

**Development Management Report**

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**Summary of Application**

<b><u>Application Number:</u></b> 18/00324/MAW	<b><u>Parish:</u></b> Whitchurch Urban
<b><u>Proposal:</u></b> Installation of additional infrastructure at an operational Anaerobic Digester (AD) site, and the installation of two digestate lagoons	
<b><u>Site Address:</u></b> Broughall Fields Farm, Ash Road, Whitchurch, TF8 7BX	
<b><u>Applicant:</u></b> Whitchurch Biogas Ltd	
<b><u>Case Officer:</u></b> Graham French	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1**



**Figure 1 – Site Location and layout**

## REPORT

### 1.0 THE PROPOSAL

1.1 Planning permission for construction of an Anaerobic Digester (AD) plant at Broughall Fields Farm was granted to the applicant, Whitchurch Biogas Ltd on 19<sup>th</sup> December 2014 (14/01398/MAW). Further applications have subsequently been submitted to vary the layout, feedstock throughput, operation, and management of the AD site. Permission for the current application was approved on 30<sup>th</sup> March 2017. The site is now constructed and operational:

“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” (Ref: 16/04784/VAR)

1.2 The current development would involve the following elements:

- Digestate Storage Tank converted to a Digester: The applicant advises that conversion of an existing digestate storage tank to a digester will work the current digester less hard and will maximise biogas capture. The conversion will not alter the appearance of the current digestate storage tank.
- Additional Feedstock Clamps: The site currently has sufficient clamp space for approximately 32% of the energy crop feedstock. Making use of unproductive space within the existing site through the addition of clamps will increase crop storage capacity by an additional 29%, reducing reliance on satellite storage, double handling and therefore local vehicle movements.
- Addition of Log Drying Area: The applicants advise that they are committed to provide a district heating scheme, which will include providing heat to Grocontinental as well as electricity. As this project advances it is important to find an interim use for the heat, which would otherwise go to waste. An opportunity has arisen to dry logs in conjunction with a local supplier.
- Addition of a Liquids Buffer Tank: This tank will allow for greater flexibility of liquids storage whether that be digestate, whey, or water.
- Addition of a Storage Container: This container will house tools used to maintain the site.
- Digestate lagoons: A 2ha extension to the existing AD site boundary is proposed in order to accommodate two digestate storage lagoons (to be located on agricultural land south east of the existing site boundary).

1.3 The applicant wished to pursue some further amendments as part of application 16/04784/VAR, including log drying and conversion of the digestate tank to a second digester vessel but was informed that these additions exceeded what could be achieved under the variation application process. Consequently these amendments have been carried forward into the current application, although a new digestate tank originally proposed within the existing site has now been replaced by the proposed digestate lagoons.

1.4 The applicant states that the increase in digestate storage capacity will allow greater flexibility in digestate management. A temporary umbilical pipe can be attached to the lagoons which will open up a large land spreading area, with digestate pumped straight from the lagoon to the land rather than requiring road transport. Where umbilical emptying is not possible the lagoons will be emptied with digestate pumped back to the

AD site and loaded to tanker before being exported off site using the main access. This installation will reduce reliance on satellite storage and double handling, and will reduce tractor and tanker movements in the transport of digestate away from the site. The lagoons will provide 25,000 metres<sup>3</sup> of digestate storage which will cater for over 70% of digestate produced.

## 2.0 SITE LOCATION / DESCRIPTION

2.1 The application site (4.06ha) comprises the existing AD site (2.06ha) and a 2ha extension onto adjoining agricultural land to accommodate the proposed digestate lagoons). The AD site is located 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 900 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. The company is a major employer and performs a vital role in supporting the wider food industry in Shropshire.

## 3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals have been referred to the Committee by the local member 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

4.1i. Whitchurch Town Council – Whitchurch Town Council object to the application with the following comments: NPPF 98. The application does not demonstrate that it meets the criteria to identify a suitable area, that there is now a commercial scale project involved with regard to the log drying and the site will become industrial. The application for lagoons is outside the current site boundary and no application has been made to increase the boundary – drawing SA28899\_PL\_01.

NPPF 109. The planning system should contribute to and enhance the natural and local environment ....: The AD plant is not minimising impact on the natural and local environment and is producing a mono-culture by encouraging the singular cultivation of maize.

NPPF 110. Minimise pollution and other adverse effects on the local and natural environment. Whitchurch Town Council is concerned about leakage into local water courses, especially Staggs Brook, which is home to protected water voles. Similarly, there is piping which runs near Brown Moss which is a SSSI site. Have the company put in place an emergency strategy should there be a leak? Have the company written an odour management plan? The allocated land is good agricultural land and was a former dairy farm, therefore will be a loss of agricultural land.

