

**Open Report on behalf of Andy Gutherson
Interim Executive Director for Place**

Report to:	Planning and Regulation Committee
Date:	14 January 2019
Subject:	County Matter Application – S18/2119

Summary:

Planning permission is sought by Moor Bio-Energy Ltd (Agent: Cornerstone Planning Ltd) to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of planning permission S37/0354/16. The proposed amendments would allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment associated with the anaerobic digestion facility located at land east of A1, Gonerby Moor, Grantham.

The proposed development does not seek to increase the 55,000 tonnes per annum of feedstock being processed through the site but to increase range or permitted waste types and their proportions. The key issues to be considered in relation to this application are the potential for adverse impacts arising from transport, odour and lighting.

The application has been supported with information which demonstrates that, subject to the imposition of appropriately worded conditions, the proposed development would not have any unacceptable or significant adverse impacts on the surrounding environment, highway or any amenity of adjacent land users.

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 was granted on 9 June 2016 (Ref: S37/0354/16) for the erection of a 4MW biogas to grid Anaerobic Digestion (AD) plant comprising of two digester tanks, one post digestate tank and associated infrastructure. The feedstock for this application was identified as energy crops and straw

based animal manure. The original permission contained a number of pre-commencement planning conditions which required the applicant to submit for approval further details relating to the development. These included details relating to an archaeological investigation of the site, odour management and to identify locations for bat and bird boxes. The various details were all submitted and approved (October 2018), with an expectation that (where required) works would be carried out before the expiration of three years from the date the planning permission was granted (i.e. by 9 June 2019).

2. The applicant is now seeking to amend a number of the planning conditions attached to the planning permission. The conditions identified are as follows:

Condition 2 – this lists the documents and plans that were originally approved when planning permission was granted. The plans listed included site layout plans which the applicant is proposing to replace with revised drawings to reflect additional infrastructure and equipment which are required in order to manage the new waste types proposed. The revised plans also reflect the removal of infrastructure no longer required due to advances in technology relating to the operations of the AD plant.

Condition 3 – this specified that the feedstock materials shall be restricted to straw and chipped farmyard manures and energy crops. It is proposed to amend this condition so as to include a broader range of specified feedstocks.

Condition 4 – this stated that the annual tonnage of waste being brought to the site shall not exceed 33,000 tonnes per annum. All wastes brought to the site are also required to be weighed at the site's weighbridge and records retained for at least two years and be available for inspection by the Waste Planning Authority upon request.

Condition 6 – this provided for an Odour Management Plan that addressed the measures to be adopted to control odour emissions from the feedstock materials (cited by Condition 3).

Condition 11 – this required that noise levels shall not exceed those identified in the approved Noise Impact Assessment (and addendums) and was based on the plant and equipment that was to be installed as part of the original AD plant.

Condition 15 – this stated that there shall be no external lighting.

3. In addition to amending the above conditions, the applicant is seeking permission to remove Condition 10. Condition 10 requires that a Mississippi Paddle Dryer air purification system (proposed as part of the currently permitted development) be maintained for the duration of the development.

The Application

4. Planning permission is sought by Moor Bio-Energy Ltd (Agent: Cornerstone Planning Ltd) to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of planning permission S37/0354/16. The proposed amendments would allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment associated with the anaerobic digestion facility located at land east of A1, Gonerby Moor, Grantham.
5. The applicant proposes to amend a series of planning conditions attached to the existing planning permission so as to facilitate and allow these amendments to be made. The proposed amendments would result in a change to the appearance and layout of the site (Condition 2); a change to the permitted feedstocks and their proportions (Conditions 3 and 4); and also update references to the odour and noise management reports/plans and restriction on external lighting (Conditions 6, 11 and 15). It is also proposed to remove Condition 10 which referred to the use of a specific piece of equipment which is no longer required for the revised AD plant. This plant and equipment would instead be replaced by a new pasteurisation system and so therefore render the current Condition 10 redundant.
6. The amendments are sought as a number of circumstances have, since the grant of the original planning permission, changed to such an extent that the applicant now proposes to introduce new waste streams and increase the proportion of waste being brought to the site. The applicant states that it is not proposed to increase the overall tonnages of all feedstocks handled through the AD plant (which is limited to 55,000 tonnes per annum) but rather to broaden the range and proportion of wastes in order to improve the efficiency of the plant.
7. The applicant has advised that following the grant of planning permission in June 2016, the Renewable Heat Incentive (RHI) requirement (that would in part fund the construction of the AD plant) has deemed that at least half of the biogas generated must arise from waste feedstock. Unfortunately the applicant has encountered difficulties in securing a consistent and regular source of strawed and chipped farmyard manures of sufficient quality that would guarantee this rate of biogas generation and so it is now proposed to introduce liquid food waste, arising from food manufacturing, as a pre-treated feedstock and chicken litter both capable of generating the percentage of biogas required to receive RHI.
8. The applicant states that the site would continue to receive energy crops, which would be ensiled as previously approved and would retain the provision to receive and hold, within the approved clamps, strawed and chipped farmyard manures. The liquid food waste would be brought to site in sealed 20 tonne HGV tankers and would be transferred to the digester via a small sealed reception tank, surrounded by a 1.0 metre high bund. This tank is modest in size but is an integral part of the direct injection process.

