

**Open Report on behalf of Richard Wills
Executive Director, Environment & Economy**

Report to:	Planning and Regulation Committee
Date:	5 June 2017
Subject:	County Matter Application - W127/135826/17

Summary:

Planning permission is sought by Mr Adam Duguid (Agent: G J Perry Planning Consultant) for the installation of plant compound for the cleaning and distribution of gas to the National Grid on land adjacent to the existing anaerobic digester plant, Hemswell Cliff Industrial Estate, Hemswell Cliff.

Given the size, scale and location of the development and as the gas treatment process would be within a sealed system, it is concluded that the proposed development would have a negligible impact upon the visual appearance and character of the area and would not give rise to impacts that would adversely affect the amenity of nearby residents or businesses.

Recommendation:

Following consideration of the relevant development plan policies and the comments received through consultation and publicity it is recommended that conditional planning permission be granted.

Background

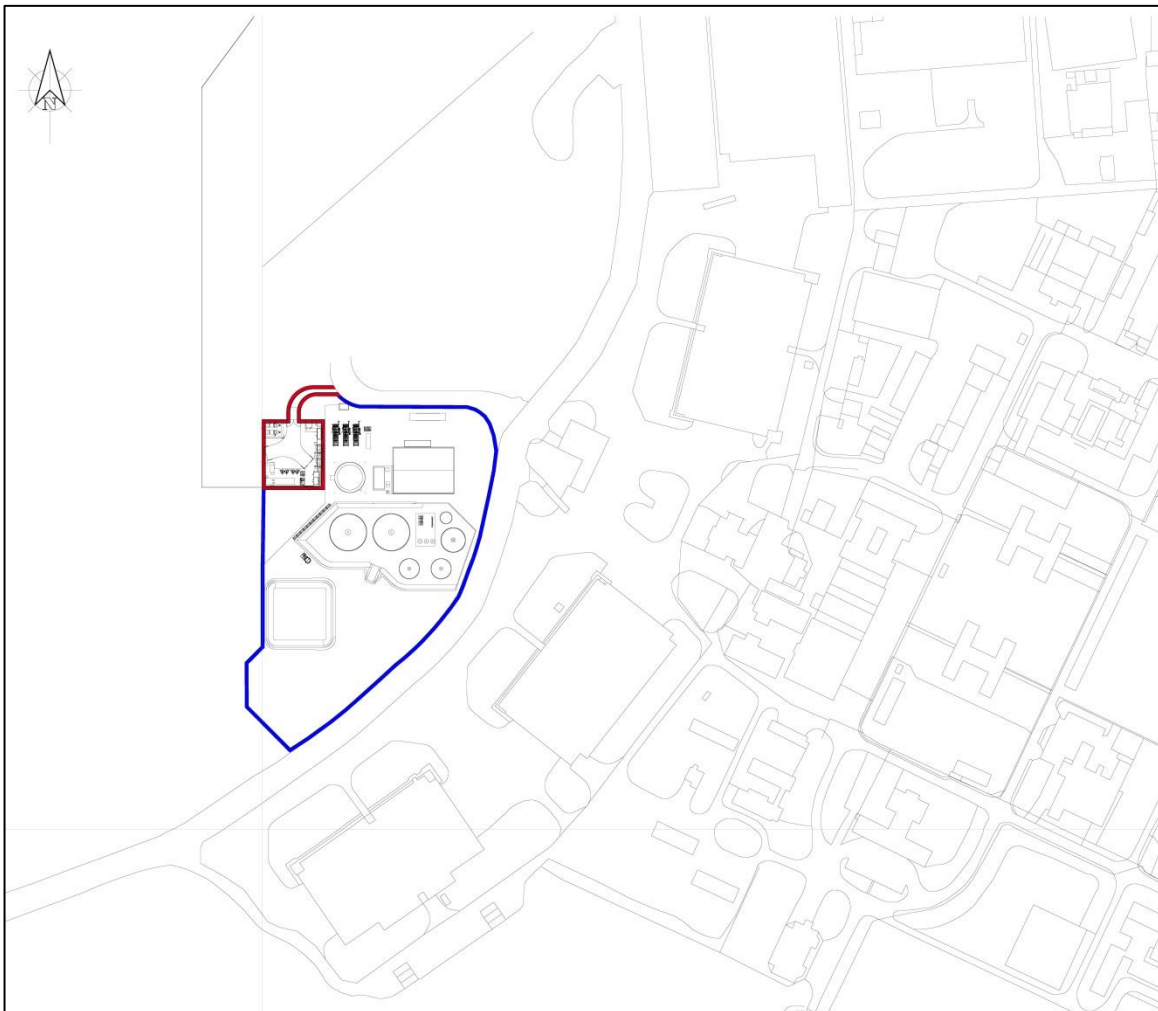
1. Planning permission for the construction of an anaerobic digestion facility (AD facility) at Hemswell Cliff Industrial Estate was first granted on 11 February 2013 (reference: W127/129257/12). Since then several subsequent Section 73 planning permissions have been granted which have varied conditions attached to the consents and approved changes to the original design and layout of the site including the size of the ancillary buildings and number of digester tanks and permitted an increase in the annual tonnages handled by the site (references: W127/130114/13, W127/131971/14, W127/133701/15 and W127/134934/16).
2. In addition to the above permissions, West Lindsey District Council has also granted two separate planning permissions for digestate storage lagoons which are used to store the digestate until it is ready to use/spread on the surrounding farmland (references: 132412 dated 29 September 2015 and 134287 dated 1 August 2016). These lagoons are located some distance