NPPF 112. ... take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is

demonstrated to be necessary, LPAs should seek to use area of poorer quality land in preference to that of a higher quality. WTC recommend that the applicant seeks an alternative site of poorer agricultural land as a site for the lagoons.

NPPF 120: To prevent unacceptable risks from pollution and land instability, ..... the applications refers to 5.5million gallons of liquid digestate, WTC believe that this amount of liquid could prove a threat to pollution. If the application is approved, the LPA should ensure that the AD plant adheres to BSI PAS 110.

- ii.
  1. Log drying turns the site into an industrial site, which in turn sets a precedent.
  2. Currently, it is understood that farmers who supply maize to the site have a 5 year contract with the AD Plant company to supply. What happens after the 5-year contract ends and farmers no longer wish to supply maize, where will the feedstock come from? If the feedstock is not provided by local farms this will further increase traffic movement. Do the company have a forward-looking business plan?
  3. Traffic movements – Whitchurch Town Council questions the statement that there will be no increase in traffic movement, especially with respect to removing this amount of solid digestate from the site. Much of the feedstock and digestate will be moved by tractor haulage.
  4. Lagoons – Whitchurch Town Council question the safety and integrity of the membrane suggested. How will the company prevent gassing-off and odours escaping from the digestate through this membrane.
  5. Lagoons – Why has no safety fencing been included on the application when it is an open field site?
  6. Pollution – no audit from the amount of pollution due to tractor diesel exhaust fumes has been provided which will provide pollution, especially in Ash. This contradicts the Government’s environmental policy.
  7. LPA to note that the planning condition to alter the entrance to the AD site from the highway has not been completed.
  8. LPA to note that there is considerable damage to the Ash Road from the tractors hauling the digestate, Whitchurch Town Council recommend that the applicant installs passing places on this road and regular sweeps of the road to remove the mud.
  9. LPA to note that there will be additional road tractor traffic at harvest time.
  10. LPA to note that SP Energy stated that there is no shortage of electricity in Whitchurch
  11. LPA to note that Grocontinental have not installed PV panels that they have planning permission for.
  12. LPA to note what concentration levels of pesticide there will be in the digestate and Whitchurch Town Council express concerns about the cumulation in the ground and effect on the environment.
  13. LPA to note that this site is not included within the SAMDev.

#### 4.2 Whitchurch Rural Parish Council: Objection on the following grounds:

1. The original traffic conditions have not been completed/complied with to alter entrance to highway from AD site.
2. Environmental impact: Council members raised concerns over possible leaks which may have a significant detrimental impact on Brown Moss SSSI - A suggestion was proffered that leakage warning detection system should have been included - Potentially contrary to CS 17 and NPPF110.
2. Environment impact: Concerns over the possible impact from leakages on local water sources and protected species (Staggs Brook - water voles) - contrary to

## CS18.

3. Industrialisation of agricultural land - contrary to CS6, CS 17.
4. Detrimental visual impact on the approach to the town- inappropriate scale of industrial development in this location which is agricultural land - contrary to strategic objectives 7 and 11 of the core strategy. Contrary to NPPF 112.
5. Increased traffic volume concerns through the narrow lanes of the parish - deterioration of road surfaces, highway safety concerns.
6. Public health and safety concerns - lagoon proposals shown open pits - these should be secured in the interests of safety.
7. Environmental impact: concerns over possible pollution have been raised and the possible detrimental impact on public health.
8. Log drying enterprise will increase industrial activity on the site and inevitably increase traffic movements.
9. This application will increase the footprint of the current operation and will extend beyond the current boundary.

- 4.3i. Environment Agency: - No objections. We wrote to H&C Consultancy (acting on behalf of Iona Capital Limited) on 21 November 2016 agreeing the 'by-product' submission for 'whey permeate' used as an Anaerobic Digestion (AD) feedstock for Belton Cheese Limited. It should be noted that our current by-product agreement does not extend to feedstocks other than Whey permeate in the form described in H&C Consultancy's submission made on 7 September 2016. Furthermore, our by-product agreement does not extend to producers of Whey Permeate other than Belton Cheese Limited. Therefore, at present we don't regulate this site. We wrote to Whitchurch Biogas Limited on 22 December 2016 stating "If the feedstock material is deemed waste by the Environment Agency, or if the company subsequently decide to accept and treat another waste feedstock, an application for an Environmental Permit will be required before you accept that waste stream". Therefore, if new waste streams are proposed an Environmental Permit may be required to operate the facility. The planning proposal states that there will be no change to the maximum design throughput of the plant. As such, if treating new waste, an Installation permit as defined in Environmental Permitting (England and Wales) Regulations 2016 (EPR) Schedule 1 Part 2 Section 5.4 Part A(1)(b)(i) may be required.
- ii. Pollution Control: If operating an Installation, the design, operation and management of all containment structures of the facility should be in accordance with appropriate guidance such as CIRIA C736 - Containment systems for the prevention of pollution Secondary, tertiary and other measures for industrial and commercial premises. The proposed open storage lagoons should only store stabilised digestate to reduce the risk of odour pollution from gassing digestate. The use of a repurposed tank for anaerobic digestion should only be used with appropriate:
- HAZOP
  - Process monitoring control
  - Materials of construction
  - Primary containment of both phases
  - Secondary containment
  - Mixing
  - Safety measures e.g. pressure/vacuum relief, lightening protection etc.
- iii. Best available techniques (BAT) are the standards that Installations are required to adopt when applying for and operating under an Environmental Permit. Operators are

