

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 20/01783/VAR	<b><u>Parish:</u></b>	Whitchurch Urban
<b><u>Proposal:</u></b> Variation of Condition No.6 (principal uses of the site) pursuant to 16/04784/VAR to allow for digestive processing of agricultural and dairy waste and non-waste feedstocks		
<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). The site has been fully operational since 2016. Further applications have subsequently been submitted to vary the layout, feedstock throughput, operation, and management of the AD site as follows:

- 15/02293/AMP | A non-material amendment to previously granted 14/01398/MAW to amend the Site layout: This amendment was granted on 1st June 2015.
- 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. This variation was granted on 30th March 2017.
- 18/00324/MAW | Installation of additional infrastructure at an operational Anaerobic Digester (AD) site, and the installation of two digestate lagoons. Planning permission was granted on 30th July 2018.

1.2 At the time of the variation granted in March 2017 (LPA ref: 16/04784/VAR) Whitchurch Biogas Ltd did not require an Environment Agency Environmental Permit as no waste materials were being introduced to the facility. However, the applicant is now proposing to introduce agricultural wastes as part of the feedstock mix.

1.3 Condition 6 of the decision notice controls the permitted AD feedstocks and prohibits the introduction of agricultural wastes. The condition is worded as follows:

“The principal uses of the Site shall be restricted to:

- i. The anaerobic digestion process and the associated receipt, handling and storage of agricultural crop products and whey permeate;
- ii. Generation of electricity and heat and other ancillary operations associated with the above activities.”

1.4 On 13<sup>th</sup> January 2020 an Environmental Permit was granted for the site (EA ref: EPR/JP3431RD) and this allows the AD facility to accept waste (chicken manure) as well as existing non-waste feedstocks (silage and energy crops). The current application seeks to vary the wording of condition 6 to allow the addition of chicken manure and other agricultural and dairy wastes as feedstocks. This would bring the planning and permitting regimes into alignment. The applicant has suggested the following revised wording of the condition:

“The principal uses of the Site shall be restricted to:

- i. The anaerobic digestion process and the associated receipt, handling and storage of agricultural and dairy waste and non-waste feedstocks;
- ii. Generation of electricity and heat and other ancillary operations associated with the above activities.”

1.5 There would be no increase in traffic movements and the application does not involve any other changes to the previously approved scheme of working at the AD facility.

## 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 relate to major development raising complex issues and the Town Council has objected. The application is therefore referred to committee under the Council's scheme of delegation.

## 4. CONSULTEE RESPONSES

4.1i. Whitchurch Town Council – Objection on the following grounds:

i. The Berry's Report states: "3.2 Amenity Impact - The Environmental Permit will ensure that no unacceptable adverse odour impacts will result from accepting of poultry manure at the site. The EA have granted a permit for the site meaning it is their belief poultry manure can be accepted at the site without an unacceptable odour impact beyond the site. The EA will regulate the site and ensure odour emissions are kept to acceptable levels. Condition 3.3 of the issued Environmental Permit states: "Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those 6 specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour."

- WTC are dissatisfied with the continued variations of applications submitted from this business.
- WTC are dissatisfied with the ambiguous terminology used in the Berry's report.
- WTC object to this application on the basis that control of odour is not specific.
- WTC object to this application as not enough information is provided about the number of vehicles with chicken manure will be arriving on site, where these vehicles are travelling from and what percentage of anaerobic feedstock will be

chicken manure.

- WTC, whilst objecting to this proposed variation and application are not opposed to the right business on the right site with the right activities, with appropriate measures to control activities.

