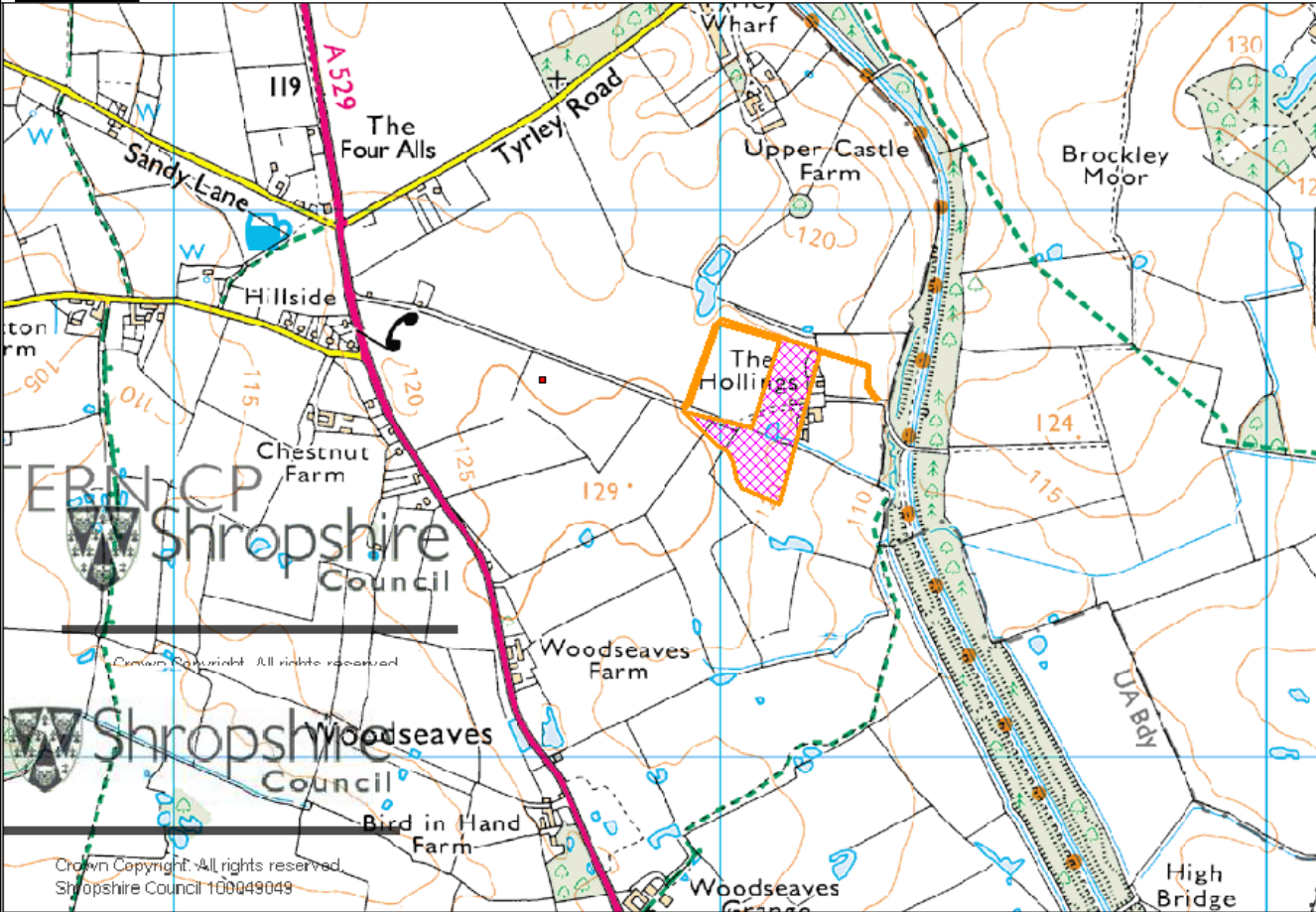


Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 15/01108/MAW	Parish:	Sutton Upon Tern
Proposal: Installation of an 800kW agricultural Anaerobic Digester (AD) Plant and associated infrastructure		
Site Address: Land South Of Hollins Lane Newport Road Woodseaves Market Drayton		
Applicant: Mr Keith Wilson		
Case Officer: Kelvin Hall		email: planningdmc@shropshire.gov.uk
Grid Ref: 368674 - 331691		
		

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 The planning application seeks permission for the construction of an 800kW anaerobic digestion (AD) facility on land to the east of Hollins Lane, Woodseaves, near Market Drayton. It is proposed that the AD facility would process approximately 14,200 tonnes of feedstock per annum. This would comprise 3,200 tonnes of chicken litter (to be produced as part of an adjacent poultry unit development, subject to planning permission being granted), and 11,000 tonnes of energy crops grown across land farmed by the applicant. The energy produced by the plant would include electricity and heat. This would be used on the applicant's holding, with excess electricity being exported to the national grid. In addition the process would produce digestate, which would be used on the applicant's agricultural land, as a fertiliser in place of animal manure and/or artificial fertiliser.

1.2 It is estimated that approximately 202 hectares of agricultural land would be required for the production of energy crops. The total agricultural land farmed by the applicant extends to approximately 809 hectares, of which more than 600 hectares is owned.. The proposed site lies within a parcel of land owned by the applicant which extends to 445 hectares. This area of land is accessible using wholly owned internal tracks which link to the proposed site.