from the AD facility (to the north-east and east) and are connected to the AD facility via an underground pipeline.

3. The applicant is now seeking planning permission to erect a new building and install additional plant and equipment adjacent to the main anaerobic digestion facility which would be used to clean a proportion of the biomethane gasses produced by the plant so they can then be piped directly into the National Grid. Details of the additional plant and equipment proposed by this application are set out in this report.

The Application

4. Planning permission is sought for the installation of a plant compound for the cleaning and distribution of gas to the National Grid on land adjacent to the existing anaerobic digester plant, Hemswell Cliff Industrial Estate, Hemswell Cliff.



Site Location Plan

5. The anaerobic digestion plant currently produces electricity that is used by the nearby Eco Plastics complex as well as being exported to the National Grid for use elsewhere. The AD facility has an electricity connection to the National Grid network which is rated at 3MW however this is in the process of being upgraded to 4.8MW. The Government's incentives relating to the production and selling of electricity to the National Grid have however recently been removed and new subsidies and incentives are to be introduced supporting developments which would provide gas directly to the Grid instead.

6. The applicant states that the AD facility produces 40% carbon dioxide and 60% bio-methane gases and to produce electricity involves the burning of the bio-methane gas which could otherwise be cleaned up and piped directly into the Grid as an alternative form of green energy. In percentage terms it is claimed that the combustion of the bio-methane gas to produce electricity is only 24% efficient whilst utilising and exporting the gas would increase this efficiency to around 60%. Although the AD facility would still produce electricity by processing some of the gases produced the applicant is seeking planning permission to install additional plant and equipment at the site so would enable a proportion of the biomethane gasses produced to be cleaned and be piped directly into the Grid for use elsewhere.

7. A new building and additional plant and equipment would be installed associated with this gas to grid project and these would be located within a compound (approx. 0.15 hectares in size) located immediately adjacent to the northwest corner of the main AD facility. The various elements comprise of the following:
 - A steel framed building (approx. 16m x 4m x 3.6m to the eaves) which would be clad with profile steel sheeting (Juniper Green in colour) to match the existing buildings associated with the AD facility. This building would house the main equipment used for the cleaning of the gas before it goes through the filters into the Grid;
 - A kiosk/container style building (3m x 5.5m x 3m high) housing the Grid connection entry systems. This building would be constructed of profile steel and Juniper Green in colour;
 - A power distribution GRP cabinet (3m x 3m x 3m high) also Juniper Green in colour;
 - 4no. 6m high vertical silos (7m to the top of the safety rails) that would have activated filters used to purify the biogas;
 - 2no. 4m high horizontal propane gas storage tanks (5m to the top of safety rails) which would contain Flogas which is a product needed to clean the gas prior to it entering the Grid;

8. Similar to the existing AD facility the gas to grid plant and equipment would operate automatically and does not require day-to-day management. It would be operated 24/7 and all year round and would be monitored by existing staff associated with the main AD facility.
9. Once cleaned the gas would be exported to an existing gas grid pipeline located alongside the A15 via a new connecting pipeline from this development. This connecting pipeline would be provided by the statutory undertaker using their permitted development rights as granted under Schedule 2, Part 15, Class A of the Town & Country Planning (General Permitted Development) Order 2015 and as a consequence does not form part of this proposal.

