

NORTH PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS

Date: 16th December 2014

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
5	14/01398/MAW	Whitchurch Town Council

Whitchurch Town Council wishes to make the following observations on the changed planning application. The Town Council still objects to this planning application.

Whitchurch is an unspoilt historic Market Town with plans to expand with the addition of over 1500 new houses. As this is a low pay area it is envisaged that many of the people who buy these houses will be commuters as we are uniquely placed for commuting to a variety of destinations. Whitchurch Town Council firmly believes that having an Anaerobic Digester (AD) on the outskirts of town would be a disincentive to people moving in to the area.

We were advised that the planning application for the Anaerobic Digester was to be changed but we were not given the opportunity to discuss the changes with our Shropshire Council (SC) representatives so are submitting this to all members of the SC Planning Committee so that you will have an understanding of our continued opposition to this application. Not only are WTC against this AD but the people of Whitchurch are also against it with petitions totalling some 1200 signature and over 100 individual objections being submitted to SC.

When the Application for the AD at Broughall Fields Farm was submitted to Whitchurch Town Council (WTC) it was stated that the AD was intended to alleviate the chronic shortage of electricity in the town. Although officers of SC were aware that the electricity supply to Whitchurch had been upgraded in 2013 WTC were not informed of this and that no chronic shortage existed or in foreseen to exist..

The application states:

Environmental Supporting Statement

3.9.....The benefits of building an AD plant at Whitchurch have also been discussed at a wider level which concluded that a shortage of electricity (Whitchurch is at capacity) and the knock on consequences that new businesses will not invest in the area would be alleviated by the provision of an AD facility.

Planning Statement

Page 4 para 3.....The scheme will help to free up local electricity for use by other businesses

.....Shropshire Council has indicated pre application that the development would in principle be acceptable if the benefits can be shown to be sufficient.....The benefits are clear in that the scheme provides a renewable source of energy for a local business and the wider community.

When considering the application we assumed that these statements were factual because we were not in possession of all the facts. We invited Scottish Power Energy Networks (SPEN) to make a presentation to the Council and they informed us that they had carried out technical upgrades in 2013 to give Whitchurch another 900KvA (1Mw). This is confirmed by Chris Hill of SC Business and Enterprise Unit who has stated - "My understanding is that there is a limited amount of power available (around 900Kva) enough to power a small industrial estate or around 500 dwellings". We do not know why the fact that the electricity supply had been upgraded was withheld from WTC before considering the application and we are most disappointed that we were not in possession of all the facts. SPEN have submitted plans to spend approximately £150m upgrading the supply in the Manweb area and Whitchurch will have sufficient supply to cover all of the developments outlined in the SAMDev so additional supply is not required. The Case Officers report now submitted in support of the application makes no mention of any electricity shortage in Whitchurch yet that is the argument that

underpins the original application. We are now told that the application is for an "On Farm Digester" in what can only be described as a cynical attempt to circumvent the Environmental Permitting regime. The Case Officer's report is written in such a way to suggest that the application is, in fact, for and on farm digester and would be permitted under EA Standard Rules SR12 No10. Standard Rules 2010 No10 only applies to an on farm anaerobic digestion facility using farm wastes only, including use of resultant biogas. The rules limit the activity to premises used for agriculture and to wastes arising from on farm activities. In addition all activities must be carried out on premises used for agriculture. This proposed AD is not on a farm and will not be using any waste from the adjacent farm and the Case Officer says:

The application is for major development, as opposed to small scale new economic development. If this AD is passed as an on farm AD it can be sited within 200m of where people live and work provided that the stack height is over 7m. However, if the applicant applied for the correct permit i.e. Standard Rules SR2012 No 12 it could not be located within 200m of where people live and work and there is a very large industrial site within 200m including two bakeries and a children's nursery and well as a number of warehouses used for storing food and other businesses. It is the intention to bring in 6,000 tonnes of chicken manure to the site with the possibility of bio aerosols being distributed in the vicinity including salmonella bacteria, campylobacteria, and Clostridium botulinum. Until recently WTC were also not aware of Grocontinental's intention to develop this site in order to make themselves self-sufficient with electricity; this would entail expanding the site fourfold. At the time of our first being advised of this application it was not clear what traffic control measures were to be undertaken. We are now informed that traffic will be allowed to turn right off the bypass into what is and will be a concealed entrance, The lane widths will be reduced to the legal minimum of 3m in order to accommodate a right turn filter; this is a recipe for disaster on what is a dangerous stretch of road at an overtaking point. Although its existence was originally denied it is now admitted that a tributary of Staggs Brook crosses the site directly where it is intended to site the digester. The EA have asked that this watercourse be redirected but the possibility of polluting Staggs Brook, a protected habitat is still very real.

