Regulatory and Other Committee

Open Report on behalf of Richard Wills
Executive Director for Communities

Report to:	**Planning and Regulation Committee**
Date:	**4 December 2013**
Subject:	**County Matter Application - (E)S96/2043/13**

Summary:

Planning permission is sought by Wildmore Renewables Limited for a 499kW anaerobic digestion plant at Laburnum House, Main Road, Langrick.

The main issues to consider in this application are the impacts of the development on its' countryside location, odour and highways impacts.

Overall, it is concluded that subject to the imposition of suitable conditions to ensure mitigation measures are implemented, the proposed development would be acceptable.

Recommendation:

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

The Application

1. Planning permission is sought for an anaerobic digestion (AD) plant at Laburnum House, Main Road, Langrick. The proposed plant would use animal manure and crops as its feedstock to produce biogas. The plant would generate 499kW of electricity annually, which the applicant states is sufficient electricity for 1,285 dwellings, based on the average residential dwelling consuming 3.3Wh of electricity per annum.

2. The biogas would be combusted in a combined heat and power engine to produce electricity and heat. The electricity would be exported to the National Grid and the heat would be used on the farm for the farm buildings. As a result of the process liquid and solid digestate would be produced and this would be used as an organic fertiliser.

3. The total feedstock would be 9500 tonnes, a third of which would consist of a mixture of pig, cattle and chicken manure with the remaining two thirds consisting of mixed crops grown on the farm in rotation with the main crops.

4. The AD plant would produce up to 6000 tonnes per annum of solid and liquid digestate that would be spread on the land to be used as a fertiliser.

AD Plant

5. The plant would consist of the following built elements:

- digester tank, this would be 22m in diameter and 11m high. It would be constructed from concrete and clad in dark green corrugated steel;
- storage tank (including integrated gas storage dome roof) - this would be the tallest element of the scheme and would be 13m high. The side walls of the tank would be approximately 6m high and the diameter would be 32m. It would be constructed from concrete and clad in dark green corrugated steel;
- 2x hydrolysis tanks – these would be approximately 8m in diameter and approximately 5.5m high. They would be constructed of concrete and clad in corrugated steel sheeting which would be finished in dark green;
- feeding system;
- combined heat and power engine (in an acoustically isolated chamber);
- pump room which would be approximately 8m wide and 12m long;
- site office;
- gas flare, which would be approximately 6m high;
- Substation;
- Transformer;
- Weighbridge, which would be positioned close to the entrance of the site;
- Silage clamps x3, these would be a maximum of approximately 14m wide and 55m long and approximately 4.5m high.

6. The AD plant would be a 24 hour, seven days a week operation. It would be operated by the farmer at Laburnum House, with full service, inspection and maintenance carried out by Qila Energy. The Combined Heat and Power (CHP) plant would be continuously monitored by the technology provider.

7. Anaerobic digestion is a natural process in which microorganisms break down organic matter in the absence of oxygen to create biogas (a mixture of carbon dioxide and methane) and digestate. The digestion process converts carbon into biogas but retains the nutrient content of the feed stocks. This nutrient content means digestate can be used as an organic fertiliser or soil conditioner. The biogas is combusted in a combined heat and power engine to produce electricity and heat.

8. The first stage of digestion of a two stage AD plant, is in the two hydrolysis tanks where bacteria for hydrolysis and acidification are encouraged at temperatures of 50-55 degree C, the material spends 2-4 days in these tanks.

9. The second stage occurs mostly in the digester tank, where acetification and methanisation occur at temperatures of between 41-44 degree C with a more neutral ph of 7-8. The material spends 10-15 days in this tank.

10. The silage clamps would be used to store the crop residue/silage and manure/chicken litter feedstock prior to use. The feedstock would be loaded into the hopper, serving the hydrolysis tank, which in turn feeds the digester tank, on average once a day. A tractor with a front-loading shovel would transport the feedstock from the silage clamps to the hopper.