regulated by the EA to meet BAT. Where infrastructure, plant and equipment design does not have the same level of environmental protection as BAT there may be an increased risk of pollution to the environment. However, to ensure the facility is compliant and future proof we would recommend that the above measures are included in the design of the proposed infrastructure. If the applicant wishes to discuss the above containment/liner requirements then please contact Alex Wilson in our EPR Installations team based in Warrington – 02030 250391. Similarly, should the company wish to apply for an Environmental Permit, please do not hesitate to contact us to arrange for pre-application advice.

- iv. Groundwater / Sub water table storage: With regard to groundwater protection and given that some of the storage is partly below ground, we note that the lagoon will be engineered to ensure the base is “a minimum 1 metre above the groundwater level”, based on information from the existing borehole logs. This is considered acceptable to help minimise impact upon controlled waters.

4.4 Natural England: No objection subject to the following comments.

- i. Internationally and nationally designated sites: The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Brown Moss Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 1 Ramsar site ' and also notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- ii. Habitat Regulations Assessment (HRA) Required: The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:
  - the proposal is not necessary for the management of the European site
  - that the environmental pathways to consider are through emissions to the air and water quality.

We note some information has been provided by the applicants which may help you undertake your HRA.

4.5i. Public Protection – No objection.

- 4.6i. Highways Development Control: (22/02/18) Objection – further details required. There is insufficient detail submitted with the application to make an informed Highway comment, at this time.

- ii. Observations/Comments: The application seeks approval for additional infrastructure and two digestate storage lagoons as part of the Anaerobic Digester site which was previously approved under planning permission 14/01398/MAW (and varied by 16/04784/VAR). The submitted Planning Application Supporting Statement describes the site history and additional infrastructure and clearly states that the Anaerobic Digester plant is operational (Paragraph 1.1.2 and Section 3.1). It is also clearly stated that the proposed infrastructure will not increase feedstock throughput or traffic movements. Section 4.3 of the Planning Application Supporting Statement makes reference to access but the content is considered to be both vague and ambiguous.
- iii. It is noted from passing the site recently that the Highway and Access improvement works to the A525 which were detailed on the Site Access Arrangements Plan (Drawing No. GC-SA-100 Revision E) and approved in principle, subject to Condition 8 of planning permission 16/04784/VAR, have not yet been commenced. There also appears to be no record of an approach from the applicant or site operator to progress the design or implementation of the works. In order to satisfy the requirements of the Highway Authority, design, engineering and construction details of the works to the A525 need to be technically approved to enable the completion of a legal agreement under Section 278 of the Highways Act 1980 before implementation of the works within the Highway. It is, therefore, considered that an amended or supplementary Planning Application Supporting Statement is required which confirms the applicant's intentions regarding compliance with Condition 8 of planning permission 16/04784/VAR, including an estimated timescale for the implementation of the works, before the current application is progressed.
- 4.7i. Natural Environment - Ecology: No objection. Conditions and informative notes are recommended. Habitat Regulations Assessment.
- ii. The proposal is within close proximity to Brown Moss SAC/Ramsar. The proposal is for additional infrastructure within an operational AD site, and for two digestate lagoons on an adjacent field. Additional infrastructure at the site includes conversion of a digestate store to a digester, additional clamp space, the addition of a log drying area, the addition of a liquids buffer tank, and the addition of a tools storage container. This subordinate infrastructure is required to maximise operational efficiency at the site and to make use of renewable heat.
- The proposals will not increase feedstock throughput at the site.
  - Vehicle movements will not be increased as a result of this proposal.
  - The operations of this site will otherwise remain as present.
  - Provision of a floating cover for the digestate lagoon will ensure that any remaining emissions from the digestate will be contained (this must be conditioned on a planning decision notice).
  - Construction of the lagoons will be to a quality assured standard and fitting of leak detection measures or other equivalent safeguards.
  - By having a second digester tank in place, it will work the current digester more efficiently and will maximise biogas capture. Ultimately this will result in a higher biogas yield off the same feedstock amount.
  - The increase in digestate storage capacity in this location will allow greater flexibility in its release from the site and its application.
  - Permitted, implemented, and proposed landscaping measures on and around the AD site has the opportunity to enhance the site for biodiversity.