At the time of the application it was not clear how large the buildings on site would be. The tanks will be 100 feet in diameter with the gas holder being some 40 feet high. The reception building will also be some 40 feet in height. These structures will destroy what is presently a vista of open fields and ruin a visual amenity.

We are assured that the site would be screened but we do not believe that these structures can be adequately screened and will become as much of an eyesore as the warehouses opposite where Grocontinental have consistently failed to comply with planning conditions to plant screening,

At paragraph 4.3.v of the Case Officer's report it states:

.....it should be noted that any operational control errors may have a disproportionate adverse effect on nearby sensitive receptors

.....However, it is accepted that the nature of the feedstock may make some fugitive emissions unavoidable

.....Whilst bio-aerosols may be released from the anaerobic digestion process this would be mainly from the feedstock reception and the eventual aeration of the digestate

Bearing in mind that these sensitive receptors include children in a nursery school should we be taking any risk whatsoever.

Comments with respect to the officer report:

Broughall Fields Farm, Ash Road, Whitchurch
TF8 7BX
Photograph outlining site

The address is incorrect, Post Code is for
Telford.

The application is for the adjacent field as well
to allow for Grocontinental's expansion plans
One would expect accuracy on such an
important issue. I believe the correct figure to
be 6,000 Tonnes

The report gives conflicting volumes for Poultry
Manure
Para 1.2 3,000 Tonnes Poultry Manure
Para 7.4

.....

.....

Para 1.10 6,000 Tonnes Poultry Manure

Para 7.7

Para 7.18

Para 1.2. It is intended that electricity from the scheme would be used by the applicant's cold store buildings.

Para 1.3 The transformer and substation would feed the renewable electricity produce directly to the local grid

Para 1.3 The digester tank would be 30 metres in diameter, with a nominal height of 7.2 metres and a height of 12.5 metres to the top of the gas holder dome.

Para 1.3 The gas engine stack would be greater than 7m in height and as such can be located within 200metres of the nearest sensitive receptor.

Para 1.4 The proposed AD structures will be coloured green to aid integration with the existing farm structures.

Para 1.6 The 1MW system would produce energy to be utilised at the Grocontinental site at a level equivalent to the requirement of around 2,000 - 2,400 local households.

Para 7.3 The proposed facility would produce 3,300 kWh per annum of electricity. This is equivalent to the amount used by 1200 households after energy use

Paras 1.9 & 1.10

Para 1.12 The UK now has International and European obligations to generate more renewable energy and such facilities are encouraged in National Energy, Waste and Planning Policies

2.0 SITE LOCATION / DESCRIPTION

.....The nearest residential property is located 130m to the north east.

Para 4.1.iii An environmental impact survey and traffic survey should be completed.

The original application says that the AD was to solve Whitchurch's power problems. This is a fundamental change as the original application says that "The benefits are clear in that the scheme provides a renewable source of energy for a local business and the local community". There are and have never been any benefits to the community.

The statements are conflicting; no details of a transformer or substation are given.

This is a massive building that will be out of place in the present rural landscape

This only applies to an "On Farm" digester, not an industrial AD.

The farm buildings are red brick.

farm structures.

SC Business and Enterprise unit state that 1Mw would power 500 houses or a small industrial estate

These conflicting statements in the report looks as if it is being made up as they go along

These paragraphs set out the planned traffic management yet no professional opinion is given as to the safety or otherwise of the proposals. Both WMP and SC Highways have described this road as dangerous yet it is planned to allow for a concealed entrance on a stretch of road that is the first overtaking opportunity on the A525 for some considerable distance.

No proper vehicle calculations are offered, an average of less than 4 per day is totally meaningless as the majority of the movements will be, it is admitted, at harvest time.

Also, assumptions have been made regarding Broughall Fields Farm, some of the fields are located some distance from the farm and vehicles WILL need to use the road network.

National Planning Policy for Waste dated October 2014 and the Waste Management Plan for England dated December 2013 only encourages the use of waste in anaerobic digesters it is against the use of specially grown crops.

This report and the original reports in support of the application fail to mention the 400 plus people working within 200m of the site, including 2 bakeries, a children's nursery and a number of large food storage warehouses.

There is no evidence that either was carried out even though it is a legal requirement to undertake at least undertake a Screening Opinion.

