storage of feedstock materials at the Site in connection with the anaerobic digestion process hereby approved shall not take place other than in the approved feedstock reception areas which are shown on the approved plans.

Reason: To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall Site layout and in the interests of general and visual amenity.

NOISE

10. Noise from the operation of plant in the engine room (together with noise from system pumps, and from any other associated plant) shall be attenuated to achieve a calculated level which does not exceed 5 decibels (dB(A)) above the night time background noise level outside the nearest noise sensitive property.

Reason: To protect the amenity of the occupiers of nearby properties.

- 11a. Notwithstanding condition 10, the following noise attenuation measures shall be applied during operation of the site:
- i. All vehicles and mechanical plant employed at the Site shall be fitted with effective exhaust silencers which shall be maintained in good efficient working order.
 - ii. Machines in intermittent use shall be shut down or throttled down in the intervening periods when not in use or throttled down to a minimum.
 - iv. All ancillary plant such as generators, compressors and pumps shall be positioned so as to cause minimum noise disturbance;
- b. All fixed and mobile plant based at and operating within the Site shall be fitted with attenuated reversing alarms. Details of the types of reversing alarm proposed to be fitted to vehicles / plant under the terms of this condition shall be submitted for the approval in writing of the Local Planning Authority prior to the Commissioning Date.

Reason: To minimise the possibility of adverse noise impact from Site operations at the closest receptor locations, including properties adjacent to the access from the public highway.

13. All yard surfaces and circulation areas within the Site shall be swept as necessary to remove mud / debris and water shall be applied to such areas as appropriate during dry conditions in order to prevent the generation of dust.

Reason: To reduce the impact on local amenities and air quality of dust arising from Site operations.

PEST / VERMIN CONTROL

- 14a. No delivery of waste to the Site shall occur until a detailed scheme for the control of pests and vermin has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall in particular provide for:

- i. Measures to reduce the attractiveness of the Site to pests and vermin, including maintenance of secure feedstock storage areas;
 - ii. An inspection regime with prompt implementation of appropriate control measures in the event that a pest control problem becomes apparent, with details to be provided to the Local Planning Authority upon implementation of the measures.
- b. Following approval of the scheme required by Condition 14a the Site shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure that appropriate measures are in place to control the possible effects of pests and vermin.

AMENITY COMPLAINTS PROCEDURE

15. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

HOURS OF OPERATION

- 16a. With the exception of use of the generator and normal continuous running of the anaerobic digestion process no operations hereby permitted shall be undertaken at the Site, except during the following hours:

Mondays to Fridays	07.00 to 21.00 hours
Saturdays:	07.00 to 21.00 hours
Sundays / Bank Holidays	08.30 to 18.30 hours

- b. Notwithstanding Condition 16a, provision shall apply for extended working for not more than 10 periods in any calendar year in order to cater for exceptional circumstances. During periods of extended working no operations hereby permitted shall be undertaken at the Site, except within the hours specified in Condition 16a above and during the following hours:

Mondays to Fridays	05.00 to 23.00 hours
Saturdays:	05.00 to 23.00 hours
Sundays / Bank Holidays	06.30 to 20.00 hours

Records of extended working under this condition shall be maintained and shall be provided to the Local Planning Authority upon request.

- c. Construction activities shall be restricted to within the following times:

Monday to Friday: 07:30- 18:00,

Saturdays: 08:00 - 13:00.

No construction shall occur on Sundays or bank holidays.

- d. Vehicle movements and deliveries during construction shall be restricted to the following times:

Monday to Friday: 07:30- 18:00,

Saturdays: 08:00 - 13:00.

No construction shall occur on Sundays or Bank Holidays.

Reason: To ensure that operational times at the Site are controlled in order to reduce the impact of the development on the local area and amenities (16a, c, d) whilst making appropriate provision for extended working to cater for exceptional circumstances (16b).

Note: Wherever possible, the Local Planning Authority should be notified in advance of any proposed periods of extended working under the terms of Condition 16b.