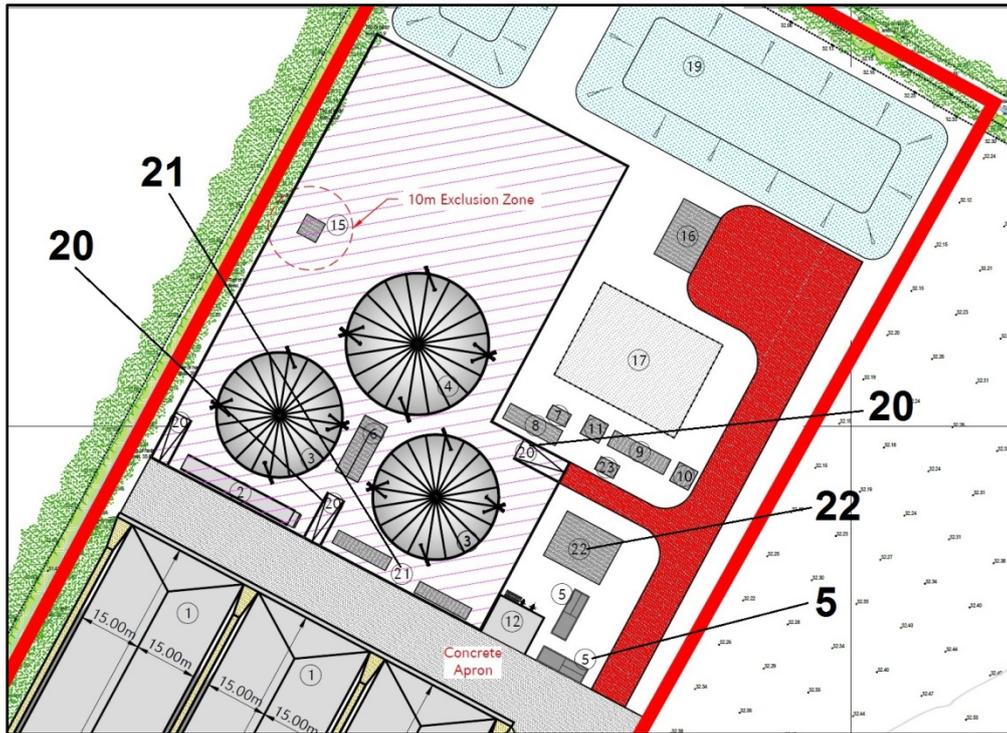
The reception tank is fitted with a bio-filter to mitigate any escaping odour and being direct injection the waste is not exposed to the air at any point of the transfer from the HGV tanker.

9. The chicken litter would be brought to the site in 28 tonne HGV's, the proposal does not seek to provide for long term storage however, a small building would be used to hold chicken litter on delivery and this building would be fitted with an exhaust air scrubber and bio-filter.
10. Finally, the original planning permission proposed the use of a Mississippi Paddle Dryer as part of the post digestion treatment regime of the liquid digestate but this equipment would no longer be required and so would be replaced by a pasteurisation plant. The pasteurisation system would heat treat the digestate to meet the Environment Agency British Standard Institute (BSI) PAS110 (Publicly Available Specification) which allows digestate to be spread to fields without the need for further permits.

Revised Site Layout

11. The existing approved site layout plan is shown on Plan 1 (below) and identifies all the plant and equipment that has been approved as part of the original AD Plant. Under the revised scheme, the site office (item 5), two access ramps (items 20), economizer and input system (item 21), along with the Mississippi paddle dryer (item 22) are no longer required and so would be removed from the approved site layout. The size/dimensions of these approved elements are as follows:

Item Nos	Structure/Equipment	Height above ground level (metres)	Length (metres)	Width (metres)
5	Site Office (x1)	3.2	12.0	4.0
20	Access Ramp (x2)	1.5	11.0	4.5
21	Economizer and Input System	3.85	14.3	3.4
22	Mississippi Paddle Dryer	7.6	15.0	12.0

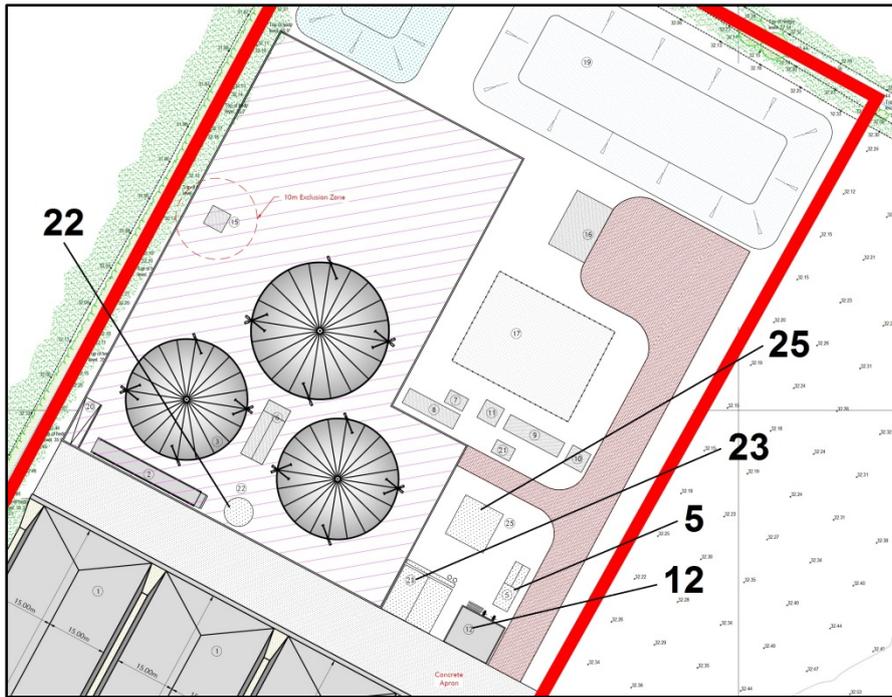


Approved site layout plan

12. A number of approved structures would also need to be relocated and new plant and equipment installed in order to manage the broader range of waste types now proposed. These include the site office (item 5), digestate storage area, which would be fully enclosed and fitted with a bio-filter (item 12), a new reception tank (item 22), chicken litter store and scrubber and bio-filter (item 23) and pasteurisation plant (item 25). The size/dimensions of these proposed elements is as follows:

Item Nos	Structure/equipment	Height above ground level (metres)	Diameter (metres)	Length (metres)	Width (metres)
5	Site Office (x1)	3.2	-	12.0	4.0
12	Digestate Storage Area and bio-filter	3.0	-	12.0	10.0
22	Reception Tank	2.0	7.08	-	-
23	Chicken Muck Store	3.0	-	13.14	12.3
23	Scrubber & bio-filter	2.5	-	9.0	3.0
25	Pasteurisation Plant	2.3	-	10.8	10.5

These are reflected on the proposed revised site layout plan as shown on Plan 2 (below). The applicant is proposing that this revised plan be approved by amending Condition 2.