Drainage

11. The AD plant and clamping area would be constructed of concrete, with a contained drainage catchment recovery system. All 'dirty' surface water run-off from the AD plant, including the clamps, would be collected via this drainage system to the pump chamber, from where it would be removed by tanker or bowser. This would ensure that all effluents and contaminated run off would not soak into the ground.

12. The remainder of the site would be grassed and surface water disposed of via a soak-away.

Landscaping

13. Soft landscaping is proposed on land to the east and south of the site and would include a mix of native trees and shrubs in keeping with those species identified in the existing woodland belts on the northern and western boundaries.

14. The following documents were submitted in support of the application:

- Habitat survey
- Flood risk assessment
- Noise Assessment
- Odour Assessment.

15. **Habitat Survey** - an ecological extended Phase 1 habitat survey was undertaken on the site and surrounding area and a Great Crested Newt Survey was also undertaken. The main findings of the survey were:

- No protected species were identified,
- The site has little ecological value,
- Two belts of trees on the northern and western boundary of the site were considered to have breeding birds, but the proposals do not involve the removal of any trees,
- Great Crested Newts were not recorded on any of the four visits undertaken, and the report concluded that it is unlikely that any are present on site.

16. **Flood Risk Assessment** - the site is within Flood Zone 3 and therefore a Flood Risk Assessment (FRA) was undertaken. The FRA concluded that the risk of coastal flooding is low, the risk of surface water/pluvial flooding is low and the risk of groundwater flooding and canals, reservoirs and artificial waterways is negligible. The main source of flood risk would be from fluvial flooding.

17. The development would increase the overall impermeable area within the site, which would create a risk of surface water run-off onto adjacent land. The FRA states that if this run-off is managed there would be no increase in flood risk and it is proposed that any surface water run-off from the site would be pumped into the final storage tank.

18. The report made three recommendations: the land owner should sign up to the Environment Agency flood warning and evacuation; there is adequate pollution control to reduce the risk of pollution leaving the site; the floor levels of operational buildings should allow for a sufficient freeboard.

19. **Noise Assessment** - the assessment shows that the predicted noise levels from the AD plant would not exceed existing noise levels during the day or evening period at the nearest sensitive receptor and two other nearby receptors. An assessment that calculates impacts on internal noise levels during the night time was undertaken for the same receptors. It concluded that there would not be any perceptible increase in noise levels as a result of the development.

20. **Odour Assessment** – an assessment of odour was undertaken which considered the effects of a number of sources of odour at the site which could impact on sensitive receptors. The report concluded that the storage and utilisation of feedstock would represent the most significant source of odour.

21. Once the clamps are full they would be covered with a protective sheeting to form an airtight layer and the resultant digestate would also be stored and covered with sheeting.

22. The report concluded that the proposed development would be unlikely to cause any significant odour impacts at any of the nearest sensitive locations. It took into account the design and operational aspects of the proposals including frequency of feedstock delivery and covering of feedstocks in the silage clamps.

23. In order to control any potential odour at the site an odour management plan was submitted which includes remedial actions and complaints procedures in the event of any odour issues.

24. The landscape and visual impact was also assessed, the main conclusions were: that the site is not within any statutory landscape designation and it is identified as being within an intact working farm landscape. The development was assessed in context to the other farm buildings adjacent to

the site, including the 10m high grain store, and the existing landscaping around the site.

Vehicle Movements

25. The existing farm building and farmyard area at Laburnum House already receives crops grown on the farm unit and crop and manure storage takes place in the yard area adjacent to the site. It is anticipated that the manure and crop feedstock would be transported on the internal farm access tracks, as is the current situation, without the need to go on the public highway. The landowner currently has a "muck for straw" arrangement with a neighbouring farmer, whereby he supplies straw for feed and his neighbour supplies muck as fertiliser for his crops. This arrangement would continue with muck being used as feedstock for the AD plant.