BUILDINGS, STRUCTURES AND PLANT

17. Detailed specifications and surface treatments including cladding colour (BS reference) of the anaerobic digester units and associated buildings and structures shall be submitted for the approval of the Local Planning Authority within 3 months of the date of this permission. The structures and associated surface treatments shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of construction and in the interests of visual amenity.

18. All buildings, hard surfaces and fencing within and on the boundaries of the Site shall be maintained in an orderly state and fit for purpose, including maintenance of even, pothole free running surfaces in circulation areas for vehicles and plant.

Reason: To ensure that the Site is maintained to an acceptable standard in the interests of health and safety and general amenity.

19. Not more than two digester tanks shall be constructed and used at the site under the terms of this permission.

Reason: For the avoidance of doubt and to define the permission.

GENERAL PERMITTED DEVELOPMENT ORDER

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those

shown on the approved plans listed in condition 3 above, shall be erected at the Site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.

Reason: To maintain control over the appearance of the site and ensure that the development is in accordance with the permitted details.

POLLUTION CONTROL AND DRAINAGE

21. systems; the re-routing of drainage and the existing underground culverted Prior to the first operation of development, details of the decommissioning of existing field drainage watercourse, as shown on drawing no. SA13299/03 rev A, shall be submitted to and agreed in writing by the Local Planning Authority. There shall be no watercourses or land drainage systems within 10 metres of the site installation boundary. Thereafter the works shall be carried out and maintained in accordance with the approved plans.

Reason: To decommission the existing underground drainage system (to re-route and install a new drainage system) and divert the piped watercourse, to prevent pollution of controlled waters.

22. Within 3 months of the date if this permission a scheme confirming details of secondary containment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the following:
- i. containment of any accidental spills / leaks based on 110% containment of the tank capacity including the proposed bund as shown on drawing no. MB470002 dated September 2013.
 - ii. Compliance with the CIRIA 164 standard including ensuring that no surface water soakaway or drainage pipework breaches the bund;
 - iii. Measures for dealing with minor spillages;
 - iv. Measures for dealing with a catastrophic tank spillage event.

The containment measures shall be implemented in accordance with the approved scheme prior to the bringing into use of the Anaerobic Digester facility.

Reason: To prevent pollution of the water environment.

Note: As required by the Environmental Permit, all storage and process tanks should be located on an impermeable surface (a hydraulic permeability of not greater than 1×10^{-9} m/s) with sealed construction joints within the bunded area.

- 23a. Within 3 months of the date of this permission a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme required by this condition shall include the following details:
- i. Confirmation of measures for dealing with surface water run-off from the site including surface water soakaways for clean water only which are designed to either cater for the 1 in 100 year + 20% storm event, or cater for the 1 in 10 year storm event, (in which case a flood conveyance drawing for exceedence flows should also be submitted);
 - ii. Measures to intercept surface water prior to flowing on to the public highway;

- iii. Confirmation that the finished floor level of buildings within the site is set above any known flood level;
 - iv. Confirmation of detailed measures for dealing with contaminated surface water runoff from the site in accordance with the principles set out in the Flood Risk Assessment, including provision to isolate, store and manage such drainage in order to prevent groundwater pollution.
 - v. Details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.
- b. Following its approval, the drainage measures shall be implemented in accordance with the approved details prior to the Commissioning Date.

Reason: To ensure that disposal of surface water is undertaken in a sustainable manner which also reduces flood risk.

Notes:

- i. *The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Flood water should not affect other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.*
- ii. *If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval under the scheme required by Condition 22a. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- iii. *All concrete areas where feedstock and digestate are handled should have a system in place to allow for water that may be contaminated to be diverted away from the clean water disposal route in to the dirty water system.*
- iv. *Any contaminated/dirty wash water should be collected via impermeable surfaces and disposed of to an appropriate system. The applicant should incorporate measures to prevent the transmission of oils, fuel, or other hazardous materials from entering the AD process. For example, a separate sealed drainage system for areas likely to be contaminated with any wheel washing or oils etc. should be installed, perhaps with a sump system for disposal elsewhere in the absence of a mains foul sewer connection.*
- v. *As part of the sustainable urban drainage scheme ('SUDS'), the applicant is encouraged to employ the following measures:*
 - Permeable surfacing on any new driveway, parking area/ paved area;
 - Rainwater harvesting system;
 - Greywater recycling system;
 - Green roofs;