- 4.2i. Environment Agency: We responded to the application to which this variation relates on the 9 March 2018 (copy attached). In that response we confirmed that, at that time, we did not regulate the site but that if new waste streams were proposed an Environmental Permit may be required to operate the facility. We note that the applicant is now seeking to vary Condition 6 (Principal Uses of the Site) to accommodate digestive processing of agricultural and dairy waste and non-waste feedstocks. As such this means it would need to be regulated by the Environment Agency.
- ii. Advantage Biogas Limited were granted a bespoke Environmental Permit on 13/01/20 for operations. This Permit lists waste types that are acceptable for treatment at this facility and this includes that which chicken litter would fall under (‘animal faeces, urine and manure’). I have attached a copy of the Environmental Permit for information. Please note that the importation of waste has not yet started on site and there are pre operational conditions that need to be completed prior to waste being accepted. Variation of this condition, and the stipulations of the Permit, preclude the use of food waste at the facility. Should the operator seek to further amend their operations a variation will be required under both regulatory regimes.
- 4.3 SC Regulatory Services: No comment.
- 4.4 SC Conservation (Historic Environment): No comments in conservation terms.
- 4.5 SC Archaeology: No comment.
- 4.6 SC Trees: No comment.
- 4.7 SC Drainage advisor: No comment from a drainage and flood risk perspective.
- 4.8 SC Rights Of Way: No comments.
- 4.9 SC Highway advisor: No Objection – subject to the development hereby approved being constructed in accordance with the approved details. Further detail has been received from Iona Capital which includes vehicular movement information as a result of the variation, which is considered acceptable from a transport and highways perspective
- 4.10 Councillor Mr Gerald Dakin (Whitchurch South) – has been informed of the proposals.

#### PUBLIC REPRESENTATIONS

- 4.11 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 36 individuals and one neutral representation has been received. The grounds of objection are summarised below:
- i. Incremental development in the countryside. Since the original planning consent was granted the AD complex has grown to 2 digesters, 4 engines and 2 clamps with 2 further

clamps at the adjoining farm that feed into it. The disposal of waste products is now a very lucrative business and the public should be aware of the above potential for further noxious feedstocks to be added in the future. We were assured that there was to be only one AD and we get two. We were assured that there was to be only two generators and we get four. We were assured that only grass and maize were to be used as energy feed, but was ignored. Now dairy waste and non-waste (whatever that is) which was turned down years ago is now on the agenda again. I suppose next it will be food waste, which was forbidden by the environment agency.

- ii. Traffic concerns. Potential for increased traffic. Danger of existing junction 'swan neck'. Road traffic and pedestrian safety. There is already a high number of HGV and slow moving agricultural traffic along the stretch of road. My main objection to this is that even during the very light traffic of the lockdown it is the agricultural vehicles going to the plant that slow the traffic up on the A525 and cause huge tail backs of up to a mile. This is inclined to encourage people to overtake in dangerous places on an already very dangerous road. I still feel the entrances out of the plant are not safe and I have witnessed more than one close miss as vehicles just cant get out as there is a continuous flow of traffic. The roads leading to the plant are not safe for pedestrians, cyclist, horses and other road users. This is to get a lot worse. Currently there is a high level of heavy agricultural traffic in the area which is likely to increase if a broader range of material waste is permitted. The digester has already blighted the residential area by filling Station Road with heavy agricultural traffic travelling at speed from before 6am onwards. This will become unbearable if the present application is accepted.
- iii. Odour concern. The current facility already produces a very strong odour which is unpleasant to neighbouring properties and this would be worse with the processing of dairy and agricultural waste. Will not reduce odour locally as poultry manure is not currently spread on local fields. The receipt of animal waste introduces the risk of odour/chemical emissions from feedstock storage, yet the EA permit only requires odour monitoring at the site boundary to be carried out once per day, whereas odour emissions could be intermittent and peak at different times of day to monitoring. Would continuous monitoring be more appropriate? Can the frequency of odour monitoring/reporting be increased to provide assurance that odour emissions are under control? Can it be confirmed that the use of animal waste as a feedstock in the Broughall Fields AD will not increase odour and ammonia emissions from the digestate? We already have odour problems from the existing site. We are also experiencing at Tilstock Road the stench from Bradshaw's cattle mortuary for fallen livestock which is particularly bad in hot weather. Planning consent has been granted here for 500 houses, two sports centres, a convenience store and a school in a complex of spreading over 75 acres between these two noxious polluters that have come into being since this preceding application was granted. Regarding the resulting digestate it is being claimed that when spread on farmland it produces "far less odour emissions than raw chicken manure" - this does not altogether reassure. We live very close by and have two young children under 7. There are more young children amongst our neighbours. There is a Nursery (with attendees aged from babies upwards) nearby as well as many houses within close proximity to the Digester. I do not wish these children and other residents ( many of whom are elderly - there is also a Residential Home near to the site) to breathe in the stench of chicken waste or to feel they need to limit their enjoyment of the outdoors to avoid the smell. The planning was granted on the proviso, from the Environment Agency, that only crops are used for the feedstock and not animal manure or food waste; which were considered could be a nuisance within the human environment. The smell of this plant is already