1.3 It is proposed that all feedstock would be agricultural in origin, and it is not proposed to import food waste to the facility. Proposed feedstock would be as follows:

Input	Tonnage per annum	Source
Chicken litter	3,200	Applicant's holding
Maize	6,000	Applicant's holding
Beet	3,000	Applicant's holding
Rye	2,000	Applicant's holding

1.5 The principal buildings and plant proposed comprise the following:

- Storage shed: 50 metres x 25 metres x 12.5 metres high (9 metres to eaves), clad in juniper green colour with a fibre cement roof
- Digester tank: 25 metres diameter, with a height of 7 metres, and 12.5 metres to the top of the gas holder dome, juniper green in colour
- Digestate tank: 25 metres diameter, 7 metres in height, juniper green in colour
- Slurry/buffer tank: 9 metres in diameter, with a height of 7 metres; juniper green in colour
- Silage clamps (4no.): each 45 metres x 17 metres x 4 metres in height, of concrete construction
- Separator and clamp: clamp 12.5 metres x 4.5 metres x 4 metres high; of concrete construction; separator located 5.5 metres above ground level over the clamp
- Drier: located within the storage shed
- CHP unit: 12 metres x 3 metres x 3 metres high; the CHP stack would be 7 metres

above ground level

- Substation: 3 metres x 3 metres x 2.2 metres high
- Transformer: 3 metres x 3 metres x 1 metre high

1.6 The application accompanies a separate application for the development of four poultry sheds on adjacent land (ref. 15/00928/EIA).

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located approximately 2.5km to the south-east of Market Drayton, and approximately 500 metres to the east of Woodseaves. The application site (2.5 hectares) and surrounding land is currently in agricultural use, the land being used for the growing of miscanthus grass. Access to the site would be gained via Hollins Lane, a private access road approximately 620 metres in length that connects to the A529 to the west. The nearest properties are those at Tyrley Farm, approximately 400 metres to the north. Other residential properties in the area include those along the A529 to the west, the nearest being 445 metres to the south-west; a property along Hollins Lane (owned by the applicant) approximately 515 metres to the west; and properties along Tyrley Road approximately 550 metres to the north-west.

2.2 A number of ponds are located in the surrounding area, the nearest being approximately 30 metres to the north-west. The Shropshire Union Canal runs in a generally north-south orientation approximately 285 metres to the east. This section of the canal is designated as a Conservation Area. Public rights of way in the area include a footpath to the south-east, approximately 290 metres to the south-east, and a footpath along the towpath of the canal to the east. The nearest Listed Building a Grade II Listed canal bridge, approximately 285 metres to the east. Further afield, there is a Grade II Listed direction post adjacent to the canal, approximately 480 metres to the north-east. The Tyrley Cutting SSSI, designated for geological interest, is located approximately 680 metres to the south-east. Tyrley Spoil Banks, a Local Wildlife Site designated by the Staffordshire Wildlife Trust, is located approximately 240 metres to the east.

2.3 The application site lies close to the Shropshire – Staffordshire border, approximately 230 metres to the east.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The views of the Parish Council are contrary to the Officer recommendation, and it is not considered that their concerns can be satisfactorily addressed as part of the application. The application therefore does not meet the criteria for a delegated decision as set out in the Delegation Scheme.

3.2 The matter was discussed with the Chair and Vice Chair of the North Planning Committee and it was agreed that this application should be debated by committee given the issues raised and also that the application is directly linked to the poultry units application which is a committee matter due to being a schedule 1 EIA application.

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Sutton upon Tern Parish Council** Objects.

1) Proposed location of units: Councillors queried why the units are being sited 2.5 miles away from Old Springs Farm when it is stated in the supporting documents that the digester will supply power to the farm. Why is it not being sited closer to the farm?

2) Close proximity to a number of sensitive receptors: Councillors agreed a more suitable location could be found on the applicant's land;

3) Highways concerns - Increase in volume of traffic;

4) Close proximity to listed buildings - inappropriate in the proposed location;

5) Neighbouring properties share a borehole for their water supply: local residents are extremely concerned about contamination of their water supply which has already registered a high level of nitrates and possible over-use by the proposed businesses which may result in a long term problem for resident users;

6) Close proximity to an SSSI - Tyrley canal/locks;

7) Loss of residential amenity for neighbouring properties;

8) Strength of local objections;

9) The close proximity of the proposed site to sensitive receptors magnifies the nuisance caused by dust, odours, flies and vermin. The Councillors agreed that the applicant has more suitable sites for such a business enterprise and agreed to strongly object to this application on the basis of it being contrary to CS6, CS5 and CS17. Human Rights Protocol Article 8 gives the right to respect for private and family life and 1st Protocol Article 1 allows for peaceful enjoyment of possessions: First protocol Article 1 stipulates that the desires of the landowners must be balanced against the impact on residents.

4.1.2 **Loggerheads Parish Council (adjacent Parish Council, in Staffordshire)** Strongly objects to the application on the following grounds:

1) Proposed location of units: Councillors queried why the units are being sited 2.5 miles away from Old Springs Farm when it is stated in the supporting documents that the digester will supply power to the farm. Why is it not being sited closer to the farm?

2) Highways concerns - Increase in volume of traffic on narrow country lanes;

3) Close proximity to listed buildings - inappropriate in the proposed location;

4) Neighbouring properties share a borehole for their water supply: local residents are extremely concerned about contamination of their water supply which has

already registered a high level of nitrates and possible over-use by the proposed businesses which may result in a long term problem for resident users;

5) Close proximity to an SSI - Tyrley canal/locks;

6) Loss of residential amenity for neighbouring properties;

7) Strength of local objections.

4.1.3 **Environment Agency** No objections.

Controlled water impacts: The geological setting is that of Salop formation layered mudstone, sandstone and conglomerate, with no superficial deposits, classed as Secondary A aquifer. The site therefore presents a moderate risk to groundwater. We are not aware of any regulated groundwater abstractions, based on our records, within close proximity of the site. The planning application confirms that there are no known private water supplies within 250m of the site boundary. We note the ponds at around 30m and 70m distant from the proposed site.

The information as submitted confirms that the AD structures are to be set above ground level following the creation of a level platform.

The application also confirms a site investigation (test hole for groundwater) be carried out prior to excavation of the platform. We expect the Standard Rules Permit application (discussed further below) to include the results of the site investigation. This should inform the final design of the tanks.

The site is not located within 200m of any European Site or Site of Special Scientific Interest. We note that the gas engine stack is more than 200m from any sensitive receptor, and will be set greater than 7m in height.