- iii. SC Ecology has not identified an effect pathway by which this proposal could impact Brown Moss Ramsar/SSSI.
- 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.
- 4.10 Flood & Water Management: No objection subject to conditions.
- 4.11 Councillor Mr Gerald Dakin (Whitchurch South) – has been informed of the proposals.

#### PUBLIC REPRESENTATIONS

- 4.12 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 10 individuals. The grounds of objection are summarised below:
  - i. Predetermination: The applicant has pre-empted the outcome of the current application so, we had a feedstock storage shed masquerading as a workshop and the construction not being in accord with the agreed plans and with space available for the deleted digestate store. This gives the impression that SC is complicit in the next variation to the site.
  - ii. Inappropriate development in the countryside: The location of the AD is outside of the Whitchurch development boundary and the location for the digestate lagoons is even further outside of the development boundary.
  - iii. Precedent and potential for further intensification:
  - iv. Misleading application: Not a farm-based AD facility. Broughall Fields Farm is not a dairy farm; it is an arable farm that seems to be given over totally to the supply of feedstock to the digester. Surely the application should ask for a change to the site boundary and a change of use from agricultural land. Log drying is an industrial process yet the use class for the application is sui generis.
  - v. Digestate management: much of the land that it is intended to spread the digestate on is some miles from the AD.
  - vi. Visual impact: The applicant admits that the lagoons will be visible from a public road, public footpath, bridleway or other public land. However, they try to mitigate this by saying that it would be normal to see such a lagoon on a dairy farm. These lagoons will be sited in an open field away from the AD site surely it will need a security fence, if so, that will also be visible and totally out of place in the middle of an arable field in open countryside. Waiting to see all the tree planting which will be necessary to screen the site from the A525. The overgrown roadside hedge does not constitute landscaping.
  - vii. Damage to the Environment: Any accidental leakage would naturally run down the hill contaminating the land and into the nearest watercourse. The nearest watercourse feeds into Staggs Brook so there is a potential for major environmental pollution. Leaks from lagoons are a common occurrence, which is why a leakage detection system is usually

installed.

- viii. Odour: As the lagoons will need to be vented to prevent the build-up of greenhouse gasses an odour report is surely required considering their close proximity to the Shropshire way. The Lagoons will store 5.5 million gallons they are covered with a floating membrane not a plastic envelope as in the previous application I am concerned that they are not going to be a sealed envelope as in the previous application because of the risk of odour and the possible increase in storage required to take into account any rainwater getting into the lagoons. It is proposed to pipe the liquid over ground by temporary umbilical hose to the same farms in Ash area if this application is approved there should a condition attached to the spreading of this liquid digestate that it has to be applied by injecting into the soil to reduce odour and run off being so close to domestic dwellings and close to Brown Moss nature reserve and pool
- ix. Traffic: It is assumed that it is only the whey that is delivered by HCV, which leaves 28,000 tonnes of crops that are harvested and delivered by tractors and trailers as it would not be possible for crops to be transferred to an HGV from a trailer The construction of additional silage clamps will enable the site to hold more silage and will, therefore, vastly increase the volume of traffic at harvest time, which is made up exclusively of large tractors and trailers delivering directly from the harvested fields. On site storage of solid feedstock at present is 32% proposed to increase this by 29% this is still 29% short of the requirements for one year which is equates to 8120 tons = 406 trailer loads which is being stored on farms in the Ash Magna /Parva, and is transported down Ash Road which is already very congested with HGV's . There is some feedstock stored on land adjacent to the site in plastic sausages why can this area be used to store the shortfall? The supporting statement states the above will not increase traffic movements on and off the site I cannot see how this is achievable.
- x. Safety: Concern about safety controls and safety of lagoons.

## 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:

- 6.1.1 Need – context: The principle of establishing an Anaerobic Digestion facility at this site was established by the original permission reference 14/01398/FUL and has been reaffirmed by the subsequent permission (16/04784/VAR). If the current variation application was not to proceed then the fall-back position for the applicant would be to continue to use the existing approved layout. The main issue to consider therefore is

whether the amendments proposed under the current application can be supported by relevant policies and guidance in the context of the existing permissions.