overbearing as it is, and it is situated very close to two schools. There is often a smell in this area currently when travelling past and I dread to think what this proposal will do to the economic/health risks to the town moving forward. Noxious odours ( even if intermittent) from this type of digester is well documented and is likely to have a serious adverse effect on everyday life in the nearby residential area leading to restriction in opening windows and accessing outside spaces.

- iv. Health concern. Noxious fumes. The emissions into the air of ammonium sulphate and ammonium nitrate have serious consequences for human health as advised by the MAFF Code of Good Agricultural Practice for the Protection of Air. I have asthma and am very sensitive to changes in air quality. It must be said that we are a rural community and quite used to the usual farming smells (muckspreading etc.) but these are short-lived and seasonal. There is no necessity to grant this application and it poses a significant risk to the health and wellbeing of our community.
- v. Pollution / water resources. There are at least 2 properties on private borehole water supplies in close proximity to the AD site. There is concern that it is possible the private water supplies in question could be being contaminated and that this may be worsened by the introduction of animal waste feedstock. We understand that the EA can only advise on this new feedstock and no longer has the power to prohibit its use - the EA's function is now limited to monitor following any complaints from the public after the new feedstock has been granted consent by Shropshire Council. It is difficult to know who would be responsible should an environmental calamity ensue.
- vi. Noise. With an increase in heavy goods vehicles comes an increase in noise levels. The village of Edgeley is very peaceful in spite of its close vicinity to Whitchurch. I feel that the noise levels of the Digester and its traffic are noticeable at present, but tolerable. I have concerns about any future proliferation in traffic sounds and industrial noise penetrating into our countryside.
- vii. Health and safety. I understand that explosions, though rare, are more commonplace amongst digestors which process animal by-products. I believe that two additional properties have been built very nearby since this planning proposal was originally rejected (during which time not much else has changed so I can't see why it should be allowed now).
- viii. General amenity. The freedom to enjoy your home without bad smells, excess noise etc. is a basic right. If this application is granted it will destroy the beautiful, peaceful countryside locale for many people. Something which in these times of lockdown has been so precious to so many. I for one love to spend time in my garden, from which I can see and hear the Digester site - we are only two fields back from it, and I do not wish to smell it too.
- viii. Other. Waste inputs were rejected in a previous application. What has changed? The application does not specify the mix of feedstock usage permitted and as presently written would permit the 44,000t of feedstock to comprise 100% animal waste, with consequential negative impact on traffic, delivery noise, storage risks, odour and emissions. Can the council confirm that the digestate will be monitored and controlled to within permitted levels? This significant change to the feedstocks, together with other variations that have been approved, effectively takes this site to the terms of the original application from 2014 that was rejected. The same issues that caused that rejection still

apply - proximity of a Pre-School and Children's Soft Play area among them. There is no benefit to the town or any of its' residents by allowing a variation that was so vehemently rejected previously.

- 4.12 Gladman Developments Ltd (GDL). Whilst GDL does not object to the application, we wish to point out that outline planning permission has been granted for a residential led, mixed-use development at Tilstock Road, Whitchurch (13/05077/OUT), a site which is allocated for development in the Council's Site Allocations and Management of Development Plan (SAMDev) under reference WHIT009. We request that any potential impacts to the residential amenity of the future residents of this site are taken into consideration when determining this application and would like to be kept informed of the application's progress.