Environmental Permit: From the information provided, without prejudice, it appears that the applicant could design the plant for a SR2012No10 'On-farm anaerobic digestion facility including use of the resultant biogas' (New Standard Rules). This is on the basis that the site capacity is less than 100 tonnes of waste (including process water) per day, as confirmed in the Environmental Permit Compliance Assessment as submitted. Based on the further information and looking through the potential constraints which might affect the appropriateness of the land use, we do not anticipate any significant cause for concern, at this stage.

SRP controls: The EP would regulate and control matters such as the following:

- General Management of the site.
- Permitted activities e.g. operations.
- Waste Acceptance (quantity and type of waste).
- Emissions to land, water and air (including Odour, Noise and Vibration relevant to the 'operational area').
- Monitoring, Records and Reporting.

Secondary Containment: The proposal includes for the provision of an appropriate secondary containment system to protect groundwater and surface water systems. This will need to be constructed following the guiding principles set out in CIRIA 736

- containment systems for the prevention of pollution (July 2014). Further details on the materials specification for the bund etc will be required to support the EPR Permit application.

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

Odour and Noise: With regard to odour and noise the proposal should incorporate measures to avoid and minimise potential impacts on local air quality and noise. The supporting information recognises the nearest residential sensitive receptor at approximately 400m to the north of the site. The document provides some information on likely impacts and management.

The application confirms the introduction of the AD plant offers benefit to the local area in terms of odour containment, relative to the possible situation whereby chicken litter may be spread on agricultural land farmed by the applicant.

It should be noted that the above Standard Rules Permit will normally only require a detailed Odour Management Plan and Noise Management Plan as a reactive measure, if the activities give risk to pollution etc.

Your Public Protection team should be consulted on the noise report in relation to statutory nuisance, and so that all the relevant key issues are 'joined up', to ensure the pollution control regimes are complimentary etc.

As mentioned in the submission, we note that the applicant is willing to undertake a background noise assessment prior to commissioning.

Air Quality: We note, from the Environmental Permit Compliance Assessment, as submitted, that a gas flare will be present on site to dispose of un-burnt biogas in the event of the engine failing/maintenance. We also note confirmation that the gas engine stack height will be set above 7 metres and CHP engine will be designed to emission limits. We would therefore not require a detailed air quality assessment.

Flood Risk: The site is located within Flood Zone 1 (low probability of fluvial risk) based on our indicative Flood Map for planning. We would not make any bespoke comments on surface water quantity on the basis of the scale and nature of the proposal in this location. However, we would draw your attention to our area Flood Risk Standing Advice; for your consideration in consultation with your Flood and Water Management team.

4.1.4 **Natural England** No specific comments to make.

Designated sites: The application is not likely to result in significant impacts on statutory designated sites, landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England has published

Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest: Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated.

4.1.5 **Historic England** The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.6 **Canal and River Trust** No objections, subject to conditions.

The Trust has provided detailed comments in relation to a planning application for poultry units on adjacent land (15/00924/EIA), and has advised that those comments also apply to the current application. These are as summarised below.

Drainage: We note that surface water from the development is proposed to discharge into an attenuation pond, and from there into an existing watercourse to the east of the site. Outfall to the watercourse is to be restricted to greenfield rates. This watercourse runs close to the top of Woodseaves Cutting, a deep cutting alongside the Shropshire Union Canal.

There are already stability issues with this cutting as a consequence of groundwater drainage, and therefore it is essential that the rate and amount of water discharging to the watercourse is not increased, as this could create a risk of further instability in the cutting. As you are aware, land stability is a material planning consideration and is referred to in paragraphs 120-121 of the NPPF and is the subject of more detailed

discussion in the NPPG. We therefore consider that it is important that planning conditions are imposed to secure the provision of appropriate arrangements to ensure that discharges to the watercourse are restricted to greenfield rates.

We also note that a sewage treatment plant is also to be installed and that final effluent from this will also go to this watercourse. We would suggest that further details about the arrangements for this discharge, including both the volume and rate of discharge, are needed. We would also comment that it would not be appropriate for any discharge pipe to be located above the water level in the watercourse. We would suggest that this matter could be readily controlled via a planning condition to secure the detailed arrangements (see condition in Appendix 1).

We note that it is suggested that residual dirty water collected from washing down will be spread on the applicant's land, although it is not specified where. We would ask that details of these arrangements are also secured by condition so that the potential impact of the amount of water and the location it is to be spread over can be assessed, in the interests of minimising the risk of pollution of the local water environment (see condition in Appendix 1).

We would also comment that it is essential that the water supply from the Tyrley Borehole is not adversely affected. We would ask that the Local Planning Authority considers the potential impact of the proposal on this borehole and either ensures that this issue is addressed prior to determination of the application, or if appropriate, imposes planning conditions to secure adequate protection measures for the borehole if planning permission is granted.

Odour/Noise: We note that the noise assessment submitted with the application does not appear to have considered the canal and its users as being a noise sensitive receptor, nor does the potential impact of odour on canal users appear to have been assessed. We would ask that the Local Planning Authority considers these matters and whether the submitted Environmental Statement provides sufficient information on these matters to be sure that the canal and its users will not be adversely affected by noise or odour, or that adequate mitigation of any adverse impacts can be achieved. Should you consider that further information is necessary, we would ask that we are consulted again on any details as may be submitted.

- 4.1.7 **SC Highways** No objections, subject to conditions. Additional information from the applicant's agent seeks to clarify the position of the current two applications under consideration and in relation to the previous planning consent 11/04052/FUL for a building in connection with miscanthus pelleting operations.

It is noted also that both application site red lined areas have been amended to now include the access road to the A529. The access road leading to the site has in part been constructed in accordance with the 11/04052/FUL planning permission and subsequent discharge of conditions application 13/04495/DIS. Those approved access details could have been included as part of the two current applications to provide clarity to the current applications.

It is understood that the applicant currently farms 2000 acres of land of which 1,500 is owned and 500 acres is rented. No information is provided regarding the current crop of miscanthus being grown although the AD Plant application submission

indicates that 500 acres of the applicant's landholding would be required to produce the feedstock into the AD Plant together with the poultry manure produced by the broiler units. On the basis that the miscanthus building has not been developed but that miscanthus is being grown on the applicant's landholding, it is being harvested and taken away and no different therefore to any other crop grown on the land.