- *Water Butts.*

LIGHTING

24a. Within 3 months of the date of this permission updated external lighting details shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following details:

- hours of use of external lighting,
- the exact location and nature of any lights;
- the specification including height any fixed or mobile structures;
- the intensity of the lights;
- the identification of areas to be illuminated and any measures to prevent light spilling on to areas outside the Site;
- measures such as shrouding to minimise disturbance through glare.

b. Following approval of the lighting scheme required under condition 24a external lighting shall be installed in accordance with the approved details.

Reason: To ensure a satisfactory standard of lighting for the development, balancing health and safety and security requirements with the visual amenity and ecological considerations and to minimise disturbance to bats, a European Protected Species.

Notes:

- The submitted scheme shall also be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.*
- In order to reduce the likelihood of complaints regard should be had to the following considerations when considering the design of lighting schemes:*
 - What is the minimum lighting level required and what areas require lighting.*
 - Where could light produced have the potential to impact upon others? By considering which areas may be most sensitive to light it may be possible to reduce the need for lighting in these areas and in turn remove the likelihood of any complaint being received*
 - Sky glow should be minimized. As a result it is recommended that no light is emitted above horizontal and ideally all lighting should be angled below 90 degrees from vertical.*
 - Glare should be minimised by giving careful thought to the positioning and orientation of lighting as well as the need for baffling and appropriate light fittings*
 - Light spill should be reduced wherever possible. It is this aspect that is most likely to give rise to complaints. In order to reduce light spill the use of double asymmetric light fittings is suggested. They should be appropriately angled to stop light spilling onto/into other properties*
 - Where lighting is not required all of the time, e.g. security lighting, floodlighting of a sports field, it is recommended that sensors are used with an appropriate cut off time or that lighting is on a timer to ensure that lights go off once activities have finished*
 - The lowest Wattage lighting should be used in order to reduce glare and light spill.*

25. Within 3 months of the date of this permission updated details of the proposed fire protection measures to be put in place at the Site shall be submitted to and approved in writing by the Local Planning Authority and the Site shall thereafter be operated in accordance with the approved scheme.

Reason: In the interests of fire prevention..

LANDSCAPING AND AFTERCARE

- 26a. Within 3 months of the date of this permission a detailed landscaping scheme to supplement the details provided in plan reference WBG1PP01 shall be submitted for the approval in writing of the Local Planning Authority. The approved scheme shall be in the implemented within the first available planting season following the approval of the scheme in writing by the Authority and shall include:
- i. Details and specification of planting including the species, specification, origin, method and density of planting, with provision for use of a high percentage of native species and provision of species rich hedgerow;
 - ii. Details of protection measures and procedures for addition of soil ameliorants.
- b. All existing hedgerows, shrubs and trees on the margins of the Site which are not allocated for removal as part of the development and all new planting at the Site shall be retained and protected from damage for the duration of the operations hereby approved.

Reason: To local amenities by reducing the visual impact of the proposal and in the interests of ecology.

27. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including cultivation and weeding. Any trees or plants that are removed, die or become seriously damaged or defective within the aftercare period, shall 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.

- 28a. Prior to the bringing into use of the anaerobic digester facility details of three woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.
- b. Prior to the bringing into use of the anaerobic digester facility six woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be installed on the site.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species (29a) and besting opportunities for wild birds (29b) in the interests of biodiversity (Core Strategy Policy CS17).

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and a licenced bat ecologist should be contacted for advice.*
- ii. *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. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*

ANNUAL REVIEW

- 30a. An annual review meeting involving the operator to the Local Planning Authority shall be held in order to review the performance of the Site over the previous calendar year in relation to the requirements of conditions attached to this Planning Permission. The meeting shall be held no later than 3 months after the year end.
- b. The annual review meeting shall also assess the potential for utilizing additional heat from the CHP unit with provision for taking appropriate further action in the event that identified trigger levels are reached.