Site and Surroundings

10. The proposed compound would be constructed on an area of land located immediately adjacent to the north-west corner of the main AD facility and covers an area approximately 0.15 hectares in size.



View of site (looking south)



View of site (looking north)

11. The AD facility itself is located on land which immediately adjoins the existing and allocated Hemswell Business Park (a former RAF base). The former hangars and buildings lie to the east of the site and now accommodate a range of B1, B2, B8 and A2 uses. To the north of the proposal site lies the Eco Plastics waste plastics recycling facility and to the west and south lie agricultural fields. Beyond the existing hangars, lies an antiques centre (approximately 300m) and the settlement of Hemswell Cliff. The nearest residential properties to the proposal site are approximately 335m to south-east with the Hemswell Cliff Primary School approximately 550m to the east.
12. Access to the site is gained via the estate road which serves the Business Park and which has two access points directly onto the A631 to the south. Both of these junctions are of an appropriate size and specification for use by HGV traffic. Approximately 700m to the west of the site runs the B1398 (Middle Street) where clear views of the Business Park and the AD facility can be obtained.

Main Planning Considerations

National Guidance

13. National Planning Policy Framework (NPPF) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development. The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 17 (Core Principles) - sets out the core planning principles that underpin both plan-making and decision-taking. These include (amongst others) that planning should be genuinely plan-led; that decisions should enhance and improve the places in which people live and proactively drive and support sustainable economic development; that high standards of design and a good standard of amenity for all should be secured; that areas of special character and beauty are conserved and protected, etc.

Paragraph 98 (Energy Development) - advises that applicants for energy development should not be required to demonstrate the overall need for renewable or low carbon energy and instead planning authorities should recognise the valuable contribution such schemes can make to cutting greenhouse gas emissions, and; approve applications if their impacts are (or can be made) acceptable.

Paragraphs 109 & 110 (Pollution) - seek to conserve, enhance and minimise pollution and other adverse effects on the local and natural environment.

Paragraph 120 (General Amenity) - seeks to prevent unacceptable risks from pollution and protect general amenity.

Paragraph 122 – (Planning & Pollution Control Regimes) - states that local planning authorities should focus on whether the development itself is an acceptable use of land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

Paragraph 123 (Noise) - seeks to prevent adverse impacts as a result of noise pollution.

Paragraphs 186 & 187 (Decision-taking) - state that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicant to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 206 (Planning Conditions) - states that planning conditions should only be imposed where they are necessary, relevant to plan and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraphs 215 and 216 (Local Plan & Policy Status) - state that 12 months after the publication of the NPPF (2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF, with the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given. Weight may also be given to relevant policies contained within emerging plans with greater weight being afforded to taking into account their stage of preparation and/or the extent to which there are unresolved objections to relevant policies.

Local Plan Context

14. Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies 2016 (CSDMP) – this document was formally adopted on 1 June 2016 and as a recently adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy DM1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the County Council will take a positive approach. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy DM3 (Quality of Life and Amenity) states that planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts to occupants of nearby dwellings or other sensitive receptors as a result of a range of different factors/criteria (e.g. noise, dust, vibrations, visual intrusion, etc).

Policy DM17 (Cumulative Impacts) states that planning permission will be granted for minerals and waste developments where the cumulative impact would not result in significant adverse impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

Central Lincolnshire Local Plan 2017 (CLLP) – this document was formally adopted on 24 April 2017 and as a recently adopted document the policies contained therein should be given great weight in the determination of planning applications. The key policies of relevance in this case are as follows (summarised):

Policy LP1 (Presumption in Favour of Sustainable Development) emphasises the need to take a positive approach in the presumption in favour of sustainable development contained in the NPPF where there are no identifiable adverse impacts.

Policy LP17 (Landscape, Townscape and Views) seeks to protect and enhance the intrinsic value of our landscape.

Policy LP26 (Design and Amenity) requires developments to demonstrate how amenity of neighbouring residents and land users have been considered.