- 6.1.2 The proposals are linked to a renewable energy scheme. 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 (para. 98). The applicant has however put forward a number of justifications in support of the need for the proposals which are considered below.
- 6.1.3 Need – use of heat energy: The proposals would allow heat energy from the CHP units to be utilised beneficially to dry timber within the site, thereby allowing full utilisation of renewable heat energy from the AD process as well as renewable electricity. At present not all renewable heat energy generated by the CHP units is being effectively utilised. The applicant intends to install a district heating scheme using renewable heat from the facility but there will be a delay before this can be implemented. The current proposals would allow surplus heat energy from the AD operation to be used constructively in the interim period before the district heating scheme comes on line. This is in accordance with NPPF paragraphs 97 and 98.
- 6.1.4 Need: More efficient AD process: At present there is just one digester tank at the site and an adjacent tank is used for digestate storage. However, the variation approved in 2017 (16/04784/VAR) allowed an increase in the amount of feedstock at the site from 26,000 to 43,000 tonnes per annum. This has meant that the single digester will need to operate at an increased capacity which could reduce the efficiency of biogas recovery. The applicant states that the proposal to convert the digestate tank to a second digester will ensure that biogas production and recovery can be maximised. This in turn will increase the renewable energy yield at the site and lead to a more robust and flexible AD process.
- 6.1.5 Need – Improved digestate management: The increase in feedstock under the 2017 permission (16/04784/VAR) resulted in increased digestate volumes. However, there was no equivalent increase in digestate storage capacity so digestate currently needs to be exported from the site at an increased frequency. The proposals would deliver 25,000 metres<sup>3</sup> of digestate storage capacity, catering for over 70% of digestate produced. The proposed digestate lagoon site benefits operationally from being immediately adjacent to the site and also adjoins a large area of arable fields. It will therefore be possible to deliver digestate directly to the fields by pumping which will reduce the need to transport digestate to fields by tanker. If the local fields are not ready to receive the digestate then the option would exist of pumping digestate back from the lagoons to the proposed buffer tank where it would then be used to fill tankers for export to other local fields. Overall this provides greater flexibility to allow improved digestate management with the potential for a significant reduction in the amount of digestate transport overall on the public highway.
- 6.1.6 Need – conclusion: The need for renewable energy and the climate change benefits of the proposals are supported by the NPPF (para 97, 98). It is accepted that the proposals would allow 1) improved utilisation of surplus heat, 2) improved AD process efficiency and 3) improved digestate management. The justification for the proposals can therefore be accepted. It is also necessary however to assess the other potential effects of the proposals on the environment in order to determine whether the proposed variation can benefit from the NPPF presumption in favour of sustainable development.

## 6.2 Environmental considerations

- 6.2.1 Access and traffic: The AD permission requires improvements to the site's access with the public highway. A legal agreement with the Highway Authority has been completed and the access works are being undertaken. Objectors expressed concerns at the use of the existing 'unimproved' site access for importation of maize during the autumn 2017 harvest season and have subsequently reiterated these concerns. In anticipation of the maize harvest the applicant put in place additional highway control measures agreed by the Highway Authority. The situation has now been resolved through completion of the highway legal agreement and implementation of the access improvement works.
- 6.2.2 Digestate storage and traffic movements: Objectors have questioned the applicant's statement that there will be no increase in traffic to the facility, particularly with respect to solid digestate movements and log drying operations. The original permission (14/01398/MAW) allowed maximum feedstock inputs of up to 26,000 tonnes per annum, yielding approximately 80% of this volume in liquid and solid digestate. The scheme approved under permission 14/01398/MAW was designed to cater for this volume of digestate storage capacity and included the provision of a single storage tank. The subsequent permission 16/04784/VAR increased the amount of feedstock allowed at the site by 17,000 tonne to 43,000 tonnes per annum. Thereby, yielding an equivalent increase in the amount of digestate to be stored at the site.
- 6.2.3 The applicant had initially sought to accommodate the additional feedstock by converting the digestate storage tank into a second digester tank. Digestate was then to have been stored in a proposed new storage tank on the site of the site nearest to the public highway. However, it was not possible for the applicant to progress this under the variation application which the Council was considering at the time (16/04784/VAR). Some additional concerns were also raised by Historic Environment regarding the potential visibility of the proposed new storage tank.
- 6.2.4 The current application involves conversion of the existing digestate tank to a digester so the additional feedstock allowed under permission 16/04784/VAR can be managed more efficiently to maximise biogas yields. In place of the originally proposed new digestate tank the proposals now involve the provision of 2 storage lagoons in a less visible location to the rear of the AD site. The lagoons would deliver increased digestate storage capacity sufficient to store 70% of the site's annual digestate total.
- 6.2.5 There may still be a requirement to remove some digestate, including solid digestate via the public highway. However, solid digestate comprises a small fraction of total and the levels of digestate traffic overall would be reduced significantly compared with the currently approved scheme.
- 6.2.6 Planning permission 16/04784/VAR (issued 30/03/17) secured some funding for off-site highway improvements which will facilitate the provision of passing places on Ash Road as requested by Whitchurch Town Council. Permission 14/01398/MAW also secured adherence to a voluntary scheme of traffic management. This is in addition to the reduction in digestate movements on the public highway which the current proposals would deliver.
- 6.2.7 The applicant states that the proposed log drying operation will involve the rotation of a maximum of 6 drying containers (12 individual movements) per week, which equates to a maximum of 624 movements per year. This will however be offset by vehicle