## 5. THE MAIN ISSUES

- Principle of the development and the proposed variation;
- Environmental implications with reference to:
  - odour;
  - traffic;
  - air quality and health
  - water resources;
- Other issues including enforcement, environmental permitting and effect of a variation under section 73 of the Planning Act.

## 6. OFFICER APPRAISAL

### 6.1 Principle of the development:

6.1.1 The principle of establishing an anaerobic digestion ('AD') facility at this site was established by the original permission reference 14/01398/FUL. It has since been reaffirmed by subsequent permissions including 16/04784/VAR which the current application seeks to vary. The main issue to consider is whether the introduction of waste feedstocks can be supported by relevant policies and guidance.

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 and should approve the application if its impacts are (or can be made) acceptable (paragraph 154).

6.1.3 The applicant has however justified the proposed variation as giving greater flexibility in sourcing feedstocks using locally available poultry manure which would otherwise be spread in its raw state on fields in the Whitchurch area. There is also a significant financial incentive in using manure as a feedstock which supports the viability of this renewable energy scheme.

6.1.4 The justification for seeking the proposed variation can be accepted. However, it is also necessary to assess the other potential effects of the proposals on the environment in order to determine whether the proposed variation would be sustainable.

### 6.2 Environmental consideration

- 6.2.1 Access and traffic: Objectors have expressed concern that the proposals could lead to an increase in the number of slow agricultural vehicles on this part of the A525 Whitchurch By-Pass, causing traffic safety issues. Some public responses express concerns about the safety of the existing access which has been constructed in accordance with the terms of a legal agreement with the Highway Authority.
- 6.2.2 The applicant has submitted further information on the traffic which is likely to be generated by the proposed variation. It is confirmed that a maximum daily amount of 27 tonnes will form part of the total daily feedstock mix of circa 120 tonnes (i.e. just under 25% of the daily total). This would mean no greater than 10,000 tonnes of poultry manure will be imported to the site in a calendar year. The 27 tonne daily amount of poultry manure would be imported in a single covered trailer from a farm near Burlton. It would be stored under-cover at Burlton prior to transfer by covered trailer to Whitchurch Biogas.
- 6.2.3 Following this clarification the Council's highway advisor WSP has acknowledged that there would be no material increase in traffic and as such there is no objection to the proposals on highway grounds.
- 6.2.4 Odour: Objectors have expressed concerns that the proposal to use agricultural wastes as feedstocks may increase odour. Some respondents report that they already encounter odour issues at the site, particularly early in the mornings. However, the local planning authority has not received any specific formal complaints relating to odour from the site.
- 6.2.5 Following the issue of an environmental permit to accept waste feedstocks the Environment Agency will now have a statutory role in controlling any future odour issues at the site. This has not been the case beforehand as waste feedstocks have not previously been accepted at the facility.
- 6.2.6 A number of measures have been incorporated into the current proposals to minimise the risk of odour. These measures benefit from previous discussions with the Environment Agency under the permitting process:
- i. A single source of poultry manure has been specifically selected for the AD facility. The type of heating at the poultry farm at Burlton reduces the moisture and the corresponding ammonia content of the manure;
  - ii. The manure would be imported in covered loads and would be introduced into the solids feeder immediately upon delivery. There would be no on-site stockpiling during normal operations. Deliveries would be on a 'just in time' basis;
  - iii. If for whatever reason manure has to be stockpiled (e.g. if the solids feeder was to break down on delivery), the manure would be sheeted to prevent odour release. This poultry manure would then be used up prior to the delivery of another load;
  - iv. As a condition of the environmental permit the Environment Agency has stipulated that the poultry manure must be introduced to the AD facility initially at lower levels, starting at only 5 tonnes per day and progressively increased to the maximum 29 tonnes per day. This phased ramp-up will allow for any odour arising to be assessed and, if necessary, mitigated. The permit requires an odour monitoring protocol to be implemented during this phase;