Proposed revised site layout plan

Traffic

13. The application is supported by a revised Transport Statement which identifies the routes proposed for accessing the site and gives a breakdown of the proposed vehicle movements associated with the AD Plant. This statement indicates that all feedstocks (crop and waste) and final digestate would be delivered and dispatched using HGVs. Under the permitted scheme the number of vehicle movements per day would vary throughout the year given the seasonal variation in feedstock and taking into account the harvest period. The number of currently consented two way movements therefore range between an average of 22 to 60 per day. Under the proposed revised scheme a greater proportion of waste would be brought to the site thereby reducing reliance on harvested crop. This would therefore result in a change to proposed traffic movements. The number of proposed two way movements would range between an average of 29 to 38 per day. This therefore means that the number of traffic movements would be more evenly spread throughout the year and reduce that experienced during peak season/periods.

Odour, Noise and Light

14. As previously identified the buildings and structures holding waste would be fitted with scrubbers and bio-filters. The applicant has also stated that they intend to enclose the solid digestate storage area and fit this with a bio-filter too. A revised odour assessment and management plan has been submitted with the application that amends the documentation currently approved. The assessment identifies potential sources of odour and provides direction to operatives at the site on the appropriate handling and

transfer of ensiled crops, wastes feedstock and digestates. A risk assessment has been included which has been carried out in accordance with the Environment Agency's guidance and identifies a number of sensitive receptors including the nearest residential/leisure located approximately 1.0 kilometre to the east of the site. The revised odour assessment concludes that given the proposed Odour Management Plan it would be unlikely that any sensitive receptor would be impacted by unacceptable odour emissions.

15. An updated and revised noise assessment has also been submitted with the application which amends, where necessary, that approved in relation to Condition 11. The assessment concludes that the new equipment including the replacement of the Mississippi Paddle Dryer would provide a lower level of acoustic power output and therefore the accepted noise levels do not require amendment.
16. Condition 15 precluded the installation of lighting at the site however, the applicant has identified that to ensure the proper and safe operation at the site lighting would be necessary. As a consequence they are seeking to amend this condition so as to permit the submission of a lighting scheme for approval before the site becomes operational.

Flood Risk and Drainage

17. Finally, the applicant has submitted a Ground Investigation Report and a Flood Risk Assessment and Surface Water Drainage Strategy in support of the application which concludes that the approved surface water drainage system would not require any revisions and is sufficiently robust to accommodate the proposed changes to the site layout. As a result there would be no increased risk of pollution or flooding as a result of the proposed changes to the site and the introduction of a reception tank (with bund), chicken litter store building and pasteurisation plant.

Site and Surroundings

18. The application site is currently in use as an agricultural field (Grade 3b) to the east of the A1 (Southbound) slip road giving access to Gonerby Moor Retail. The village of Great Gonerby is approximately 2.5 kilometres to the south east of the site with the town of Grantham beyond. The access road to the site is located off the route of the old A1 (Great North Road) which is no longer maintained at public expense and is separated from the new route of the A1 by a wooden post and rail fence standing approximately 1.5 metres in height.
19. The south eastern boundary of the site is within the agricultural field and is mainly screened from distant views by the Bees' Gorse a coppice of mature native trees approximately 130.0 metres away from the site and the mature planted hedge separating the field from a Motorcross venue. Further to the south east of the site is an agricultural contractor and agricultural related industrial complex of buildings and workshops. The Motorcross venue,

agricultural contractor and industrial complex would share the access to the public highway with the proposed development using the remnant of the redundant A1 (Great North Road) onto the B1174.

20. The north-western and south-western boundaries are continuous planted hedges of native species also interspersed by mature native deciduous trees this hedge continues along the north western boundary of the access road from the field gate. The site and surroundings are flat arable fields and separated by either planted hedges or drainage ditches. To the north approximately 700 metres distant is the route of Green Lane. Approximately 850 metres to the west is the nearest residential property which is located between a 24 hour service station adjacent to the southbound carriageway of the A1 and a large cold store complex and logistics compound on Toll Bar Road, to the south east of this road is an engineering works with external storage and small factory and single wind turbine (Photograph 2). To the east and approximately 1 kilometre from the site is a leisure facility with lodges and fishing lakes. The village of Marston is approximately 5 kilometres to the north and accessed via Toll Bar Road.



View from Green Lane 4.5 kilometres south of Marston village

21. The north-east boundary of the field is defined by the Upper Witham Internal Drainage Board maintained 'Toll Bar Drain' along which is a sparsely planted hedge of native species and interspersed by mature native deciduous trees.

Main Planning Considerations

National Guidance

22. The National Planning Policy Framework (July 2018) sets out the Government's planning policies for England. It is a material consideration in determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs are of particular relevance to this application as summarised:

Paragraphs 7 to 11 (Sustainable development) states that there is a presumption in favour of sustainable development and that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways. These three objectives are: economic, social and; environmental.

Paragraph 38 (Decision making) states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision- makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 39-41 (Pre-application engagement and front-loading) encourages parties to take advantage of the pre-application stage and to engage the local community, and where relevant, statutory and non-statutory consultees before submitting applications.

Paragraph 47 & 48 (Determining applications) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. It also advises on the weight that should be afforded to relevant policies in emerging plans depending upon the stage of their preparation.

Paragraphs 54 to 57 (Use of planning conditions and obligations) states that consideration should be given as to whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and the development to be permitted. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and are also necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Paragraph 170 (Conserving and enhancing the natural environment states that planning decision should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 182 (Existing business facilities) states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have significant adverse effect on new development in its vicinity then the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed.