movements saved in the transport of digestate away from the site given the ability to spread digestate directly to surrounding farmland via an umbilical cord. The existing permission results in generation of approximately 34,000 tonnes of digestate per annum or 1274 movements by 27 tonne loads per year (3.5 movements per day). The current proposals would reduce off-site movements of digestate by a minimum of 50% (637 movements per year). This supports the applicant's conclusion that there would be no overall increase in vehicle movements as a result of the current proposals.

- 6.2.8 The Council's highway consultant recommended that further information should be provided in relation to vehicle movements. However, detailed traffic information was included in the previous application (16/04784/VAR) and this remains valid. The applicant has stated that there would be no overall increase in vehicle movements and this is accepted given that traffic associated with the log-drying operation would be balanced by the reduction in traffic associated with digestate removal. It is concluded that refusal on highway grounds would not be justified.
- 6.2.9 Lagoons and odour: Objectors have expressed concerns that the proposed digestate lagoons may give rise to odour as they would be open to the atmosphere. However, the digestate would be stabilised through the AD process and experience with other Shropshire AD sites indicates that stabilised digestate is not generally a cause of odour related complaints and the applicant has confirmed that the lagoons would be fitted with membranes.
- 6.2.11 The previous application included 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 supported this conclusion with respect to the currently permitted development and the Environment Agency has not objected. It is considered that the measures proposed by the applicant with respect to the current proposals are also sufficient to prevent any reasonably foreseeable loss to amenity at neighbouring residences.
- 6.2.12 Lagoon safety: Objectors are concerned that the lagoons may pose a safety risk so fencing should be provided. The lagoons are located at the edge of an agricultural field and are not in an area with public access. Notwithstanding this, a condition has been recommended requiring details of safety fencing to be provided.
- 6.3 Other matters:
- 6.3.1 Development precedent: Whitchurch Town Council has expressed concern that the proposed log drying activity would establish a precedent for further industrial use at the site. The officer considers that this would not be the case. The log drying area is well contained within the centre of the permitted AD site and this operation is dependent on and ancillary to the main AD activity.
- 6.3.2 Feedstock supply: Objectors have queried what happens when the current 5 year contracts to supply maize to the AD facility end. The principle of allowing an AD operation at the site has already been established. Whilst the detailed contractual mechanisms for securing feedstock supply are not a direct planning concern the types of allowed feedstock are specified in the current operational consent. Whilst there is no stated

intention to vary the feedstock types it should be noted that any material change in feedstock types would require a formal variation to the current planning. The Environment Agency has reaffirmed that the current feedstocks are not classed as 'wastes'. As such, proposals would not require an environmental permit.

- 6.3.3 Noise and hours of working: Traffic noise from the Whitchurch By-Pass forms part of the local noise climate for the site at most times. The anaerobic digestion process is itself silent. The four CHP engines are a source of noise but are located in acoustically attenuated containers. Regulatory Services (Public Protection) have recently inspected the site and its environs and have not identified any concerns in relation to noise. The current proposals are not anticipated to add to any sources on noise within the site. No complaints regarding noise have been received since the site became operational. There is a significant separation distance between the site and the nearest residential properties.
- 6.3.4 Visual impact: The current proposals would not change the appearance of the site as seen from the public highway. Landscaping measures have been undertaken linked to the operational AD consent including a substantial area of tree planting to the immediate south of the site.
- 6.3.5 Ecology Natural England has advised that a Habitat Regulations Assessment should be undertaken given that the site is located 950m north of the Brown Moss SSSI/RAMSAR site and Special Area of Conservation. This has been undertaken by the Council's ecology section who has found no source-receptor pathways between the site and the proposed development. SC Ecology conclude that there would be no impact to Brown Moss. Conditions relating to landscaping and habitat management have been recommended and these have been included in Appendix 1.
- 6.3.6 The applicant has confirmed that the lagoons would be constructed to a quality assured standard and fitted with leak detection and the base of the lagoons would be located a minimum of 1m above the groundwater table. The Environment Agency 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.)
- 6.3.7 Water resources: A Flood Risk Assessment accompanied the previous permission and confirms that the site is not located in an area of flood risk. 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. (Core Strategy Policy CS18; NPPF – natural environment (s110))
- 6.3.11 Lighting: The proposed site is located away from private dwellings. Low levels of external lighting are currently employed and no further lighting is proposed under the current proposals.
- 6.4 Effect of any grant of permission
- 6.4.1 The current operational consent (16/04784/VAR) was issued on 30<sup>th</sup> March 2017. As a variation application this superseded the original AD permission 14/01398/MAW, securing a number of layout changes and an increase in output. The current application is for a 'full' application. If approved, this would sit alongside the main operational consent 16/04784/VAR rather than superseding it.