- v. Odour levels would be constantly monitored and if odour emissions become unacceptable the operator will address this in consultation with the Environment Agency and the Planning Authority.
- 6.2.7 The AD process is airtight, hence there is no opportunity for odour to escape during this process. Once the feedstocks have been reacted the resultant digestate is pumped into digestate lagoons which adjoin the site. An objector has expressed concern that introduction of poultry manure into the feedstock mix could potentially increase the odour of the resulting digestate. The digestate arising from the AD process would be stabilised and experience with other Shropshire AD sites indicates that stabilised digestate is not generally a cause of odour related complaints.
- 6.2.8 There are now over 20 operational AD sites of above 5kw capacity in Shropshire and recent odour complaints have been received at just 1 of these. A facility in South Shropshire which uses a different AD technology and accepts a higher proportion of manure in its feedstock mix. A mitigation strategy to address this is currently being implemented. Odour complaints have also previously been received from a site at Bridgnorth which accepts food waste as part of its feedstock mix. However no recent complaints have been received following the introduction of odour mitigation measures.
- 6.2.9 If an increase in odour of the digestate was observed following the introduction of poultry manure to the feedstock mix then the odour management plan linked to the Environment Agency permit would address this. This could potentially require a reduction or cessation of manure importation until the issue had been fully mitigated. The site in South Shropshire referred to above is now dosing its digestate with a bacterial culture to break-down residual ammonia and reduce odour and it is shortly to deploy floating clay balls to cover to its digestate tank. However, it is emphasised that with the exceptions noted above all active AD sites above 5kw in Shropshire receive manure or slurry as a significant part of the feedstock mix and are not generating odour complaints.
- 6.2.10 Notwithstanding this, the applicant would be willing to accept a planning condition requiring submission of a voluntary digestate spreading code of conduct. This would commit to spreading the majority of the digestate on land immediately prior to cultivation in order that it can be rapidly incorporated by ploughing following application by dribble bar. Where this is not possible the applicant has confirmed that the digestate would be injected to the ground and away from residential properties. A condition requiring this has been recommended in Appendix 1. It should be noted that the poultry farm at Burlton currently spreads raw manure on local fields and this is far more odorous than digestate.
- 6.2.11 Regulatory Services and the Environment Agency have not objected. It is considered that any odour issues can be satisfactorily controlled by the environmental permitting process and through the recommended planning conditions.
- 6.2.12 Volume of waste importation: The applicant has confirmed that the volume of poultry manure to be imported to the AD facility would not exceed 10,000 tonnes per year which is less than ¼ of the currently approved annual feedstock tonnage. One respondent has expressed concern that the way the applicant has worded the proposed amended planning condition there would be nothing to prevent the facility from importing a much higher proportion of waste feedstock subsequently, with consequent additional odour concerns.

- 6.2.13 To address this it is recommended that if members are minded to approve the application the condition being varied is amended from the applicant's suggested wording in order to add an additional sub-condition restricting the importation of waste materials including poultry manure to a maximum of 11,000 tonnes per annum, unless further details have first been submitted to and approved in writing by the planning authority. It is considered that this would be more precise than the applicant's wording whilst allowing some appropriate but limited flexibility.
- 6.2.14 Ecology The site is located 950m north of the Brown Moss SSSI/RAMSAR site and Special Area of Conservation. A Habitat Regulations Assessment accompanied the permission being varied. The Council's ecology section found no source-receptor pathways between the site and the proposed development and concluded . that there would be no impact to Brown Moss. Natural England was informed of this conclusion. Conditions relating to landscaping and habitat management were imposed and a significant area of planting to the immediate south of the AD site was delivered.
- 6.2.15 The current proposals would not change the total volume of permitted feedstocks or any other elements of the approved site activities. The only change would be to introduce 25% of agricultural waste into the feedstock mix. The agricultural wastes would replace an equivalent volume of non-waste agriculturally derived feedstocks. Hence any increase in nitrogen concentration in digestate from introduction of agricultural wastes would be offset by the nitrogen which would have been derived from the replaced feedstocks. Additional on-site controls would be applied though the environmental permit to ensure that the AD process operates efficiently. The applicant's agreement to accept a voluntary digestate spreading code of conduct gives additional reassurance and control over such operations relative to the current situation. The Environment Agency has not objected and it is considered that the proposals can be accepted in relation to ecology and biodiversity. (Core Strategy Policy CS17, NPPF chapter 11.
- 6.2.16 Other matters: It is not considered that the proposals would be likely to give rise to any additional impacts in relation to matters such as flood risk, pollution control, noise, dust, working hours, visual impact or artificial lighting relative to the current situation.
- 6.2.17 Gladman developments have been granted outline planning permission for a mixed use scheme on land adjacent to Tilstock Road which extends to within 900m to the west of the site. The land is allocated under the SAMDev plan. Gladman has not objected to the current proposals but has sought reassurance that the proposal to introduce agricultural wastes to the feedstock mix would not be detrimental to the amenity of any future occupants of their development site including new residents.
- 6.2.18 It is considered that the Gladman site is sufficiently distant for the possibility of any effects to be minimal. By comparison, the two nearest existing properties are located approximately 300m from the site. The odour control measures set out above should ensure that the amenity of all properties in the surrounding area is sufficiently protected and such measures would be reinforced by controls available under the environmental permitting regime.
- 6.3 Effect of any grant of permission