Paragraph 183 (Use of land) directs that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land. Where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Paragraphs 212 – 214 (NPPF and Local Plans) states that due weight should be given to existing Local Plans where they are consistent with the NPPF. This is of relevance to the Lincolnshire Minerals and Waste Local Plan Core Strategy & Development Management Policies (2016), South Kesteven Core Strategy (2010) and the emerging South Kesteven Proposed Submissions Local Plan (2011-2036).

23. National Planning Policy for Waste (NPPW) (October 2014) is a material consideration in the determination of planning applications and should be read in conjunction with the NPPF. Appendix B sets out specific locational and environmental and amenity criteria to consider when assessing waste management proposals. Of main relevance to this proposal are those relating to odour, noise, lighting, traffic and access and potential for conflict with other land-use.

Local Plan Context

24. Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) (2016) - the key policies of relevance in this case are as summarised:

Policy W1 (Future requirements for new waste facilities) directs the County Council, through the Sites Allocation document, identify location for a range of new or extended waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County.

Policy W3 (Spatial Strategy for New Waste Facilities) states that proposals for new waste facilities, including extensions to existing waste facilities, will be permitted in and around the following main urban areas (the closest identified to the proposed site) as indicated on the key diagram subject to the criteria of Policy W4:

- Grantham.

Proposals for new waste facilities, outside the above areas will only be permitted where (most relevant listed) they are:

- biological treatment of waste including anaerobic digestion (Policy W5).

Policy W5 (Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Composting) states that planning permission will be granted for anaerobic digestion, open air composting, and other forms of biological treatment of waste outside those areas specified in Policy W3 provided that proposals accord with all relevant Development Management Policies set out in the Plan; where they would be located at a suitable “stand-off” distance from any sensitive receptors; and where they would be located on either:

- land which constitutes previously developed and/or contaminated land, existing or planned industrial/employment land, or redundant agricultural and forestry buildings and their curtilages; or
- land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.

Policy DM2 (Climate Change) directs applicants that proposals for minerals and waste management developments should address the following matters where applicable:

Minerals and Waste

- Identify locations which reduce distances travelled by HGVs in the supply of minerals and the treatment of waste, unless other environmental/sustainability and, for minerals, geological considerations override this aim.

Waste

- Implement the Waste Hierarchy, and in particular reduce waste to landfill;
- Identify locations suitable for renewable energy generation;
- Encourage carbon reduction/capture measures to be implemented where appropriate.

Policy DM3 (Quality of Life and Amenity) directs planning permission will be granted for minerals and waste development provided that it does not generate unacceptable adverse impacts arising to occupants of nearby dwellings and other sensitive receptors.

Policy DM13 (Sustainable Transport Movements) states that proposals should seek to minimise road transport and seek to maximise where possible the use of the most sustainable transport option.

Policy DM14 (Transport by Road) seeks to ensure the highway network is of an adequate standard for use by traffic generated by the development, the

arrangements for site access and traffic generated would not have an unacceptable impact on highway safety and ensure a travel plan is in place.

Policy DM15 (Flooding and Flood Risk) seeks to ensure that development is located on land with the lowest probability of flooding and the development should avoid, and wherever possible, reduce flood risk.

Policy DM16 (Water Resources) sets out the requirement that development should not have an unacceptable impact on surface or ground water.

25. Lincolnshire Mineral and Waste Local Plan Site Locations Document (2017):

The proposal site has not been promoted as a preferred site. Although the site may not be allocated this does not necessarily mean that the proposal is unacceptable as the proposal needs to be considered in terms of its compliance with the locational criteria and policies as contained within the CSDMP (2016).

26. South Kesteven Core Strategy (SKCS) (2010) - the key policies of relevance in this case are as summarised:

Policy SP3 (Sustainable Integrated Transport) recognises that development which is necessary in rural areas may only be accessible by motor vehicles and seeks to secure transport statements and travel plans where appropriate and requires the preparation of transport assessments for all developments that are likely to have significant transport implications.

Policy EN2 (Reducing the Risk of Flooding) draws attention to the South Kesteven Strategic Flood Risk Assessment (SFRA) and states that a Flood Risk Assessment (FRA) must be submitted with planning applications as required by the SFRA. On-site attenuation and infiltration will be required as part of any new development wherever possible.

Policy EN3 (Renewable Energy Generation) states that planning permission will be granted for proposals to generate energy from renewable sources, subject to the proposals according with the other Core Strategy policies, national guidance and complying with the following criteria:-

The proposal can be connected efficiently to existing national grid infrastructure and that the proposal should make provision for mitigation of the real emissions/impacts arising from the installation of the renewable energy generation.

Policy EN4 (Sustainable Construction and Design) directs that proposals for new development should consider and demonstrate how the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change in accordance with other core strategy policies.

27. Emerging South Kesteven Proposed Submissions Local Plan 2011-2036 is now at pre-submission stage and as such any policies in the Plan carry limited weight in the determination of this planning application however, the following emerging Policies (summarised) are of relevance:

Policy E4 (Expansion of Existing Businesses) states that expansion of existing businesses will be supported, provided they meet a range of criteria (including highway network) against which all development proposals as required to be assessed.

Policy E7 (Other Employment Proposals) states that employment proposals in locations not covered by other policies will be supported, provided they meet a range of criteria (including highway network) against which all development proposals are required to be assessed.

Policy EN4 (Pollution Control) states that development on its own or cumulatively, will not be permitted if the potential adverse impacts can be mitigated to an acceptable level.