It has now been clarified that the proposed AD Plant building sits on the land formerly proposed to site the miscanthus production building. In effect therefore one would supersede the other, although the likelihood is that as the AD Plant and poultry unit complement one another, as has happened on other sites around the County, the highway authority would not contest the comments set out by Berrys in the latest supporting information which indicates the applicants intentions to pursue the AD Plant and not the miscanthus building. The fact is that the AD Plant building and permitted miscanthus building cannot coexist on the same site and should the applicant wish to pursue both, this would require a further planning application and assessment of the cumulative impact in traffic terms.

Having considered the traffic movements in connection with the current 2 applications for the AD Plant and poultry units, the highway authority consider that the traffic generated can be accommodated on the local highway network. Moreover, the highway authority advise that a highway objection to these proposals is not defensible.

The highway authority therefore raise no objection to the granting of consent to both applications subject to conditions (see Appendix 1).

- 4.1.8 **SC Drainage** Drainage details should be submitted for approval, and this can be dealt with through planning conditions (see Appendix 1).
- 4.1.9 **SC Trees** No objections. The Planning statement states that the proposed development does not require the removal of any trees or hedgerows bounding the site, nor those in the wider locale. As part of the proposed scheme additional planting is proposed around the perimeter of the site, to comprise native species trees, which will further serve to screen views of the development from all directions.
- 4.1.10 **SC Ecologist** Recommends conditions and informatives.

Protected sites: The site is around 12km from Aqualate Mere SSSI, part of the Midlands Meres and Mosses Ramsar site. Tyrley Canal Cutting SSSI, designated only for geological interest, is around 700m away and it is and over 10km to the next nearest SSSI.

Local Sites within 2km: Tyrley Spoil Banks, Shropshire Union Canal LWS (Staffordshire) 400m; Unnamed Ancient & Semi Natural Woodland 1.3km distant; The Sydnall LWS (ponds and wood in Shropshire) 1.2km distant

The proposed anaerobic digester falls just outside of the Natural England Impact Risk Zones and on consultation NE have provided no comments regarding protected sites.

An Environmental Permit will be required from the Environment Agency which will

regulate environmental impacts. The submitted air quality assessment does not include the Local Wildlife Sites. However I note that the EA letter dated 7th April 2015 states that they would not require detailed air quality assessment.

Great crested newts: Greenscape have assessed the suitability of six ponds, none of which were found to be suitable for great crested newt breeding. No further survey is recommended. An informative is recommended (see Appendix 1).

Hedgerows and trees: A section of hedgerow appears to be shown for removal south of the proposed biomass building. New planting is proposed around this building, which should include locally sourced native shrubs. A landscaping condition is recommended.

Bats: The proposals indicate around 150m between the riparian woodland to the east and the sheds. However the development will be close to the tree line to the north and therefore it is recommended that lighting is controlled towards tree lines/hedgerows/woodland. A condition is recommended to require approval of any external lighting (see Appendix 1).

Nesting birds: An informative is recommended (see Appendix 1).

Pollution prevention: Precautions will be needed to ensure polluted run-off does not reach ditches or watercourses as advised by the Environment Agency and Greenscape. Conditions should be imposed to require the EA recommendations, such as on secondary containment, to be followed.

4.1.11 **SC Archaeology** Recommends a planning condition.

The proposed development comprises an 800kW agricultural anaerobic digester plant and associated infrastructure, which will service an adjacent proposed two shed poultry unit development (application ref. 15/00924/EIA). This will be constructed just to the west of the site of a former farmstead – The Hollins – which on present evidence is understood to date from the 18th century and to have been demolished in the later 20th century. As a consequence there is a possibility that archaeological remains associated with this farmstead will be present on the proposed development site, although the overall the archaeological potential is considered to be low.

A Heritage Impact Assessment by Richard K Morriss & Associates has been submitted with the application to satisfy the requirements set out in Paragraph 128 of the NPPF. In their consultation response of 24 March 2015 English Heritage raises no objection to the proposed development. In view of the recommendations contained in the Heritage Impact Assessment, and in line with Paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This would comprise an archaeological watching brief during all ground works (see condition in Appendix 1).

4.1.12 **SC Conservation** Any perceived harm to heritage assets (both designated and non-designated) is gauged as being neutral.

4.1.13 **SC Public Protection** It is noted that this installation will require a permit issued and

regulated by the Environment Agency. As a result noise and odour will be controlled through this regulatory regime. I do not expect noise or odour to affect the amenity of the area and therefore have no comment on this application. All noise and odour issues will be addressed by the permit and any complaints that arise should planning permission be approved should be directed to the Environment Agency to ensure that they are able to enforce any permit in place where necessary.

4.1.14 **Shropshire Fire and Rescue** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications". It will be necessary to provide adequate access for emergency fire vehicles. Further advice has been offered and is set out in the Informatives in Appendix 1.

4.1.15 **Newcastle-under-Lyme Borough Council (adjacent authority, in Staffordshire)** Planning authority: The Planning Committee has resolved that they do not wish to object to the proposed development but requested that the routing of HGVs and other large vehicles be controlled through the use of condition or planning obligation.

4.2 Public Comments

4.2.1 The application has been advertised at the site boundary and in the local press. In addition 50 residential properties have been directly notified. 13 objections have been received. The objection reasons are summarised below.