4.2.iii Environmental Permit (EP): From the information provided, without prejudice, it appears that the applicant could design the plant for a SR2012 No 10 'On-farm anaerobic digestion facility including the use of the resultant gas'

4.12.i Business and Enterprise Service Supports the application

7.3 Local need for renewable energy.there is an energy shortage in Whitchurch.

.....outline proposals by Scottish Power

7.7 The site is of sufficient size to accommodate the development and is owned by the applicant.

7.9 The application is for major development, as opposed to 'small scale new economic development'

7.13 There is no history of odour complaints of an equivalent type in Shropshire, including sites with similar relationships to residential and business properties.

7.24however the landscape is already dominated by the industrial buildings at Waymills Industrial Park

7.28 The site is not located in an area of flood risk

7.36 Precedent for site extension: Objectors have expressed the concern that the site could expand further and that the recent amendment removing the food waste element could be reversed at some future date. With respect to site extension, it is not considered that the physical area of the site would be likely to extend given the geographic constraints provided by the surrounding landscape and the proposed landscaping measures. An application plan shows a further digester tank in outline. However, it is emphasised that the addition of a second digester does not form part of the current application. A condition confirming this for the avoidance of doubt has been recommended in Appendix 1. Without prejudice, any application to extend the facility by adding a second digester would be the subject of a separate application which would be considered on its merits at the time.

This is a cynical ploy to get round the fact that it is too near to a place of employment. SR2012 No 10 is restricted to activities on a farm using waste from the farm. Neither applies in this instance.

This is extremely misleading as it is a precise of the actual "unsolicited" report, which has now been shown to be inaccurate as SPEN have upgraded the supply.

This is misleading, there is no shortage of electricity and Scottish power have submitted detailed and costed proposals to Ogem.

These two statements make it clear that this development is not an on farm

development

This statement is not correct; the AD at Uffington has plagued residents with flies and smells and has caused a local equestrian business to go bankrupt. Riders do not want to ride on narrow roads used by heavy vehicles and have to put up with the smell and flies. Other residents cannot complain as they are tenants of the farm owner and do not want to risk eviction.

The AD at Swancote has had complaints for some time and there is a letter of complaint on the SC Planning web site.

There are numerous other examples and the EA has said that odour is the main issue that they have to deal with.

The waymills industrial park is well screened from the road and is not visible to passing vehicles.

It is only the Grocontinental warehouses that are visible and this is due to them having not planted screening as required under planning conditions and having removed what screening that was in place.

Appendix 2 to the Flood Risk Assessment supporting the application shows the site to be at medium risk of surface water flooding.

The site outlined in the planning application is twice the size of the area taken up by the present AD. However it is Grocontinentals stated ambition to become self sufficient and expand the site. This was done at Swancote where there is now a major electricity and gas production site in the green belt that has expanded under delegated powers.

9.1.1 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 awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or enquiry.

Legal opinion taken by local objectors indicates that an appeal would not be successful due to the supporting documents having no attribution and containing misleading information.

The Town Council was not afforded any time to consider or a meeting to discuss the new application even though it was a substantial change when the planning guidelines state that further consultation may be considered when there is a change in a planning application, the Town Council wishes to make the above known when considering this application.

Item No.	Application No.	Originator:
5	14/01398/MAW	Case Officer

The following clarifications have been provided by the case officer in response to recent questions by two objectors:

Design and management:

The design of the proposals is detailed in the application and accompanying plans. It is a standard (as opposed to plug flow) AD design with digester and digestate tanks. In terms of management systems the feeder would be loaded once by front end loader in the morning and would introduce feedstock into the system at specific intervals throughout the day and night. The feeder and control centre would be within the feedstock building. The process would be continually monitored by computer to ensure optimal conditions are maintained. Further details of the management systems would be determined under the standard rules permit.

Use class category:

Anaerobic digestion schemes of this nature would fall within the Sui Generis category rather than agricultural or industrial as they are viewed primarily in planning terms as a 'waste to energy' use. This is notwithstanding that 70% of the feedstock would now comprise silage and energy crops rather than manure (i.e. a waste). Certain smaller scale on farm AD facilities dealing with manure / slurry can also fall under the 'agricultural' category. But this would not apply to the current proposals. Hence, if there is an approval it would not establish a precedent for an industrial use at the site were the scheme to be approved but subsequently to cease operating.

1. If SC approve the revised on farm AD application could further ADs be added and use food waste without needing a bespoke permit from the EA.

No, this would not be possible. The permitting and planning regulatory regimes are separate. If the Planning Committee approved the current scheme (which excludes food waste) then no food waste importation would be possible under any such permission. The applicant would need to apply for a formal variation to any planning permission in order to receive food waste. There is no indication at this stage that any such application would be submitted, or would be approved. Were such an application to be submitted subsequently it would be the subject of a full planning consultation process including notification of the Environment Agency, Public Protection, the Town Council and local residents.