Results of Consultation and Publicity

15. (a) Local County Council Member, Councillor Mrs Clio Perraton-Williams – was elected as the new Local Member following the recent elections held in May and so was consequently notified of this application on 8 May 2017. No comment/response had been received within the statutory consultation period or by the time this report was prepared.
- (b) Harpswell Parish Council (adjoining Parish) – has raised several concerns regarding the AD facility. Some of these relate directly to this application whilst the other concerns raised relate to the routing and potential impacts associated with the proposed connecting gas pipeline (not part of this application) and more general comments regarding the existing AD facility operations and activities. These are summarised as follows:
- Noise – these concerns relate directly to this proposal. It is commented that some residents have reported adverse noise effects associated with the operation of the existing anaerobic digester plant and this has caused sleep disturbance for some residents. Consequently, it is requested that the cumulative operational noise impacts caused by the existing plant in combination with the proposed additional plant are modelled to ensure that additional disturbance to Harpswell residents can be avoided.
 - Pipeline route – these concerns relate to the proposed gas pipeline which is to be installed to transfer gas from the AD facility to the National Grid network. Concerns are expressed that the pipeline route would cross a landscape of heritage importance and therefore it is requested that an appropriate scheme of archaeological investigation is undertaken to mitigate any significant effects upon the archaeological resource along the proposed pipeline route.
 - Concerns regarding existing AD facility – the following concerns relate more to the current permitted operations and activities associated with the AD facility. These are not therefore directly

relevant or material to the determination of this application but are included for completeness.

- Odour - major concerns regarding the offensive smell of the digestate when it is spread upon farmland within the Parish. Residents are well used to and wholly accept that agricultural odours are an essential part of rural living (and that digestate is a valuable source of nutrients for plant growth) however, the egregious odour associated with the digestate that originated in this plant and which was spread on fields last year was of a different order of magnitude to that experienced before. The offensive odour forced residents to keep windows and doors shut and to avoid outdoor socializing. Some dog walkers also reported that permissive paths around the margins of fields sprayed with digestate became no-go areas for about a week, leading to a loss of amenity. Concerns that air quality is being reduced and this is a matter of concern to many residents.
- Traffic - Concerns that the transportation of digestate from the AD facility to distant third-party lagoons via lay-flat hoses could lead either directly or indirectly to the pollution of watercourses and therefore the Parish Council is keen to ensure that any such potential impacts are monitored and that appropriate standards are enforced.

Concerns regarding the transportation of digestate to fields resulting in increased vehicle movements through the village - which is served by a single-track road - during the agriculturally busy spring and summer months. This period also corresponds with a peak in activity associated with a local business, which transports marquees on articulated lorries to and from festivals and other major outdoor events through Harpswell village. The impacts of increased vehicle movements are experienced keenly by Harpswell residents, because of the rural setting of the village.

(c) Environmental Protection (EHO) (West Lindsey District Council) – has made the following comments in relation to the proposal:

- Increasingly concerned about the piecemeal development of this site especially in view of the wider planned Agricultural Food Enterprise Zone which is to be constructed adjacent to the site;
- concerns that little information has been provided regarding the identification of potential hazards and risks associated with the storage, handling, cleaning and transfer of gas from the site to the Gird;
- concerns regarding potential impacts in terms of noise and odour which have been a significant concern of local residents or how this

new development may impact upon air quality or how it may be managed.

- (d) Environment Agency – no objection but has advised that the sites existing Environmental Permit would need to be varied to include the proposed plant compound. This advice could be appropriately dealt with by way of an Informative.
- (e) Highway & Lead Local Flood Authority (Lincolnshire County Council) – no objection.

The following bodies were also consulted on the 10 February 2017 but no comments/response had been received within the statutory consultation period or by the time this report was prepared:

Hemswell Cliff Parish Council
Hemswell Parish Council (adjoining Parish)
Lincolnshire Fire & Rescue
National Grid.

16. The application has been advertised by way of notices posted at the site and in the local press (Gainsborough Standard on 14 February 2017). Three representations have been received as a result of this publicity and the objections, concerns and comments received are summarised as follows:
- Residents have already suffered from smell and noise resonating from the site. The existing plant has been built far too close to residential areas and the site should not be allowed to expand further.
 - Noise has been an ongoing problem and complaints have been made about the persistent machinery noise particularly in the evenings when the wind drops. No noise abatement is mentioned in the application and therefore there are concerns that equipment such as large fans will create huge noise problems. Harpswell village is only 600m from the site and another increase in the operations at the site would exacerbate impacts and would affect the right of residents to enjoy their homes and gardens.
 - Odour from the digestate is vile and is spread all times of year. If this is applied to a growing crop it cannot be incorporated into the soil.
 - Concerns over safety given the volatility of the product and as there have been reported explosions at sever AD plants across the country.