Results of Consultation and Publicity

28. (a) Local County Council Member, Councillor Maughan – has confirmed that he has no objection to the proposal.
- (b) Marston Parish Council (adjoining Parish) – has objected to the proposed variation to conditions for the following reasons:
- Smell – concern expressed that the high percentage of food waste would result in unpleasant smells despite the process taking place in airtight chambers, that would affect The Olde Barn Hotel and Wagtail Fisheries and Toll Bar Road area of Marston village being downwind of the proposal site;
 - Noise – consideration should be given to regular noise monitoring at Harlaxton Engineering and Wagtail Fisheries; and
 - Increased traffic – there is already a large number of HGVs using the C1 road through Marston village. The Parish Council are concerned how much of the HGV traffic would use the C1 through Marston to access the site from the A17 at Brant Broughton.
- (c) Environment Agency (EA) – has no objection to the proposed development but has requested that details for the re-design of the solid digestate area be secured. In addition they have requested that an Informative be attached to any decision issued relating to the Environmental Permitting regime.
- (d) Highway Authority & Lead Local Flood Authority (Lincolnshire County Council) – concludes that the proposed development is acceptable and accordingly does not wish to object to this planning application.

- (e) Western Power Distribution - provided information of the location of their assets in relation to the proposed development and included an Informative relating to safe-working. This advice could be appropriately dealt with by way of an Informative on any planning permission granted.
- (f) Highways England - has commented that the proposed change to the feedstocks (i.e. Conditions 3 and 4) would not detrimentally affect the operation of the Strategic Road Network and has no objection to these changes. They have also confirmed they have no comments to make in relation to the proposed amendments to Conditions 2, 6, 10 and 11. With regard to the proposed amendment to Condition 15 (external lighting) they have recommended that a condition be imposed which would require full details of any lighting proposed to be submitted for the approval of the Waste Planning Authority (in consultation with Highways England).
- (g) The following bodies/persons were notified/consulted on the application on 8 November 2018. No response/comments had been received within the statutory consultation period or by the time this report was prepared:

County Council Member (adjoining) – Cllr Whittington
 Great Gonerby Parish Council
 Environmental Health Officer (South Kesteven District Council)
 Countryside and Public Rights of Way (Lincolnshire County Council)
 Arboricultural Officer (Lincolnshire County Council)
 Historic Environment Officer (Lincolnshire County Council)

29. The application has been publicised by notice posted at the junction of the former Great North Road onto the Gonerby Moor roundabout and in the local press (Lincolnshire Echo Thursday 22 November 2018) and six letters of notification was sent to the nearest residential and business properties. Eleven responses had been received at the time that this report was written. The comments received are summarised as follows:

- There was no consultation of residents in Marston village;
- Noise disturbance;
- Odour concerns from food waste, chicken and pig manure;
- Vermin concern;
- Landscape changes and impacts on views and impact of light spill;
- Highway safety especially tractor and trailers on the A1;
- The character of this development will be altered unacceptably;
- The project is poorly researched and therefore untrustworthy;
- The odour, noise and lighting impacts will affect the leisure business near to the proposed site; and
- The development is too close to houses in Marston village.

District Council's Recommendations

30. South Kesteven District Council has no objection subject to the noise level of the revised plant has no greater acoustic power than what is currently approved.

Conclusions

31. The principle and the need arguments considered for the construction and use of the land for an AD plant in this location together with the evaluation of landscape and visual impacts, flood risk, nature conservation and the historic environment were considered at the time of the grant of the original planning permission (Ref: S37/0354/16).
32. This application seeks to amend certain aspects of the approved development and the key issues to be considered in relation to this application are the need for increased capacity for imported waste, noise and odour impacts and impacts on the highway network and highway safety.

Waste Need and Location

33. Policy W1 of the CSDMP directs the Waste Planning Authority, to extend waste management facilities within Lincolnshire where these are necessary to meet the predicted capacity gaps for waste arisings in the County. In this instance there is a capacity gap identified for Commercial and Industrial Waste the category within which liquid food wastes sit. The introduction and utilisation of these wastes streams would therefore go some way to helping to reduce this capacity gap.
34. In terms of location, as previously confirmed when planning permission was first granted, the AD plant does meet the locational criteria set out in the Policies W3 and W5. Policy W3 of the CSDMP recognises that it may not be possible to locate anaerobic digestion facilities in and around main urban areas and so consequently advises that such facilities should be considered against the criteria in Policy W5. Policy W5 identifies the locational criteria that would need to be met in assessing new proposals for anaerobic digestion plants and states that facilities should be located:
 - at a suitable stand-off distance from any sensitive receptors; and/or
 - land associated with an existing agricultural, livestock, food processing or waste management use where it has been demonstrated that there are close links with that use.
35. In this case, the proposal site is not located close to any sensitive receptors or residential properties with the nearest being 500 metres to the north and another being 1 kilometre to the east. Whilst a number of objectors have expressed concern regarding the source of the feedstocks, especially with regard to vehicles especially tractors travelling long distances delivering farm waste, it is stated that all of the proposed feedstocks would be delivered via the A1 by HGV transport and that the final digestate would be

removed from site by HGV and delivered within local area, which is largely arable in nature. Given this, in terms of location, in principle, the development would still be considered acceptable and would not conflict with the locational criteria set out in Policy W5. However, notwithstanding the above, in order to be acceptable the development must also demonstrate compliance with all the relevant Development Management Policies contained within the plan.

Sustainable Development

36. Policy DM2 of CSDMP states that proposals for waste management developments should be sited in locations which would reduce distances travelled by HCVs (reinforced in Policy DM13 Sustainable Transport Movements) and also which would contribute towards moving waste up the Waste Hierarchy and which support renewable energy generation. In this instance, the source of the energy crop feedstocks and end-use application of final digestate would take place within a relatively small radius of the site as identified in the original application. Whilst the waste feedstock would come from further afield, it would travel using the A1 trunk route and the AD plant would move food waste that would otherwise be disposed of to landfill, up the waste hierarchy. The biogas produced by the plant would also be directly inputted into the National Grid network where it would be recovered to produce energy for use elsewhere. SKCS Policy EN3 supports renewable energy generation that can be connected efficiently to existing National Grid infrastructure and so the proposed development would be in line with the principles of the NPPF, NPPW and support the aims and objectives of the cited policies of the CSDMP and SKCS.