26. Vehicles would also access the site via the farm off the B1192. The applicant has used a worst case scenario, based on all the feedstock being transported on the public highway, based on a 20 tonne tractor capacity transporting 9500 tonnes of feedstock i.e. 9500 divided by 20, multiplied by 52 this would result in approximately nine journeys/18 vehicular movements per week.

27. The use of the digestate as a bio-fertiliser on the Laburnum House farm unit would not be expected to generate any additional highway traffic compared with current agricultural activities, since fertiliser is currently applied around the farm. It is anticipated that the quality and consistency of the digestate is likely to reduce the need to import artificial fertiliser products.

28. The application states that the overall objectives of the development are:

- To provide renewable electricity;
- Generate a high quality 100% organic fertiliser;
- Reduce dependence on the importation of expensive man made in-organic fertiliser;
- Odour reduction;
- To reduce the overall carbon footprint of the farm through directly offsetting energy usage;
- To support the continued viability of the existing farm business; and
- To promote the use of renewable energy generation in the area.

Site and Surroundings

29. Langrick is located approximately 7.5km to the north west of Boston town centre. The village is accessed from the B1184, which runs directly off the B1192. It is surrounded by flat, agricultural land interspersed with farm buildings and belts of trees. Laburnum House is approximately 1km to the north west of Langrick village and is accessed directly from Main Road (B1192). The application site is located within the farm unit of Laburnum House, which is a 890 hectare farm unit, principally arable, with some cattle.

30. The site is on the corner of an arable field, adjacent to the existing farmyard buildings. It is approximately 130m long and 75m wide, with a total approximate area of 0.91ha. The site is surrounded by agricultural land, with a mature belt of trees to the north and west, which screen the site along these boundaries. There are open views into the site from the south and east.

Main Planning Considerations

National Guidance

31. The National Planning Policy Framework (March 2012) (NPPF) sets out the Government's planning policies for England. It is a material consideration in the determination of planning applications and adopts a presumption in favour of sustainable development. A number of paragraphs of the NPPF are of particular relevance to this application:

- paragraph 28 promotes a positive approach to supporting the rural economy;

- paragraph 97 states that support should be given to renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;

- paragraph 109 seeks to prevent adverse impacts as a result of noise pollution;

- paragraph 112 seeks to protect, and recognises the benefits of, the best and most versatile agricultural land, with poorer quality land to be used in preference to that of a higher quality;

- paragraph 120 seeks to ensure that consideration is given to the potential impacts on the amenities of local residents and other land users as a result of pollution;

- paragraph 123 seeks to prevent adverse impacts as a result of noise pollution;

- paragraph 186 indicates that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development. Paragraph 187 requires planning authorities to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible;

- paragraph 215 of the National Planning Policy Framework (NPPF) (March 2012) states that following 12 months since the publication of the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the

closer the policies in the Framework the greater the weight that can be given). This is of relevance to the Lincolnshire Waste Local Plan (2006) and East Lindsey Local Plan (1999).

Annex E of Planning Policy Statement 10 "Planning for Sustainable Waste Management" (2011) (PPS10) – sets out the locational criteria which must be considered in relation to the suitability of proposed sites. Of particular relevance to this application are the issues relating to visual intrusion and odour issues.

In addition, in the Government's National Anaerobic Digestion Strategy and Action Plan (2011), there is a commitment to increasing energy from waste through anaerobic digestion and confirmation on the contribution on-farm AD plants can make to this.

Local Plan Context

32. The following policies of the Lincolnshire Waste Local Plan (2006) and East Lindsey Local Plan (1999) are relevant to this proposal and in conformity with the NPPF, and should continue to be given due weight in the determination of this application:

Lincolnshire Waste Local Plan (2006):

Policy WLP1 – Objective of the Plan, states that waste management proposals will be considered in relation to their contributions towards the waste management hierarchy which in order of priority is:

- Reduction (minimisation of waste);
- Reuse;
- Recycling and composting;
- Energy recovery from waste;
- Disposal of residual waste.