District Council's Recommendations

17. West Lindsey District Council have no objection to the application but requests that the comments of the Environmental Protection Officer be taken into account when determining the application.

Conclusion

18. The additional buildings/units, plant and equipment associated with this gas to grid project would be positioned immediately adjacent to the main AD facility and when compared with the existing buildings and structures are relatively low profile. When viewed from outside of the site (particularly from the west) these would be set against the backdrop of the larger-scale AD facility and consequently would not have an adverse visual impact on the area.
19. Objections and concerns have been received from a number of parties including Harpswell Parish Council, the EHO, a nearby business and residents in relation to odour and noise impacts both associated with this proposal and the existing AD facility. Officers are aware that there have been complaints about noise and odours in the area and these have been blamed upon the operations of the AD facility especially in relation to the storage and spreading of the final digestate within the off-site lagoons. In terms of odours, when previous complaints have been investigated it has not been possible to relate these to the AD facility itself and instead have appeared to have been associated with spreading on land from other local farming activities. The applicant states that the spreading of final digestate from the AD facility does not take place during the winter months due to spreading restrictions and all digestate from the AD facility is pumped to the lagoons via underground pipelines and are therefore sealed. The lagoons where the digestate is stored have also been fitted with membranes to minimise any fugitive odours and these have been approved by West Lindsey District Council who is responsible for enforcing any issues that may arise associated with those activities. Consequently whilst these objections are noted the previous issues have not be directly attributable to the AD facility and in any case are not pertinent to the determination of this proposal. In terms of this development, gases from the AD facility would be directly pumped and treated using the new specialised plant and equipment and then directly fed via a pipeline into the National Grid network. Given the sealed nature of this system and operations this development would therefore be unlikely to give rise to adverse odours.
20. In terms of noise, the plant and equipment already associated with the AD facility has previously been assessed and approved as it has been demonstrated that noise from its operation would not have an adverse impact on nearby sensitive receptors. Although concerns have been raised about the plant and equipment associated with this gas to grid facility, this would be housed within sealed units and so would help to attenuate any noise emissions. The gas to grid facility would also be located close to the main AD facility and between the site and the nearest residential properties lies the other businesses on the industrial/business park. Therefore whilst there could be a minor increase in noise levels as a result of this development, taking into account the existing industrial/commercial nature of the uses immediately surrounding the site and the distance of the site from any noise sensitive receptors it is considered that the development is

unlikely to have an unacceptable impact on the area or nearby users/residents in respect of noise.

21. Having taken the above into account, overall your Officers are satisfied that the proposed additional tanks and structures would have a negligible impact upon the visual appearance and character of the area and would not give rise to impacts that would adversely affect the amenity of nearby residents or businesses and therefore not be contrary to the objectives or principles of the NPPF or CSDMP policies DM3 and DM17 or CLLP policies LP1, LP17 and LP26.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.
2. The development hereby permitted shall only be carried out in accordance with the following documents and plans, unless otherwise agreed in writing with the Waste Planning Authority (WPA), or where modified by the conditions attached to this planning permission or details subsequently approved pursuant to those conditions. The approved documents and plans are as follows:
 - Planning application form and supporting letter (date stamped received 16 January 2017);
 - Drawing No. A2993-001 'Location Plan' (dated stamped 24 January 2017);
 - Drawing No. AL1-CAP-68-XX-DR-M-0004 P4 & Drawing No. AL1-CAP-68-XX-DR-M-0007 P2 (date stamped received 1 February 2017).
3. The external wall cladding of all new buildings to be constructed as part of the development hereby permitted shall be 'dark olive green' in colour and shall thereafter be maintained in a good condition for the duration that the development hereby permitted subsists.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and to ensure the development is implemented in all respects in accordance with the approved details.