The Agency's 'in principle' holding objection with respect to food waste was not overcome in the current application and it is likely therefore that they would adopt the same stance with respect to any such proposal. My understanding is that their main concern was that the applicant should have 'twin tracked' the planning application with an application for a bespoke environmental permit, which, if approved, would have potentially provided a greater degree of reassurance regarding food waste management procedures and may in turn have allowed the Agency to withdraw its holding objection to the planning application. However, there is no

guarantee that a bespoke permit would have been approved.

Removal of the food waste element means that if the planning application is approved the applicant can progress the scheme on the basis of a 'standard rules' permit. There is no in principle objection to not twin tracking planning and permitting for standard rules permits. Hence, the Environment Agency has withdrawn its holding objection. If the applicant were to come forward with a subsequent request to introduce food waste then in addition to the formal variation planning permission referred to above the applicant would also need to apply to amend any existing standard rules permit to a bespoke permit. There is no guarantee that such a permit would be issued.

2. If permission is granted will this open the site up for Industrial use in the future.

Stringent policies exist protecting the open countryside, and in particular, Shropshire Core Strategy Policy CS5. The policy does however indicate that special circumstances may apply and does not specifically preclude major development where there are benefits to the rural economy and the requirements of other relevant policies can be met.

Without prejudice, the current AD proposals have been put forward with a very specific set of justifications:

- It relates to the provision of renewable energy to the town's major employer;
- The site is in an 'urban fringe' location immediately adjacent to the Grocontinental premises to where renewable electricity can be supplied economically;
- It is near to the Waymills Estate where there are potential heat end-users;
- It has a potentially suitable access;
- It is in an area where the feedstocks can be grown and the digestate can be spread;
- It is also capable of being screened visually from most viewpoints and the structures would be seen in the context of the agricultural buildings at Broughall Fields and would have an agricultural appearance;
- The applicant has failed to identify any alternative sites which meet the above criteria.

The areas surrounding the site are not specifically allocated for development in the Council's emerging site allocations planning policy document ('SAMDev') and an equivalent set of justifications is unlikely to apply for any other development schemes in this immediate vicinity. I do not consider therefore that the current application would establish a wider precedent for development on the eastern site of the Whitchurch By-Pass in this vicinity.

Item No.	Application No.	Originator:
5	14/01398/MAW	Objector - Gallagher

An objector has requested that the following article from the Whitchurch Herald is drawn to the attention of Members:

'Boost for anaerobic digester objectors':

Published 22 October 2014

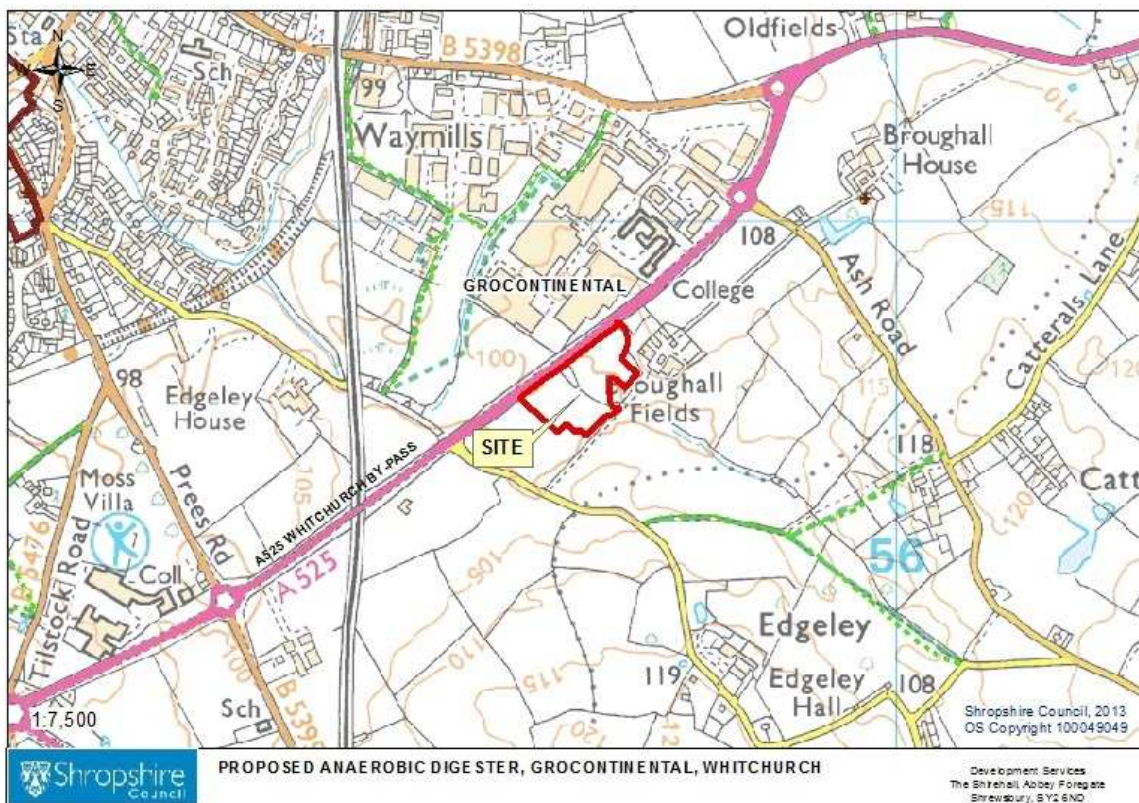
ANAEROBIC digester (AD) objectors were boosted when Scottish Power appeared to confirm their campaign message that Whitchurch does not need an AD to maintain its power supply. Scottish Power, the network operator for the area, gave a presentation to Whitchurch Town Council on the future network capacity in the area and said it would be "significantly increasing" capacity in the town. Scottish Power (SP), which maintains overhead lines, substations and cables to bring electricity to our homes, said there was some capacity in this area on their 11kv network, depending on the size and location of the development, and there were plans to create capacity for new businesses in the area. Haulage and storage firm Grocontinental has submitted plans to build an AD plant opposite their base at Waymills, to make the firm self-sufficient in electricity, but the scheme has provoked opposition from people fearing smell, lorry