Odour/Air Quality, Noise and Light

37. Comments have been received from local residents and Marston Parish Council expressing concern regarding the potential for noise, odour and light nuisance arising from the proposed development. The application was supported with revised Odour and Noise Assessments and an Odour Management Plan.
38. The odour assessment submitted with this application expands on that previously approved and a revised odour management plan identifies sensitive receptors including those upwind of the application site and includes a monitoring and recording regime that would be applied for the duration of the development. The revisions reflect the proposed new waste feedstock and conclude that given the appropriate handling and containment methods it would be unlikely that there would be a significant impact arising from the operations being carried out at the AD Plant. In addition the applicant has proposed to fully enclose the solid digestate area and to fit bio-filters. There are no details relating to this within the application and therefore the Environment Agency has requested that details of this be secured. As a consequence the specification for the construction of this area could be secured by attaching an appropriate condition to any decision notice issued. Conditions are also recommended which would require the

operators to adhere to the good practice identified with the Odour Management Plan and the Environment Agency (who have not objected to the proposal) have confirmed that the site would also be subject to an Environment Permit. Such a Permit would also impose its own conditions and controls which include those relating to odour management.

39. In terms of noise, the updated and revised noise assessment submitted with this application identifies that the predicted noise levels would be lower than those originally identified and associated with approved AD plant given the proposed replacement of the Mississippi Paddle Dryer with a Pasteurisation Plant. Therefore the noise arising from this development would be less than that of the approved scheme. Accordingly South Kesteven District Council has not objected to this application but requested that the formerly approved noise levels be retained and therefore a condition imposed to ensure this.
40. With regard to lighting, the applicant identified that for reasons of operational safety it is considered necessary to introduce some illumination to the plant site. At this stage however they have not identified the precise nature and location of any such lighting and so has proposed that a condition be attached to any decision notice requiring the submission of a lighting scheme for approval prior to the site coming into use. This requirement was also requested by Highways England in regard to the A1 and highway safety. As a consequence it is considered appropriate to allow the introduction of lighting to the site but subject to any lighting scheme being submitted to the Waste Planning Authority for approval prior to the site becoming operational.
41. Having considered the revised assessments, recommendations and management plans submitted with this application it is considered that the proposed development would conform to the aims of the NPPF, NPPW and PPG and be in line with the objectives identified in Policies DM3 and DM14 of CSDMP and would neither conflict with nor compromise Policy EN3 of SKCS and Policy EN4 of the emerging South Kesteven Local Plan both of which seeks to mitigate the emissions/impacts arising from the installation of the proposed development.

Transport

42. The proposed development is located on land to the east of the A1 and is proposed to be accessed off a private road (remnant of the old A1 Great North Road) which connects the site at the B1174 junction with the A1 at Gonerby Moor. The private access route is in excess of 1 kilometre in length and the owner of the route has expressed concern regarding its use. The operational traffic movements associated with this proposal would be in respect of the HGV delivery of feedstocks, HGV distribution of digestate and associated site maintenance activities. No export of gas would be by vehicles insofar as the biogas product would be directly injected to the nearby National Grid network via a pipeline to be constructed by the utilities company.

43. The Highways Officer and Highways England have not objected to the application. In terms of the private access road, this is in the ownership of a third party and they have been appropriately notified by the applicant when making the application (e.g. through the issue of a Certificate B) and they have also be consulted directly by the Waste Planning Authority. The third party has made a representation and suggested that the use of their private road as a means of access would not be appropriate. Whilst these comments are noted, the application needs to be considered on its own merits and the grant of planning permission is not dependent on land ownership and the applicant has confirmed that there is a private treaty in place allowing access via this route. This issue therefore lies outside the planning remit and does not prevent the application being determined. As indicated above, no objections have been raised by the Highway Authority or Highways England and so from a highway safety and capacity perspective the use of this road is acceptable subject to an appropriately worded planning condition to secure a lighting scheme. Consequently, from a planning perspective the development is acceptable and meets the aims and objectives of the NPPF, NPPW and CSDMP Policy DM14 and would not conflict with nor compromise Policies SP3, EN3 and EN4 of SKCS and Policy E4 and E7 of the emerging South Kesteven Local Plan.

Flood Risk and Water Resources

44. The applicant has submitted a revised Ground Investigation Report and Flood Risk Assessment and Surface Water Drainage Strategy in support of the application. This document concludes that the approved surface water drainage system would be sufficiently robust as to accommodate the proposed changes to the site layout and the introduction of a reception tank (with bund), chicken litter storage building and pasteurisation plant. The Environment Agency has not objected to the proposed amendments and as a consequence the proposed development is considered to be acceptable and would accord with the aims and objectives of the NPPF, Policies DM15 and DM16 of the CSDMP and Policies EN2 and EN4 of the SKCS and Policy EN4 of the emerging South Kesteven Local Plan.

Human Rights Implications

45. The proposed development has been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well – being of the community within these rights and the Council has had due regard to its public sector equality duty under Section 149 of the Equality Act 2010.

Final Conclusions

46. The principle an AD plant in this location was originally evaluated and established through the grant of planning permission S37/0354/16, however, the applicant is now seeking to amend the approved layout of the site and introduce alternative sources of waste as feedstock. Overall, it is concluded

that, subject to the imposition of the recommended conditions, the proposed variation to the approved development would not have adverse impacts on the surrounding environment, highway or other land users and would not conflict with the previously cited provisions of the NPPF, the CSDMP, South Kesteven Core Strategy or the emerging South Kesteven Local Plan.

47. Finally, although Section 73 applications are commonly referred to as applications to “amend” or “vary” conditions they result in the grant of a new planning permission. Therefore, and for clarity and the avoidance of any doubt, it is recommended that the decision notice be issued with a comprehensive set of conditions which consolidates and (where relevant) recites the conditions attached to planning permission S37/0354/16 and/or is updated to take into account any detailed submissions that were approved pursuant to conditions attached to the original consent.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before 9 June 2019. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement.