Traffic and access

- Potential impact of heavy goods farm vehicle traffic
- Noise impact of additional traffic
- Disturbance due to hours of operation of arrivals and departures
- Concern over additional traffic delivering waste to boost electricity production
- Vehicle routing agreement required
- Additional traffic through Hinstock and Market Drayton
- If permitted, plans could be modified to result in huge amounts of increased traffic on local lanes already overburdened with heavy farm and HGV traffic

Visual and siting

- Adverse impact on Shropshire Union Canal
- Remoteness of unmanned site
- Scale of AD plant too large; will require additional animal and vegetable waste to power it
- Query where water supply will come from
- Old Springs Farm is a viable alternative location for both plants as heavy goods traffic would not be increased, and plants could be manned around the clock, and fewer residents around

Pollution

- Risk of groundwater contamination to private water supplies within 400 metres of the development
- Tyrley borehole feeds around 9 residential properties; already has elevated nitrates and other contaminants above safe levels
- Advice is that drinking water with nitrates above certain levels can cause Methaemoglobinaemia (blue baby syndrome); bacterial contamination can also increase this risk

- EA has only looked for boreholes within 250 metres
- Manure management plan is required
- Spreading activity is a high risk and should be the subject of a proper EIA
- Groundwater is 4.5 metres deep and excavations will approach nearer to the aquifer resulting in domestic and environmental risks
- Insufficient evidence provided regarding the known depth of the aquifer
- Additional hydrogeological investigations required
- Queries over source of water supply
- Unacceptable levels of odour, noise pollution, dust, flies and light pollution
- Enhanced risk of H1N viruses from intensive farming, increasing danger of avian flu and related health issues
- Excessive noise, vibration and dust from increase of chopping of miscanthus grass
- Potential for gas explosion
- Proximity to pond
- Waste would be spread on fields causing odour nuisance and fly infestations in a nitrate sensitive area

Principle

- perpetuation of factory farming that is stuck in an outdated "quantitative" mindset, focusing on economic and performance data alone instead of animal welfare, nutritional quality and environmental impact.
- Purely about profit generation and adds nothing to local amenity
- Unnecessary diversification

Welfare issues

- Broiler sheds are generally bare except for water and food points, with no natural light
- litter on the floor to absorb droppings which is not usually cleared until the chickens are gathered for slaughter
- The air can become highly polluted with ammonia from the droppings. This can damage the chickens eyes and respiratory systems and can cause painful burns on their legs (called hock burns) and feet.
- Confined chickens not able to adjust their environment to avoid heat, cold or dirt as they would in natural conditions
- Concern over temperature in sheds; if ventilation fails, birds can die
- Under the EU Directive, each bird has less floor space than the size of an A4 sheet of paper.

5.0 THE MAIN ISSUES

- Principle of development
- Site allocations considerations
- Relationship of current AD proposal to associated poultry unit proposal
- Siting, scale and design; impact on landscape character
- Local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Drainage and pollution considerations
- Ecological considerations

- Impact on Tyrley Canal Cutting SSSI

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Need and benefits of the proposal – development within the countryside: The National Planning Policy Framework advises that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable energy. Notwithstanding this, Core Strategy Policy CS5 states that applicants for developments in the countryside which include small-scale new economic development, including farm diversification, should demonstrate the need and benefit of the proposal. The site lies outside of any defined development boundary. As such the land is classed as 'countryside' and this policy therefore applies to the current proposal.

6.1.2 The UK has statutory targets for the production of electricity from renewable sources. Anaerobic Digester (AD) technology has central government support as a means of producing electricity through renewable means. The proposal would allow the use of livestock manure as an energy resource, allowing this to be used in conjunction with agricultural crops to generate a renewable form of electricity and an alternative nutrient rich soil conditioner. The proposed AD plant would generate 800kW of electricity per hour, estimated to be equivalent to meet the requirements of over 2,000 average UK households.

6.1.3 One of the core planning principles set out in the National Planning Policy Framework (NPPF) is to support the transition to a low carbon future. This includes encouraging the use of renewable resources, and advising that applications for renewable energy should be approved if the impacts are (or can be made) acceptable. The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). 'Saved' Policy 20 of the Waste Local Plan also provides support for AD developments. As set out above the proposed AD facility would provide significant environmental benefits and as such is supported in principle by national policy guidance and local planning policies.

6.2 Site allocations considerations

6.2.1 Adopted policy: The Waste Local Plan continues to provide the adopted policy in relation to the allocation of waste management sites. The application site is not allocated for waste use within the 'saved' policies of this Plan. However 'saved' Policy 8 provides for alternative sites to come forward subject to specified criteria being met. It should however be noted that whilst the site would accept some agricultural waste (poultry manure), approximately 77% of the feedstock for the site would comprise energy crops which are not classed as a waste material.

6.2.2 The Waste Local Plan deals mainly with non-agricultural waste types and does not incorporate any specific allocations for agricultural waste sites. As such, the current proposal would not prejudice the development of other allocated waste sites, and can therefore be accepted in principle as an alternative non-allocated site under 'saved' Policy 8.

6.2.3 Emerging policy: In relation to emerging policy, the SAMDev Plan has been through a process of examination and the Inspector has published Main Modifications. These

Modifications do not specifically refer to the main body text of draft policy MD14 regarding Waste Management Facilities, and it is therefore considered that significant weight can be given to this draft policy. This policy supports new AD facilities in appropriate locations, including the re-use of existing buildings, where it can be demonstrated that potential adverse impacts on the local community and the natural and historic environment can be satisfactorily controlled. These matters are discussed below.

6.3 **Relationship of current AD proposal to associated proposed poultry unit**

6.3.1 In addition to the current application for an anaerobic digester plant, the applicant has submitted a planning application for a poultry unit on adjacent land (ref. 15/00924/EIA). The two applications are inter-related in that it is proposed that the AD plant would use poultry manure from the poultry plant as a feedstock, and that the digestate from the AD plant would provide fuel which can be used in biomass boilers in the poultry development. Nevertheless the current proposal for an AD plant should be considered as a stand alone proposal.

6.3.2 The Supporting Statement notes that site selection has been influenced by the siting of the proposed poultry unit which will provide one of the main sources of feedstock. However, whilst the proposals are complementary, the applicant's agent has confirmed that the AD facility would still be viable if permission for the poultry units were refused. In this scenario, an alternative source of manure would be required, necessitating the importation of this from outside of the applicant's landholding. There would be no change to the sources of other feedstock, i.e. the energy crops, which would originate from the applicant's holding.

6.4 **Siting, scale and design**

6.4.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the site is not located within an area designated for landscape value.