## 7.0 CONCLUSION

- 7.1 The principle of allowing an AD scheme has been established by the previous planning consents (14/01398/MAW & 16/04784/VAR). The current proposals represent a further development of the AD site which would allow improved digestate management and improved utilization of surplus heat.
- 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. There would be no overall increase in traffic relative to the currently approved scheme. Improvements to the site access are in the process of being completed.
- 7.3 The NPPF requires that applications for renewable energy should be approved if the impacts are, or can be made, acceptable (s98). It is concluded that the proposals are capable of being accepted in relation to relevant development plan policies and other relevant 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.

#### 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
- S/02/00318/FUL Erection of 11 KV overhead line supported on wooden poles APPRVD 27th June 2002
- 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. Approved 30/03/17
- 17/03621/DIS Discharge of Conditions relating to Planning Permission 16/04784/VAR for the 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. Part-Approved 19/03/18
- 18/00324/MAW Installation of additional infrastructure at an operational Anaerobic

Digester (AD) site, and the installation of two digestate lagoons PDE

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.

11.2 Link to application documents:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P2PRS1TDJ2600>

List of Background Papers: Planning application reference 18/02324/MAW and associated plans and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr Gerald Dakin (Whitchurch South)
Appendices: Appendix 1 – Conditions

## **APPENDIX 1**

### **Conditions**

#### COMMENCEMENT OF DEVELOPMENT

- 1a. The development to which this planning permission relates shall commence within 3 years of the date of this permission.

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

#### DEFINITION OF SITE AND DEVELOPMENT

2. This planning permission shall only relate to the area edged red on the approved location plan (drawing number SA28899\_PL\_01) 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 17<sup>th</sup> January 2018 and the accompanying documents and plans.

Reason: To define the permitted development.

#### LOG DRYING OPERATIONS

4. Logs shall not be dried at the site other than in moveable containers. The number of containers used for log drying under the terms of this permission shall not exceed 6 per week.

Reason: To define the permission and to control vehicle movements in accordance with the approved scheme.

#### DIGESTATE LAGOONS

- 5a. Construction of the lagoons shall be to an appropriate quality assured standard and the lagoons shall be fitted with leak detection.
- b. The following details shall be submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the digestate lagoons:
- i. Details of a cover or floating cover to be used on the lagoons;
  - ii. Details of stock proof fencing to be provided around the lagoons.

Reason: In the interests of pollution prevention and safety.

#### LIGHTING

6. No additional fixed lighting shall be installed at the Site in connection with the development hereby approved unless the details of such lighting have first been submitted to and approved in writing by the Local Planning Authority.

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.

#### ECOLOGY

7. No development shall take place (including demolition, ground works and vegetation clearance) until a supplementary landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. Planting plans, creation of wildlife habitats and features and ecological enhancements;
  - ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - iv. Native species used are to be of local provenance (Shropshire or surrounding counties);
  - v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
  - vi. Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. Description and evaluation of the features to be managed;
  - ii. Ecological trends and constraints on site that may influence management;
  - iii. Aims and objectives of management;
  - iv. Appropriate management options for achieving aims and objectives;
  - v. Prescriptions for management actions;
  - vi. Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - vii. Personnel responsible for implementation of the plan;
  - viii. Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
  - ix. Possible remedial/contingency measures triggered by monitoring;
  - x. The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

#### Informative Notes:

##### Ecology:

- i. Where it is intended to create semi-natural habitats (e.g. hedgerow / tree / shrub / wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.
- ii. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest. If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

- iii. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

### Highways

#### Works on, within or abutting the public highway

- iv. The planning permission does not authorise the applicant to:
- construct any means of access over the publicly maintained highway (footway or verge) or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
  - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

#### Technical Approval/Discharge of Highway conditions

- v. Any works undertaken, prior to the appropriate Highway Agreement, Permit or Licence being formally completed, is done so at the developer's own risk, and there is no guarantee that these works will be deemed acceptable and subsequently adopted as highway maintainable at public expense, in the future. Please refer to the following informative notes for details of securing an appropriate highway approval and agreement.