When applying the hierarchy and assessing the need for waste facilities regard will be paid to:

- Proximity principle;
- Regional self-sufficiency;
- Waste planning policies and proposals of neighbouring areas;
- Best available techniques and the environmental setting of the facility.

Policy WLP11 – Anaerobic Digestion and Mechanical Biological Treatment states that planning permission will be granted for anaerobic digestion and mechanical biological treatment plants provided the following criteria are met:-

i) any digestate produced as a residue of the process can be satisfactorily managed and disposed of; AND;

ii) that the site is located so as to minimise the traffic impact on the highway network. Favourable consideration will be given to those developments that propose multi-modal transportation, for example, waste movement by rail; AND;

iii) such facilities will be permitted on land identified for general industrial use (B2) or form an integral part of:

(A) sewage treatment plants;
(B) intensive livestock units;
(C) other waste management facilities;
(D) associated with food processing facilities; AND;

iv) the proposal meets the criteria set out in Policy WLP21; AND;

v) that the proposal is located at a distance from an occupied building (hotels, educational establishments, residential properties and institutions; other than properties in the same ownership as the proposed facility), that will allow any odour impacts upon the use of the occupied building(s) to be sufficiently mitigated against. The distance will be no less than 250 metres; AND;

vi) self-sufficiency for operational energy and exportable energy recovery is maximised where appropriate; AND;

vii) that with respect to anaerobic digestion plants, methane gas shall be utilised in all but specific circumstances; AND;

viii) the application is accompanied by a satisfactory Odour Impact Assessment.

Policy WLP21 – Environmental Considerations states that planning permission for waste management facilities will be granted where a number of environmental considerations are met. The sections of particular relevance to this application are:

Agricultural Land
(i) where previously developed land, or land of a lower agricultural grade is not available to accommodate the proposed development and the proposal is on land of the lowest possible grade in that locality;

Drainage, Flood Protection and Water Resources
(v) where the development would not adversely affect the efficient workings of local land drainage systems, or where it would not be at unacceptable risk from all sources of flooding, or where it would not create an unacceptable risk of flooding elsewhere, or where it would not involve the culverting of open watercourses for reasons other than access, or where it would not derogate groundwater sources and resources, or where it would not harm water quality;

Dust, Odour etc

(xi) where the development including its associated traffic movements, visual impact, noise, dust, odour, litter, and emissions, and its potential to attract scavenging birds, other vermin and insects would not have an adverse effect on local residential amenity including air quality; and/or other local land uses;

Transport System

(xii) where sufficient capacity is available on the local or wider road system for the traffic that is expected to be generated. Improvements or alternative modes of transport can be implemented and/or where there would not be an adverse effect on road safety;

Reducing Transportation

(xiii) where the development proposed contributes where appropriate to the need to minimise the impact of transport requirements;

Recovery of Materials

(xvii) where possible and appropriate the development proposal contributes to the potential recovery of materials and energy via recycling, energy recovery and composting in reducing the amount of waste for final disposal.

The following policies of the East Lindsey Local Plan (1999) are of relevance to this proposal:

Policy A4 – Protection of General Amenities states that development which unacceptably harms the general amenities of people living or working nearby will not be permitted.

Policy A5 – Quality and Design of Development states that development which, by its design, improves the quality of the environment will be permitted provided it does not conflict with other policies of the plan.

Otherwise, development will be permitted only where:-

a) Its design – including its layout, density, scale, appearance or choice of materials – does not detract from the distinctive character of the locality;
b) it retains or incorporates features or characteristics which are important to the quality of the local environment including important medium and long distance views;
c) it is integrated within a landscaping scheme appropriate to its setting.