6.4.2 The application site is located on slightly undulating ground which in general slopes down towards the canal to the east. The land to the west rises slightly up to the west before falling again towards the A529. To the north the land rises slightly before falling towards Tyrley Wharf. The landscape is characterised by fields with hedgerow boundary trees, in-field trees and ponds. The area of the application site is generally undeveloped however there is a concrete pad a few metres to the east which is used for the storage of bales. It should also be noted that the proposed site is located partly on land for which planning permission was granted in 2013 for the construction of a miscanthus grass storage and pelleting building (ref. 11/04052/FUL) which has yet to be built. The permitted dimensions of this are 24 metres x 49 metres x 12.4 metres high, i.e. similar dimensions to the storage shed for the proposed AD facility. If permission for the AD plant is granted that storage building would not be constructed (and could not be built as the respective footprints overlap). The cumulative impact of the AD plant and the storage building is therefore not a relevant consideration.

- 6.4.3 A Landscape and Visual Impact Assessment (LVIA) has been undertaken in support of the associated planning application for the poultry units on adjacent land. This assesses the landscape value of the area as low to medium. It states that the nature of the views are relatively short distance, that the susceptibility to change (the ability of the landscape receptor to accommodate the proposed development) is medium to high, and the overall sensitivity of the landscape is considered to be low. Officers concur with this assessment.
- 6.4.4 The proposed development would be located within the primary area of the land owned by the applicant, which extends to 445 hectares. This primary area is accessible internally from the proposed site. The intention would be that the poultry manure from the adjacent proposed sheds would be fed into the AD plant, along with energy crops grown on adjacent farmland. The resulting digestate would be used in the biomass boilers to provide heat for the poultry buildings, and also as an organic fertiliser on adjacent agricultural land. Biogas produced as part of the AD process would be captured and used as fuel for a Combined Heat and Power (CHP) engine which would produce electricity and heat. This would be utilised in the poultry buildings with any surplus electricity being exported to the National Grid. As such it is considered that in principle the proposed site for the poultry unit, together with the AD facility is well located in relation to sources of feedstock and receptors of digestate.
- 6.4.5 Due to the gently sloping nature of the site the proposed development would be constructed on three level platforms, reducing in height in a northerly direction in line with the topography. The AD structures would be sunk below the existing ground level, thereby reducing their visibility in the landscape.
- 6.4.6 Views into the site from surrounding public areas and private properties are generally limited. This is due to the distance between the site and such receptors, intervening vegetation and the topography of the land. Views of the proposed development from the towpath of the canal to the east would be restricted given that the canal is in a cutting, and also that there is a thick belt of woodland on the western side of the canal. Nevertheless the higher parts of the development would be visible from some surrounding viewpoints. In particular some views of the development would be likely to be gained from some residential properties to the north-west and south-west, particularly from upper floor windows.
- 6.4.7 It should be noted that these views would be from some distance: the nearest property that is likely to have a view of the development is located more than 440 metres away. In relation to views from the public right of way to the south-east, these are likely to be from a distance of 290 metres or more. In addition the proposed development would be agricultural in appearance and would therefore not be incongruous in this rural landscape.
- 6.4.8 The landscaping scheme proposed for the development includes the provision of a 2.5 metres high earth bund along the western side of the site, with landscape planting around the perimeter of the site. In principle Officers consider that this landscaping proposal is appropriate in minimising views of the development from surrounding viewpoints. The detailed matters can be agreed as part of a landscaping planning condition.

6.4.9 Officers consider that the likely views of the development would not be significant given the distance and the proposed landscaping. In addition Officers consider that whilst the proposed development would have some impact upon the landscape character of the area, the proposal is of an acceptable design and incorporates satisfactory mitigation against visual impacts. As such the proposal can be accepted in relation to Core Strategy Policy CS6.

6.5 **Local amenity considerations**

6.5.1 Noise: It is anticipated that the main noise-generating element of the proposed development would be the CHP engine, and the movement of plant and vehicles. The CHP housing would attenuate noise to a level of 65dBA at 10 metres. Vehicular movements would include those associated with the importation and exportation of feedstock to the site, and a JCB loader transporting feedstock to the feeder. Loading of the feeder would take place during 1 to 2 hours per day.

6.5.2 A Noise Impact Assessment report has been submitted as part of the planning application. This has identified the likely noise levels that would be generated by the proposed facility and assesses these against the criteria set out in the relevant BS4142. The report concludes that noise from the AD facility would be at a level that this standard indicates there would be a 'low impact'. The report states that the noise levels would be within guidelines set out under World Health Organisation advice.

6.5.3 The Council's Public Protection Officer has confirmed that noise is unlikely to affect the amenity of the area. On the basis of the distance of the site from sensitive receptors and the likely noise levels it is not considered that the proposed development would adversely affect residential amenity.

6.5.4 Odour and flies: Maize, beet and rye feedstock would be stored in the silage clamps, and these would be covered with polythene to preserve the quality and minimise odour release. Chicken litter would be stored within the enclosed feedstock building. The main AD process would take place in the digester tank which is completely sealed, and the transfer of materials from the feeder to the digester tank would be within fully enclosed pipework. The application confirms that, having left the feeder, at no time would any material be exposed directly to the atmosphere until digested and released as the odour-free digestate.

6.5.5 The resulting digestate, to be spread on the surrounding agricultural land, is largely odourless. The proposed AD facility therefore offers benefits in terms of odour containment relative to the current situation on the farm which involves the spreading of raw manure and artificial fertilisers.

6.5.6 It is considered that the proposed development has been satisfactorily designed, including in relation to the separation distance to the nearest residential properties, to ensure that the risk of adverse odour in the local area would be minimised.

6.5.7 It is noted that the AD facility would need to be operated under an Environmental Permit which would control detailed elements of the process, including noise and odour management. As part of this the Environment Agency has confirmed that the As mentioned in the submission, we note that the applicant is willing to undertake a background noise assessment prior to commissioning. In addition the Agency has confirmed that the Environmental Permit would require that a detailed Odour

Management Plan and Noise Management Plan are provided if the activities give a risk to pollution. The Agency has advised that it does not anticipate any significant cause for concern at this stage. Overall it is considered that the proposal has been designed to ensure that the facility can be operated without adversely affecting local amenity due to noise, odour or other impacts. In addition satisfactory safeguards would be provided as part of the Environmental Permitting process to address any specific issues. The proposal is therefore in line with Core Strategy Policy CS6.