Reason: To provide a suitable mechanism for the ongoing review of Site operations.

CESSATION OF USE

- 31a. Not less than 2 weeks prior notice in writing shall be provided to the Local Planning Authority of the permanent cessation date for the operations hereby approved, or for any temporary cessation of operations for in excess of one month.
- b. Not less than 6 months prior to the planned date for any permanent decommissioning of the development hereby approved the operator shall submit proposals for decommissioning of the development within an agreed timescale for the approval of the Local Planning Authority. Such plans shall make provision for leaving the site in a condition suitable for future development, with provision to remove all buildings, hardstandings and structures which are not required in connection with the Site's subsequent afteruse.

Reason: To ensure that the Site is left in a tidy condition capable of a beneficial afteruse in the event of any permanent decommissioning of the development hereby approved.

RETENTION OF APPROVED DOCUMENTS

32. A copy of this planning permission and any schemes permitted under its terms and conditions shall be retained at the Site and be available for inspection by staff at the Site and officers of the Local Planning Authority.

Reason: To ensure staff on Site are aware of planning controls to be complied with.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with formal pre-application advice by the authority. Further information has since been submitted in response to comments received during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions and legal agreement.

Habitat Regulation Assessment (HRA) Screening Matrix & Appropriate Assessment Statement

Application name and reference number:

14/01398/MAW

Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire

Date of completion for the HRA screening matrix:

19th May 2014

HRA screening matrix completed by:

Alison Slade

Planning Ecologist

Shropshire Council

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Table 1: Details of project or plan

Name of plan or project	Anaerobic Digestion plant at Broughall Fields Farm Ash Road Whitchurch
Name and description of Natura 2000 site	<p>Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1.</p> <p>Brown Moss SAC (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate.</p> <p>Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Ramsar criteria:</p> <p>Criterion 2a. Supports a number of rare species of plants associated with wetlands. The site contains the nationally scarce sixstamened waterwort <i>Elatine hexandra</i>, needle spike-rush <i>Eleocharis acicularis</i>, cowbane <i>Cicuta virosa</i>, marsh fern <i>Thelypteris palustris</i> and elongated sedge <i>Carex elongate</i>.</p> <p>Criterion 2a. Contains an assemblage of invertebrates, including the following rare wetland species. 3 species considered to be endangered in Britain, the caddis fly <i>Hagenella clathrata</i>, the fly <i>Limnophila fasciata</i> and the spider <i>Cararita limnaea</i>. Other wetland Red Data Book species are; the beetles <i>Lathrobium rufipenne</i> and <i>Donacia aquatica</i>, the flies <i>Prionocera pubescens</i> and <i>Gonomyia abbreviata</i> and the spider <i>Sitticus floricola</i>.</p>
Description of the plan or project	<p>Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works.</p> <p>Substrate from different feed stocks is mixed in a fermentation tank or biogas digester. Methane is produced from the anaerobic process. The gas is dried and vented into a gas engine connected to a generator to produce electricity.</p>

	Liquid digestate will be stored in a tank.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

The application site is approximately 1km to the north west of Brown Moss SAC/Ramsar site. It is outside the surface water catchment area for the European site. The application includes an Environmental Supporting Statement and Odour Risk Assessment, which describe the means by which air emissions (and odours) will be controlled. The prevailing winds are from the west and southwest, so generally away from Brown Moss.

NE states in their letter dated 30th April 2014 that emissions resulting from the anaerobic digestion process are unlikely to have a significant effect beyond 500 metres from the application site and that Brown Moss is around twice this distance from the site.

The Significance test

The proposed works in application 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire will not have a likely significant effect on the Brown Moss SAC and Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

The Integrity test

The proposed works in application No: 14/01398/MAW Installation of Anaerobic Digestion plant consisting of control building, feedstock/reception building, 30m diameter digester, 30m diameter digestate store, feedstock clamps and all associated works - Broughall Fields Farm Ash Road Whitchurch, Shropshire will not have an impact on the integrity of the Brown Moss SAC and Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.