6.3.1 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 and becoming the main operational consent for the AD facility. The current application seeks a variation to this permission in order to facilitate the importation of agricultural wastes as part of the overall feedstock mix. Approval would result in a new application which would sit alongside permission reference 16/04784/VAR and could be implemented instead of it.

6.3.2 There have been a number of changes since permission reference 16/04784/VAR was issued and some of the original conditions attached to the permission need updating to take account of these changes. The conditions recommended in Appendix 1 are based on this review of the original conditions but also include some additional conditions which officers consider are needed in order to properly define and control the currently proposed variation.

## 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 importation of agricultural wastes as part of the feedstock mix.

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. Concerns in relation to odour are capable of being controlled by the recommended conditions and additional control would be exercised by the Environment Agency under the permitting process.

7.3 The NPPF requires that applications for renewable energy should be approved if the impacts are, or can be made, acceptable (Para 154). 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 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=Q9VE5ETDMEW00>

List of Background Papers: Planning application reference 20/01783/VAR and associated plans and documents
---

Cabinet Member (Portfolio Holder) Cllr G.Butler
---

Local Member: Cllr Gerald Dakin (Whithurch South)
---

Appendices: Appendix 1 – Conditions
-------------------------------------

## **APPENDIX 1**

### **Conditions**

**Condition 6 of permission reference 16/04784/VAR shall be varied to read as follows:**

6. The principal uses of the Site shall be restricted to:
  - i. The anaerobic digestion process and the associated receipt, handling and storage of agricultural and dairy waste and non-waste feedstocks;
  - ii. Generation of electricity and heat and other ancillary operations associated with the above activities.”

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

**The following conditions shall also apply:**

#### COMMENCEMENT OF DEVELOPMENT

- 1a. The development to which this planning permission relates shall be deemed to have been implemented on the date of this permission.
- b. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of waste importation under the terms of this permission. Such date shall be referred to hereinafter as “the waste importation commencement date”.

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

#### DEFINITION OF SITE AND DEVELOPMENT

2. This planning permission shall only relate to the area edged red on the block plan approved under permission reference 16/04784/VAR (drawing number SA22500/03) hereinafter referred to as "the Site".

Reason: To define the area to which this planning permission relates.  
*(Note: Amended wording from equivalent condition in 16/04784/VAR)*

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 24<sup>th</sup> April 2020 and the accompanying documents.

Reason: To define the permitted development.  
*(Note: Amended wording from equivalent condition in 16/04784/VAR)*



4. *Note. Condition attached previously permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*
5. The site access and internal circulation areas shall be cleaned as necessary with a tractor mounted brush or other similar device in order to prevent the trafficking of mud onto the public highway.

Reason: In the interests of highway safety.