6.6 **Historic environment considerations**

6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, special regard has to be given to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.6.2 A Heritage Impact Assessment has been undertaken as part of the planning application. This identifies that the nearest listed building is Hollings Bridge that runs across the canal cutting to the east of the site. The proposed development would not be visible from this bridge, or from that part of the canal that is designated as a linear Conservation Area. The Council's Conservation Officer concurs with the conclusions of the Heritage Impact Assessment that harm to heritage assets (both designated and non-designated) would be neutral. It is considered that the proposal is acceptable in relation to Core Strategy Policy CS17.

6.6.3 The County Archaeologist has recommended that a programme of archaeological work is undertaken and this can be secured through a planning condition, as detailed in Appendix 1 below.

6.7 **Traffic and access considerations**

6.7.1 The access to the site from the A529 would be via an access point that is currently being constructed under the implementation of a planning permission for a miscanthus grass storage and pelleting building. This access is acceptable for the current application.

6.7.2 The primary HGV movements associated with the proposed development would be those relating to the delivery of the energy crops to the facility. A subsidiary element would be those vehicles delivering poultry manure. The energy crops would be grown on the applicant's farmland. The application states that the primary area of such land (73%) is accessible via internal tracks from the application site, with no requirement to utilise the public road network. Poultry manure would derive from the adjacent proposed poultry units (subject to planning permission being granted), and would therefore not need to be transported on public highways. Outputs would comprise liquid digestate and fibre, both of which would be utilised on the applicant's farmland.

The application states that the proposal would generate 377 vehicle movements per

6.7.3 annum on the public highway, made up of 201 movements relating to feedstock and 176 movements relating to outputs. The application states that these are likely to be worst case figures and that they assume that none of the fibre would be used as fuel for the biomass boilers of the proposed poultry development.

6.7.4 The proposed development would therefore be expected to generate approximately 1 vehicle movement per day, which is not considered to be significant in highway terms.

6.7.5 It is noted if the AD facility is permitted, the miscanthus grass storage and pelleting operation would not go ahead. Therefore the AD traffic would replace that which would have been associated with the pelleting operation. The Council's Highways Officer considers that the amount of traffic generated by both the proposed AD facility and the proposed poultry unit can be accommodated on the local highway network, and has raised no objections to the proposal. It is not considered that a refusal of the proposed development on highways grounds could be sustained. The conditions recommended by the Highways Officer can be imposed on any decision notice. Subject to this it is considered that the proposed development would not have an adverse impact upon highway safety in line with Core Strategy Policies CS6 and CS7.

6.8 **Drainage and pollution considerations**

6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.

6.8.2 Surface water drainage: The site is located within Flood Zone 1 indicating that the risk of flooding is low. The submitted Drainage Report and Flood Risk Assessment states that the use of soakaways to deal with surface water drainage is highly unlikely to be appropriate due to limited ground porosity. The design of the surface water drainage system is based upon sustainable drainage principles. It is proposed that surface water drainage would be collected in a mix of open and stone filled trenches and a piped system to an attenuation pond. It is proposed that this attenuation pond would have an outfall to a watercourse to the east.

6.8.3 The Canal and River Trust has noted that this watercourse runs close to the top of Woodseaves Cutting, a deep cutting alongside the Shropshire Union Canal, and that there are already stability issues with this cutting as a consequence of groundwater drainage. The Trust has advised that it is essential that the rate and amount of water discharging to the watercourse is not increased. The submitted drainage report states that flow rates from the attenuation pond would be restricted to greenfield runoff rates. This would ensure that the proposal would not have an adverse affect on the receiving downstream watercourse, and on the cutting.

6.8.4 The Council's Drainage Officer has confirmed that detailed matters relating to surface water drainage management can be dealt with by planning condition, and an appropriate condition is set out in Appendix 1.

6.8.5 Dirty water management: The concerns of the Parish Councils, the Canal and River Trust and some residents regarding the potential impact of the proposals on private water supplies are noted. The proposed AD facility would comprise a sealed system such that, once feedstock is transferred to the digester tank, the process is wholly

enclosed. No material would leave the plant other than the treated digestate. It is proposed that dirty water/effluent collected from the silage clamps would be directed to a sump before being fed to the slurry/buffer tank which would recycle the effluent through the AD process. Detailed matters relating to pollution prevention measures to be incorporated within the site design would be dealt with through the Environmental Permitting process, and it is noted that the Environment Agency have confirmed that they do not anticipate any particular concerns at this stage. The Agency notes that the proposal includes an appropriate secondary containment system to protect groundwater and surface water systems, and that the specification for this would need to be included within the application for the Environmental Permit.

The area is designated as a Nitrate Vulnerable Zone, and the spreading of digestate onto agricultural land is controlled under separate regulations.

6.8.6

6.9 **Ecological considerations**

6.9.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the application site does not form part of any statutory or non-statutory designated site for nature conservation.

6.9.2 The planning application is accompanied by a Phase 1 Environmental Survey report. A survey was undertaken to determine the presence of protected species and the potential for impact on habitats of ecological value. The report states that no protected species were found as part of the survey. The survey assessed six ponds in the area, and found that none were suitable for great crested newt breeding. The report states that the existing use of the land comprising the growing of energy crops is considered to be of low ecological value. Officers concur with this. The Council's Ecologist has not raised any specific concerns regarding the proposals, and the conditions that have been recommended regarding lighting and landscaping can be added if permission is granted.

6.9.3 The comments of the Ecologist that conditions should be imposed to require the EA recommendations on secondary containment of plant are noted. However it should be noted that the AD facility will need to obtain an Environmental Permit from the EA, and it is considered that the Environmental Permitting system will adequately cover detailed matters relating to the specification of pollution prevention systems. As such it is not considered that planning conditions to deal with these detailed matters are necessary.

6.9.4 Officers consider that the proposal would not result in the loss of habitat of significant value, or adverse impact on protected species, and that the landscaping proposals would provide some ecological benefit. As such the proposal can be accepted in relation to Core Strategy Policy CS17.