3. To minimise the impact of the development on the visual appearance and character of the surrounding area.

Appendix

These are listed below and attached at the back of the report	
Appendix A	Committee Plan

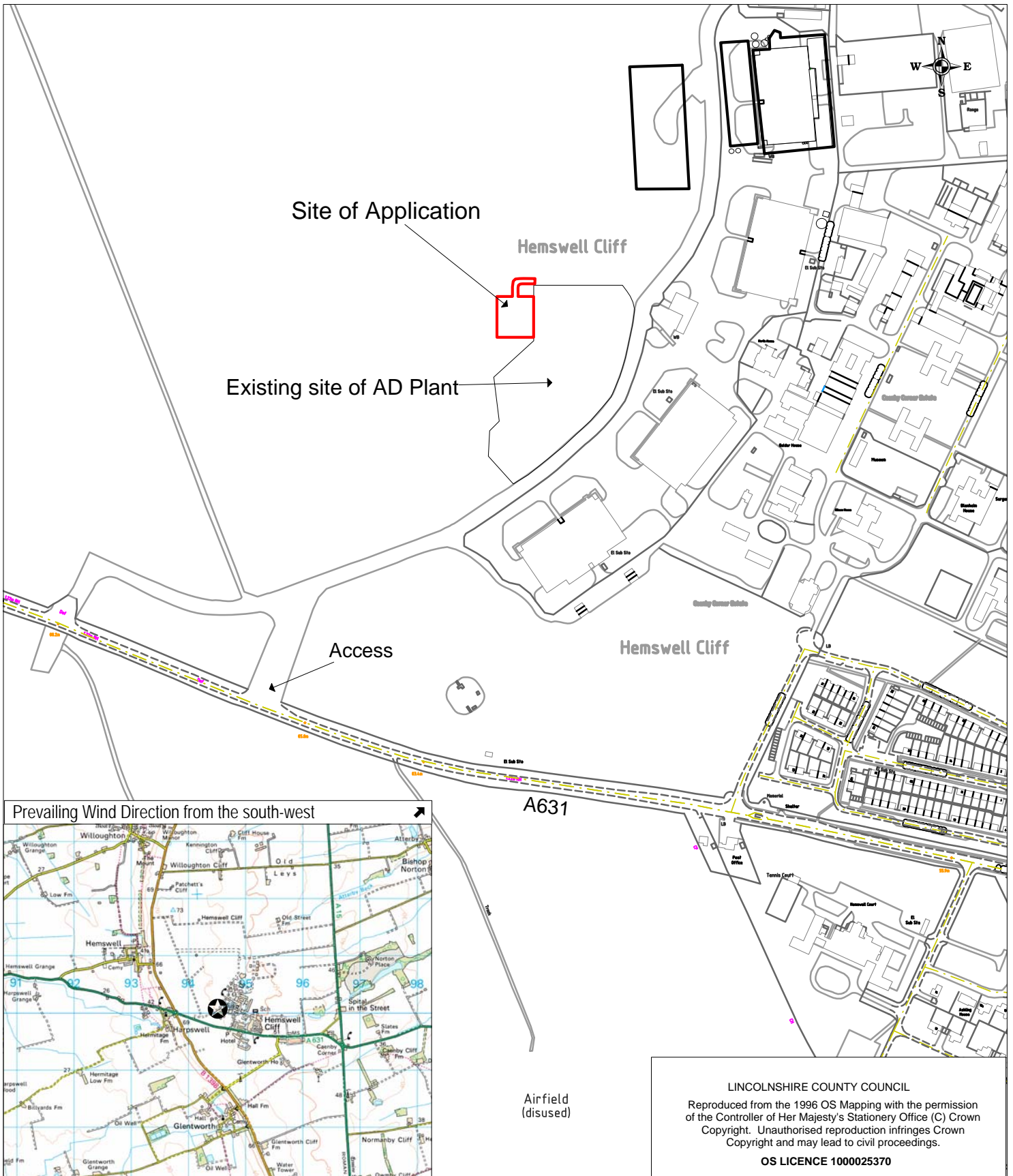
Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File W127/135826/17	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Planning Policy Framework (2012)	The Government's website www.gov.uk
Lincolnshire Minerals & Waste Local Plan: Core Strategy and Development Management Policies (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk
Central Lincolnshire Local Plan (2017)	West Lindsey District Council website www.west-lindsey.gov.uk

This report was written by Marc Willis, who can be contacted on 01522 782070 or dev_planningsupport@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL Appendix A
 PLANNING AND REGULATION COMMITTEE 5 JUNE 2017



Location:

Anaerobic Digester Plant
 Hemswell Cliff Industrial Estate
 Hemswell Cliff

Description:

For the installation of plant compound for the cleaning and distribution of gas to the National Grid on land adjacent to the existing anaerobic digester plant

Application No: W127/135826/17

Scale: 1:5000