#### USE OF THE FACILITY AND CONTROL OF TONNAGES

6. *This Condition attached previously to permission reference 16/04784/VAR has been varied as indicated above.*
- 7a. The maximum tonnage of materials imported to the Site in any calendar year shall not exceed 44,000 tonnes of which not more than 17,000 tonnes shall comprise waste materials. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.
- b. The Site operator shall maintain a record of the tonnage of materials including energy crops and whey permeate delivered to the Site and the numbers of associated HGVs and tractor and trailer loads. The record shall be made available to the Local Planning Authority upon prior written request. A report of the total tonnage of feedstocks imported to the Site in each successive calendar year shall also be provided to the Local Planning Authority in writing within one month of the year end.

Reason: To ensure that the development remains within the general levels of activity specified in the planning application in the interests of highway safety and general amenity whilst having regard to the fact that different potential feedstocks may have different calorific values (7a). To facilitate monitoring of tonnages imported to the anaerobic digestion facility by the Local Planning Authority (7b).

*(Note: Amended wording from equivalent condition in 16/04784/VAR)*

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

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

#### ACCESS

8. *Note. Condition attached previously permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*

Advisory Note:

*This 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*
- *undertake 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.*

#### STORAGE

- 9a. The storage of feedstock materials at the Site in connection with the anaerobic digestion process hereby approved shall not take place other than in the approved feedstock reception areas which are shown on the approved plans.
- b. No waste feedstocks shall be stored at the facility except in case of emergency. All such feedstocks shall be imported and introduced to the solid feeder on the basis of a 'just in time' supply procedure.

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

#### NOISE

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

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

- 11a. The following noise attenuation measures shall be applied during operation of the site:
- i. All vehicles and mechanical plant employed at the Site shall be fitted with effective exhaust silencers which shall be maintained in good efficient working order.
  - ii. Machines in intermittent use shall be shut down or throttled down in the intervening periods when not in use or throttled down to a minimum.

- iv. All ancillary plant such as generators, compressors and pumps shall be positioned so as to cause minimum noise disturbance;
- b. All fixed and mobile plant based at and operating within the Site shall be fitted with attenuated reversing alarms. Details of the types of reversing alarm proposed to be fitted to vehicles / plant under the terms of this condition shall be submitted for the approval in writing of the Local Planning Authority prior to the Commissioning Date.

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

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

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

#### PEST / VERMIN CONTROL

- 13. *Note. The Condition attached previously to permission reference 16/04784/VAR refers to a pre-commencement information requirement which has subsequently been discharged.*

#### ODOUR

- 14. Within 2 months of the date of this permission an updated odour management plan shall be submitted for the approval in writing by the Local Planning Authority. The plan shall be implemented in accordance with the approved details and shall include a voluntary code for spreading of digestate.

Reason: To reduce the risk of any odour nuisance arising from the permitted operations.  
(Note: Amended wording from equivalent condition in 16/04784/VAR)

- 15. *Note. The Condition attached previously to permission reference 16/04784/VAR refers to a pre-commencement information requirement which has subsequently been discharged.*

#### HOURS OF OPERATION

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

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

- b. Notwithstanding Condition 16a, provision shall apply for extended working for not more than 10 periods in any calendar year in order to cater for exceptional circumstances. During periods of extended working no operations hereby permitted shall be undertaken at the

Site, except within the hours specified in Condition 16a above and during the following hours:

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

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

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

Monday to Friday: 07:30- 18:00,  
Saturdays: 08:00 - 13:00.  
No construction shall occur on Sundays or bank holidays.

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

Monday to Friday: 07:30- 18:00,  
Saturdays: 08:00 - 13:00.  
No construction shall occur on Sundays or Bank Holidays.

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

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

#### BUILDINGS, STRUCTURES AND PLANT

17. *Note. Condition attached previously permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*

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

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

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

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

#### GENERAL PERMITTED DEVELOPMENT ORDER

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without

modification), no buildings, demountable structures, fixed plant, or structures of the nature of buildings or fixed plant, and no fence or soil mound, in addition to those shown on the approved plans listed in condition 3 above, shall be erected at the Site unless approval in writing for their details and specification has first been obtained from the Local Planning Authority.