6.10 **Impact on Tyrley Canal Cutting SSSI**

6.10.1 It is acknowledged that some objections to the proposal, including those from the Parish Councils, have raised concerns over the potential impact of the proposal on the Tyrley Canal Cutting Site of Special Scientific Interest (SSSI). This has been designated for its geological interest, in particular for showing details of river channel

formation. The SSSI is located adjacent to the canal, approximately 680 metres from the application site. Given this distance it is not anticipated that the proposed development would adversely affect the SSSI, either directly or indirectly. Natural England has raised no objections to the proposals.

7.0 **CONCLUSION**

7.1 The proposal to develop an anaerobic digestion facility at Woodseaves in conjunction with an associated poultry unit proposal would bring significant environmental and agricultural benefits by utilising energy crops from surrounding farmland and manure from the poultry units for the production of a nutrient-rich fertilizer replacement and the production of renewable energy.

7.2 The proposed facility has been satisfactorily designed in terms of siting and layout, including in relation to the proposed poultry units, to ensure that impacts on residential and local amenity can be controlled within acceptable limits. Further controls can be imposed through planning conditions to provide additional safeguards. The proposed buildings and plant would be generally agricultural in appearance, and the site design takes advantage of screening from existing hedgerows and incorporates additional landscaping to help to integrate the development within the rural landscape.

7.3 The proposal would not result in significant additional traffic on the public highway and the proposed access from the public highway, via a new access point which is currently being constructed, is acceptable. The proposal incorporates satisfactory site management and engineering controls to minimise the risk of pollution, and further detailed controls would be imposed by planning condition and through the Environmental Permit.

7.4 National and local planning policies provide strong support for renewable energy applications including anaerobic digestion proposals. The proposal would have some impact upon the local landscape character of the area however it is not considered that this would be unacceptable, particularly when considering the wider benefits of the proposal, Given the controls and safeguards that can be incorporated into the design of the facility to address local concerns and other issues, it is considered that the proposal can be accepted in relation to Development Plan and other relevant policies. On this basis it is recommended that planning permission is granted subject to the conditions set out in Appendix 1.

8. **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9. Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Strategic Objective 9 seeks to promote a low carbon Shropshire by measures that include the generation of energy from renewable sources
- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)
- Policy CS19 (Waste Management Infrastructure)

10.1.2 Waste Local Plan ('saved' policies)

- Policy 20 (Biogas and Anaerobic Digestion Facilities) – stating that proposals for the development of biogas and anaerobic digestion facilities which enable the best practicable use of by-products from the digestion process for energy recovery and soil improvers will be permitted in appropriate locations, where the proposal complies with other relevant policies in the Development Plan.
- Policy 25 (Development Control Considerations)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): The NPPF states that one of the core planning principles is that planning should support the transition to a low carbon future and encourage the use of renewable resources (para. 17). Amongst other matters, the NPPF: supports a prosperous rural economy, and states that plans should promote the development of agricultural businesses (Chapter 3); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11). The NPPF states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and should approve applications for renewable or low carbon energy if its impacts are (or can be made) acceptable (para. 98).

10.2.2 Planning practice guidance for renewable and low carbon energy: This provides advice on the planning issues associated with the development of renewable energy. It states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. For biomass proposals, the guidance states that considerations that can affect their siting include appropriate transport links.

10.2.3 National Planning Policy for Waste (October 2014)

10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD12 (Natural Environment)
- MD14 (Waste Management Facilities)

10.4 Relevant Planning History:

11/04052/FUL Erection of a building for pelleting/storage of biomass crop (Miscanthus) with attached office; installation of roof mounted PV solar panels; provision of a weighbridge; provision of visibility splay and associated works; landscaping scheme to include earth bund (Amended Description) PERMITTED 5th April 2013

14/05167/SCO Scoping opinion for the erection of four poultry units, feedstock clamps and anaerobic digester plant SCOPING OPINION 17th February 2015

15/00924/EIA Erection of two poultry sheds and feed bins, ancillary works including access track and associated landscaping works CURRENTLY UNDETERMINED

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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The application ref. 15/01108/MAW and supporting information and consultation responses.
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Andrew Davies (Cheswardine)
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Appendices APPENDIX 1 - Conditions

APPENDIX 1 - Conditions**STANDARD CONDITION(S)**

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a detailed scheme for the disposal of surface water and all treated foul sewage, to include discharges to any watercourses and discharge rates, has first been submitted to and approved in writing by the Local Planning Authority, together with a timetable for its installation. The development shall thereafter only be implemented in accordance with the approved scheme.

Reason: To ensure that appropriate drainage arrangements are in place which minimise the risk of flooding of adjoining land, prevent pollution and minimises the risk of creating land instability in the adjacent Woodseaves Canal Cutting.

4. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). The written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest, and therefore an appropriate programme needs to be agreed prior to the development proceeding.

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

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

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

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

7. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

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

8. Prior to the development hereby permitted being first brought into use the junction onto the A529 and access road leading to the site, indicatively shown on Drawing no.SA18459-01 Rev A, shall be laid out and constructed fully in accordance with details and a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

10. Within two months of the commencement of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour, traffic and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint;
- ii. Reporting the results of the investigation to the Local Planning Authority;
- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

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

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

11. (a) The maximum tonnage of materials imported to the site in any calendar year shall not exceed 14,200 tonnes. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.

(b) The Site operator shall maintain a record of the tonnage of materials including energy crops and agricultural wastes processed at the anaerobic digester plant per year. The record shall be made available to the Local Planning Authority upon prior written request.

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

12. Food waste shall not be processed at the site.

Reason: To protect local amenity and prevention pollution.

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

Reason To protect the amenities of the local area.

14. Vehicle movements associated with the delivery and of feedstock to/from the site via the public highway shall not take place other than between the following hours: Monday to Friday: 07:30- 18:00,

Saturdays: 08:00 - 13:00.

No such vehicle movements shall take place on Sundays or Bank Holidays.

Reason: To protect local amenity.