Reason: To reflect the original deadline for implementation of the planning permission as imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in accordance with the following documents and plans unless otherwise modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions. The approved plans and documents are as follows:

Documents

- Design and Access/Planning Statement: Proposed Anaerobic Digestion Plant Land East of A1, Gonerby Moor, Lincolnshire dated December 2015 (date stamped received 29 December 2015) as amended by letter Ref: AP/sp/020-23 (date stamped received 22 October 2018);
- Air Quality Assessment dated December 2015 (Ref: 1121-1r3) date stamped received 29 December 2015;
- Odour Assessment dated October 2018 (Ref: 1121-4r1) (date stamped received 22 October 2018);
- Odour Management Plan dated October 2018 (Ref:1121-r1) (date stamped received 22 October 2018);
- Ecological Appraisal Report: Proposed 'Moor Bio-Energy' Anaerobic Digester Plant dated December 2015 (date stamped received 29 December 2015);

- Noise Impact Assessment dated November 2015 (REC Ref: AC100340-1R0) date stamped received 29 December 2015 as supplemented by the addendum letter from REC dated 23 March 2016 (date stamped received 30 March 2016) as supplemented by Supplementary Statement on Sound Emissions dated October 2018 (Ref:R2-9.10.18) date stamped received 22 October 2018;
- Flood Risk Assessment & Surface Water Drainage Strategy Revision B dated October 2018 (Ref 20181/FRA&SWDS/RevB/SVH) date stamped received 22 October 2018;
- Transport Statement dated October 2018 (Ref: jgv/18038/TS/v1) date stamped received 22 October 2018;
- Proposed Landscaping Scheme (Job No. 20181); and

Drawings

- Drawing No. 20181/151 Rev A: Proposed Redline Boundary (date stamped received 29 December 2015);
- Drawing No. 20181/802 Rev C: Proposed Site Plan Showing Schematic Drainage Layout' (date stamped received 19 April 2016);
- Drawing No. 20181/005 Rev E – 'Proposed Site Layout and Access Route' (date stamped received 19 April 2016);
- Drawing No. 20181/901 Rev A: Proposed Landscape Scheme Appendix A (date stamped received 19 April 2016);
- Drawing No. 20181/010 Rev B: Proposed Site Elevations (date stamped received 18 April 2016);
- Drawing No. 20181/004 Rev L: Proposed Site Layout (date stamped received 22 October 2018);
- Drawing No. 20181/006 Rev C: Elevations and Details Sheet 1 of 2 (date stamped received 22 October 2018); and
- Drawing No. 20181/007 RevD: Elevations and Details Sheet 2 of 2 (date stamped received 22 October 2018).

Reason: To ensure that the development is carried out in an acceptable manner and for avoidance of doubt as to the development that is permitted.

3. The feedstock shall be restricted to energy crops, strawed and chipped farmyard manures, poultry litter and liquid food waste.
4. The total tonnage of feedstock processed at the application site shall not exceed 55,000 tonnes per annum. All feedstock brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.

Reason: To correspond with the source and volume of feedstock materials for which planning permission was applied and to limit the scale of the operations in the interest of the amenity of the area.

5. In relation to archaeology:

Part 1

The scheme of archaeological investigation must only be undertaken in accordance with the details previously approved by the Mineral Planning Authority pursuant to condition 5 of planning permission S16/0354 (as set out in the decision notice dated 10 October 2018) and subject to the following:

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition 5(i). The applicant will notify the Waste Planning Authority of the intention to commence at least ten days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Waste Planning Authority; and

Part 3

A report of the archaeologist's findings shall be submitted to the Waste Planning Authority within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Waste Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: To ensure satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.

6. The odour mitigation and management controls as identified in the approved Odour Management Plan (date stamped received 22 October 2018) shall be implemented in full for the duration of the development and the monitoring reports shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.
7. The construction of the solid digestate storage area (as identified on Drawing No. 20181/004 Rev L: Proposed Site Layout date stamped received 22 October 2018) shall not commence until details of the materials, colours and proposed bio-filter system have first been submitted to and approved in writing by the Waste Planning Authority. Thereafter the storage area shall be constructed and retained in accordance with the approved details and maintained for the duration of the development and be subject to the requirements of condition 6.

Reason: In the interests of general amenity.

8. The details identifying the locations and specifications of the bat roost boxes and bird boxes previously approved by the Waste Planning Authority pursuant to condition 7 of planning permission S16/0354 (as set out in the decision notice dated 10 October 2018). The boxes shall thereafter be

erected in accordance with the approved details within a period of 12 months beginning with the date on which development is commenced.

9. No ground clearance works shall be undertaken between March and September, inclusive unless otherwise agreed in writing with the Waste Planning Authority. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.

Reason: In the interest of the natural environment.

10. In the first available planting season following commencement of the development, the landscaping scheme as detailed within the approved document 'Proposed Landscaping Scheme' and shown on Drawing No. 20181/901 Rev A: Proposed Landscape Scheme Appendix A (cited in Condition 2) shall be carried out and implemented in full. All trees, shrubs and hedges shall thereafter be adequately maintained and all losses shall be made good for the lifetime of the development.
11. The level of noise arising from the operations on the site shall not exceed those identified in the approved Noise Impact Assessment and addendum letter from REC dated 23 March 2016 (date stamped received 30 March 2016).

Reason: In the interests of general and visual amenity.

12. The discharge rate from the Attenuation Pond identified on approved Drawing No. 20181/802 Rev C: Proposed Site Plan Showing Schematic Drainage Layout shall not exceed 16.3 litres/second/hectare.

Reason: To safeguard against surface water flooding.

13. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.
14. The material stored in the silage clamps shall not exceed the height of 5 metres.
15. No external lighting shall be installed on site unless details of such lighting, including intensity of illumination and predicted lighting contours, have been submitted to and approved in writing by the Waste Planning Authority. Any external lighting shall be installed in accordance with the approved details and shall be maintained for the duration of the development.

Reason: In the interests of general and visual amenity and highway safety.

16. No gas product shall be exported from site except by direct input to the National Grid Network at the site boundary.

Reason: In the interest of the amenity of the area.