#### Section 278 Agreement (Access works to the A525)

- vi. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

#### Drainage details for Section 278

- vii. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Shropshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to: Highways Development

Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND at an early date to enable surface water disposal arrangements to be assessed.

Design of street lighting for Sections 278

- viii. The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief issued by the Highway Authority and their design shall include any necessary amendments to the existing system

Landscaping

- ix. Should any proposed trees or shrubs be located in close proximity of any proposed or existing public highway infrastructure, appropriate root protection systems (to be approved) will need to be constructed in order to mitigate against any future root damage to roads, footways and services beneath. Also any other landscaping or planting adjacent to the future highway will require appropriate maintenance and service arrangements in order to maintain any required visibility splays and to keep leaf litter clear of footways and carriageways, etc., in the interests of highway safety.

Planning control

- x. With the sole exception of the development and operations approved under this permission all other development and operations at the site shall continue to be controlled under permission reference 16/04784/VAR.

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

- xi. The authority worked with the applicant in a positive and pro-active manner in accordance with the advice of the Government's Chief Planning Officer. 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 to be satisfactorily addressed, subject to the recommended planning conditions.

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

Application name and reference number:

18/00324/MAW  
Broughall Fields, Ash Road, Whitchurch, Shropshire, SY13 4DE  
Installation of additional infrastructure at an operational Anaerobic Digester (AD) site, and the installation of two digestate lagoons.

Date of completion for the HRA screening matrix:

6th July 2018

HRA screening matrix completed by:

Nicola Stone  
SC Planning Ecologist  
[Nicola.Stone@Shropshire.Gov.Uk](mailto:Nicola.Stone@Shropshire.Gov.Uk)

**Table 1: Details of project or plan**

Name of plan or project	Installation of additional infrastructure at an operational Anaerobic Digester (AD) site, and the installation of two digestate lagoons.
Name and description of Natura 2000 site	<p><b>Brown Moss SAC</b></p> <p>Brown Moss SAC and Midland Meres and Mosses Ramsar Phase 1 (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. Brown Moss differs from other North Shropshire Mosses in consisting of a series of pools set in an area of heathland and woodland, rather than an expanse of peat. Annex II Species that are a primary reason for selection of site as an SAC:</p> <ul style="list-style-type: none"> <li>• Floating Water Plantain <i>Luronium natans</i></li> </ul> <p>Brown Moss is included within the Midland Meres and Mosses Ramsar Phase 1 for its Open water, Swamp, Fen and Basin Mire habitats with the plant species <i>Luronium natans</i>.</p>
Description of the plan or project	Installation of additional infrastructure at an operational Anaerobic Digester (AD) site, and the installation of two digestate lagoons.
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 proposal is within close proximity to Brown Moss SAC/Ramsar. The proposal is for additional infrastructure within an operational AD site, and for two digestate lagoons on an adjacent field. Additional infrastructure at the site includes conversion of a digestate store to a digester, additional clamp space, the addition of a log drying area, the addition of a liquids buffer tank, and the addition of a tools storage container. This subordinate infrastructure is required to maximise operational efficiency at the site and to make use of renewable heat.

- The proposals will not increase feedstock throughput at the site
- Vehicle movements will not be increased as a result of this proposal
- The operations of this site will otherwise remain as present
- Provision of a floating cover for the digestate lagoon will ensure that any remaining emissions from the digestate will be contained (this must be conditioned on a planning decision notice).
- Construction of the lagoons will be to a quality assured standard and fitting of leak detection measures or other equivalent safeguards
- By having a second digester tank in place, it will work the current digester more efficiently and will maximise biogas capture. Ultimately this will result in a higher biogas yield off the same feedstock amount.
- The increase in digestate storage capacity in this location will allow greater flexibility in its release from the site and its application to fields.
- Permitted, implemented, and proposed landscaping measures on and around the AD site has the opportunity to enhance the site for biodiversity.

Providing the application is carried out as proposed, SC Ecology has not identified an effect pathway by which this proposal could impact Brown Moss SAC/Ramsar.

#### **The Significance test**

The proposed works under application 18/00324/MAW will not have a likely significant effect on Brown Moss SAC/Ramsar. An Appropriate Assessment is not required.

#### **The Integrity test**

The proposed works under application 18/00324/MAW will not have an impact on the integrity of Brown Moss SAC/Ramsar.

#### **Conclusions**

Please formally consult Natural England on this HRA matrix and take their comments into account prior to making a planning decision.