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

#### POLLUTION CONTROL AND DRAINAGE

21. *Note. Condition attached previously permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*
22. *Note. Condition attached previously permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*
23. *Note. Condition attached previously permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*

#### Advisory Notes:

- i. *The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Flood water should not affect other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for the approval in writing of the Local Planning Authority prior to the Commencement Date. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.*
- ii. *If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval under the scheme required by Condition 23a. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- iii. *All concrete areas where feedstock and digestate are handled should have a system in place to allow for water that may be contaminated to be diverted away from the clean water disposal route in to the dirty water system.*
- iv. *Any contaminated/dirty wash water should be collected via impermeable surfaces and disposed of to an appropriate system. The applicant should incorporate measures to prevent the transmission of oils, fuel, or other hazardous materials from entering the AD process. For example, a separate sealed drainage system for areas likely to be contaminated with any wheel washing or oils etc. should be installed, perhaps with a sump system for disposal elsewhere in the absence of a mains foul sewer connection.*

- v. *As part of the sustainable urban drainage scheme ('SUDS'), the applicant is encouraged to employ the following measures:*
- *Permeable surfacing on any new driveway, parking area/ paved area;*
  - *Rainwater harvesting system;*
  - *Greywater recycling system;*
  - *Green roofs;*
  - *Water Butts.*

## LIGHTING

- 24a. *Note. The Condition attached previously to permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*

### Advisory Notes:

- i. *The submitted scheme shall also be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.*
- ii. *In order to reduce the likelihood of complaints regard should be had to the following considerations when considering the design of lighting schemes:*
- *What is the minimum lighting level required and what areas require lighting.*
  - *Where could light produced have the potential to impact upon others? By considering which areas may be most sensitive to light it may be possible to reduce the need for lighting in these areas and in turn remove the likelihood of any complaint being received*
  - *Sky glow should be minimized. As a result it is recommended that no light is emitted above horizontal and ideally all lighting should be angled below 90 degrees from vertical.*
  - *Glare should be minimised by giving careful thought to the positioning and orientation of lighting as well as the need for baffling and appropriate light fittings*
  - *Light spill should be reduced wherever possible. It is this aspect that is most likely to give rise to complaints. In order to reduce light spill the use of double asymmetric light fittings is suggested. They should be appropriately angled to stop light spilling onto/into other properties*
  - *Where lighting is not required all of the time, e.g. security lighting, floodlighting of a sports field, it is recommended that sensors are used with an appropriate cut off time or that lighting is on a timer to ensure that lights go off once activities have finished*
  - *The lowest Wattage lighting should be used in order to reduce glare and light spill.*
25. *Note. The Condition attached previously to permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*

## LANDSCAPING AND AFTERCARE

- 26a. *Note. The Condition attached previously to permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*
27. *All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including cultivation and weeding. Any trees or plants that are*

removed, die or become seriously damaged or defective within the aftercare period, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

- 28a. *Note. The Condition attached previously to permission reference 16/04784/VAR refers to the construction phase and has now been superseded.*

Advisory Notes:

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

ANNUAL REVIEW

- 29a. An annual review meeting involving the operator to the Local Planning Authority shall be held in order to review the performance of the Site over the previous calendar year in relation to the requirements of conditions attached to this Planning Permission. The meeting shall be held no later than 3 months after the year end.
- b. The annual review meeting shall also assess the potential for utilizing additional heat from the CHP unit with provision for taking appropriate further action in the event that identified trigger levels are reached.

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

CESSATION OF USE

- 30a. Not less than 2 weeks prior notice in writing shall be provided to the Local Planning Authority of the permanent cessation date for the operations hereby approved, or for any temporary cessation of operations for in excess of one month.
- b. Not less than 6 months prior to the planned date for any permanent decommissioning of the development hereby approved the operator shall submit proposals for decommissioning of the development within an agreed timescale for the approval of the

Local Planning Authority. Such plans shall make provision for leaving the site in a condition suitable for future development, with provision to remove all buildings, hardstandings and structures which are not required in connection with the Site's subsequent afteruse.

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

#### ON SITE RETENTION OF APPROVED DOCUMENTS

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

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

#### 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.*

Design of street lighting for Sections 278

v. *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

vi. *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.*