17. The access road shall be maintained in a good state of repair and kept clean of mud and other debris.

Reason: In the interest of highways safety.

Informatives

Attention is drawn to:

- (i) Natural England: Standing Advice 'Construction near protected wildlife' - <https://www.gov.uk/guidance/construction-near-protected-areas-and-wildlife>
- (ii) Upper Witham Drainage Board: E-mail ref UD-2560-2016-PLN dated 4 May 2016 relating to Consent Procedure - <http://upperwitham-idb.gov.uk/policyprocedures/consent-procedure/>
- (iii) Environment Agency: See attached letter ref AN/2016/123202/01-L01 dated 12 February 2016 relating to Environmental Permitting Regulations 2010.
- (iv) Environment Agency: See attached letter ref AN/2018/128256/01-L01 dated 27 November 2018 relating to Environmental Permit - Emissions Directive, DSEAR 2002, SSAFO and NVZ Regulations.
- (v) Western Power Distribution: See attached letter ref 14266015 dated 23 November 2018 identifying the route of Electricity/WPD Surf Telecom apparatus and advice relating to Safe Working Procedures.
- (vi) In dealing with this application the Waste Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Appendix

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

Background Papers

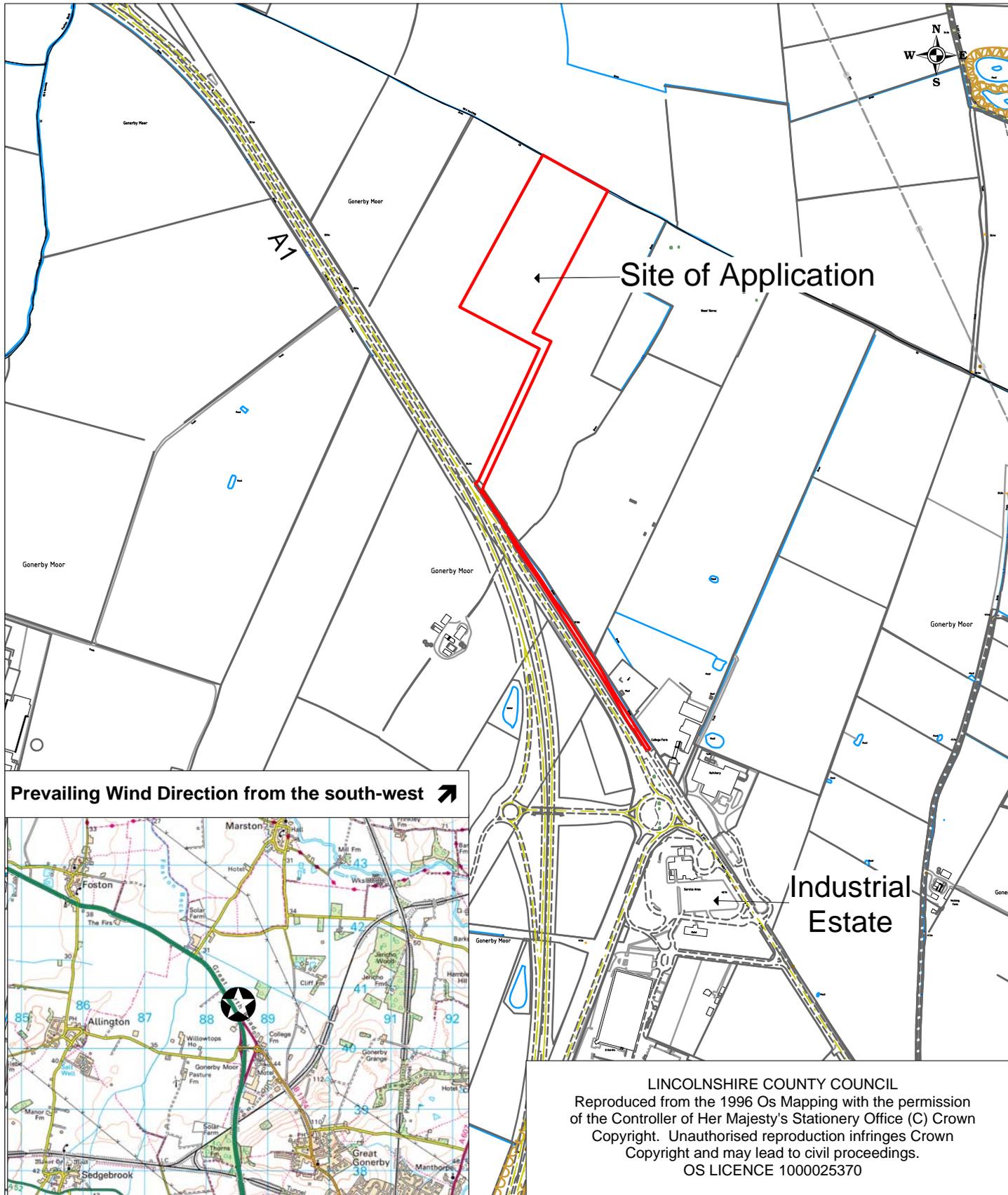
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application Files S37/0345/16 and PL/0120/18	Lincolnshire County Council, Planning, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX
National Planning Policy Framework (2018) National Planning Policy for Waste (2014)	The Government's website www.gov.uk
South Kesteven Adopted Core Strategy South Kesteven Local Plan	South Kesteven District Council's website www.southkesteven.gov.uk
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) Site Locations Document (December 2017)	Lincolnshire County Council's website www.lincolnshire.gov.uk

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LINCOLNSHIRE COUNTY COUNCIL

PLANNING AND REGULATION COMMITTEE 14 JANUARY 2019



Location:
 Land East of A1
 Gonerby Moor
 Grantham

Application No: S18/2119

Scale: 1:10,000

Description:

Application to amend conditions 2, 3, 4, 6, 11 & 15 and the removal of condition 10 of Planning Permission S37/0354/16 to allow the importation of new waste feedstocks and the construction of associated infrastructure as replacements for approved plant and equipment

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