movements and environmental accidents. The applicants say extra electricity would be freed up for the town, but AD objectors maintain that there is enough supply and if more is needed, SP will provide it. SP engineer Rachel Shorney said that Scottish Power was working on a business plan for 2015-2023 and was now consulting on this with Ofgem to get approval for the next eight years. She said that she was aware of the sites proposed for development around the town, and while SP cannot do speculative reinforcement of the supply for any new connections as this was against its licence, specific companies could speak to Scottish Power about their requirements. AD objectors say that the lack of electricity was not the problem; it was the means to get it to the new developments, and individual developers can request connections but they would have to pay for them. The cost of a sub station and cabling is between £80,000-£100,000. Whitchurch resident Julia Gallacher asked if SP would start improving the supply by 2015 if everything was agreed with Ofgem. She added that 1,000 houses were planned for Whitchurch, so did that mean they couldn't be built for eight years if the supply was not upgraded? Rachel Shorney said that a developer would not have to wait – at the moment there was enough capacity especially on the north side of the town, and they could build improved connections where needed. “Some sites we don't yet have housing figures for, but when we do, we can give more detail,” she said, adding that for a 500 house site, there was enough capacity. Sue McKeon asked about the supply for new industry coming to town, and was told that there were two areas designated for industry, and there was capacity but it was limited, but there had been no big requests so far. SP said they were not aware of anyone who had asked for capacity that they cannot suit, but they didn't yet know what capacity people will want. Grocontinental did not respond to questions put to it. before our deadline yesterday.

Note: This issue is addressed in section 7.3 of the officer report

Item No.	Application No.	Originator:
5	14/01398/MAW	Objector - Edge

Members have been circulated an email (15/12/14) from an objector advising that the plan shown on the first page of the officer report is out of date. The plan was taken from the planning application with the intention of giving a general overview of the site and its surroundings. For the avoidance of doubt the following updated location plan has been circulated to Members:



Item No.	Application No.	Originator:
7	14/03370/FUL	Case Officer
Correction to paragraph 6.3.1 removing the reference to the bus service to Wem as there is only services to Oswestry and Shrewsbury.		
Item No.	Application No.	Originator:
8	14/03759/FUL	Ecology
The response from the Council's Ecologist raises no objection, however they recommend that informative be included on any planning permission to ensure protection of nesting wild birds and reptiles/amphibians.		
Item No.	Application No.	Originator:
8	14/03759/FUL	Agent
Additional plan submitted showing position of proposed 2 metre high boundary fence to rear boundary. Condition 5 needs to be amended as follows: Prior to the first occupation of the dwellings hereby approved a 2 metre high timber fence shall be constructed between points A and B as shown on Drawing No. RB6+7/04 received on the 8th December 2014. Reason: To preserve the amenity and privacy of adjoining properties		
Item No.	Application No.	Originator:
All		Officer
Members should note that the period for any party to submit a judicial review of a planning decision is 6 weeks and not three months weeks as noted in section 8.1 of the reports.		