On 1 November 2013 Lincolnshire County Council published the Draft Core Strategy and Development Management Policies: Lincolnshire Minerals and Waste Local Plan for a period of consultation. Whilst this document does not currently form part of the adopted development plan, it is a material consideration in the determination of this application, albeit that it has very limited weight at this stage. The key policies of relevance in this case are:

Policy W3 - Spatial Strategy for New Waste Facilities states that new waste facilities, including extensions to existing waste facilities will be permitted in and around specified urban areas and that they will only be permitted outside these areas where they are:

- facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting;
- the treatment of waste water and sewage;
- landfilling of waste;
- small scale waste facilities.

Policy W5 - Biological Treatment of Waste Including Anaerobic Digestion and Open-Air Windrow Composting states that such facilities will only be permitted outside the urban areas identified in Policy W3 where they would not result in any significant adverse impacts on local communities or the environment; where they would be located 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 planning 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 DM1 - Presumption in favour of sustainable development sets out that planning applications which are in accordance with the Local Plan and the NPPF will be approved unless material considerations indicate otherwise.

Policy DM2 - Climate Change states that development should choose locations which reduce distances travelled by HGVs in the treatment of waste, unless other environmental / sustainability considerations override this aim.

In relation to waste, proposals should:

- reduce waste disposal to landfill;
- provide renewable energy generation;
- make provision for carbon reduction / capture measures to be implemented where appropriate.

Policy DM3 - Quality of life and amenity states that development will not be permitted where it is likely to generate unacceptable adverse effects arising from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to occupants of nearby dwellings and other sensitive receptors.

Policy DM6 - Impact on Landscape and Townscape states that development will only be permitted where due regard has been given to the likely impact of the proposed development on the distinctive character of the landscape and townscape of Lincolnshire. If considered necessary by the County

Council, additional design, landscaping, planting and screening (including planting in advance of the commencement of the development and a minimum 10 year maintenance period) will be required.

Policy DM11 - Soils seeks to protect and, wherever possible, enhance soils. Proposals that would result in the significant loss of the best and most versatile agricultural land will only be permitted where it can be demonstrated that:

- there is an overriding need for the development;
- there is no suitable alternative site of lower agricultural quality that provides the same benefit in terms of sustainability;
- the land could be restored to its previous agricultural quality or better;
- other beneficial after uses can be secured which outweigh the loss of agricultural land; or
- the development is consistent with other sustainability considerations.

Policy DM12 - Encouraging sustainable transport movements seeks to minimise road based transport and maximise where possible the use of the most sustainable transport option.

Policy DM13 - Transportation by road states that development involving transportation by road will only be permitted where:

- the highway network is of, or will be made up to, an appropriate standard for use by the traffic generated by the development; and
- arrangements for site access and the traffic generated by the development would not have an unacceptable impact on highway safety, free flow of traffic, residential amenity or the environment.

Results of Consultation and Publicity

33. (a) Langriville Parish Council – overall the application received support from the Parish Council, but they questioned what if anything could be expected in the way of regular reports on the following:

1. The serious impact on local roads with increased vehicle movements in and out of the site. Information from the applicant states 50% of the waste product used to run the site will be imported, this means more traffic movements.
2. Highways have recently carried out traffic count on the access to this farm after a request to extend the 50mph speed limit currently in the village to encompass the entrance to the site, could this please be looked at again as a safety measure?
3. The odour from the stored feed stuffs held in the clamps for use in the digester, the longer the waste sits in these clamps the more odour will be produced when it is moved, can council assure that this will be monitored on a very regular basis please?
4. Noise pollution, the motors will be running 24/7 again can we request continuous monitoring of the noise on site?

5. The size of the site in relation to the size of and impact on the parish; is it possible to restrict the growth of the plant, we are given to understand this plant as is proposed cannot be extended but could there be an order to restrict addition similar plants being built alongside of the proposed plant.

(b) Environment Agency – object on the grounds of an unsatisfactory flood risk assessment. The FRA has identified that the site is at risk from fluvial flooding and recommends that the finished floor levels of operational buildings have sufficient freeboard. However, the depth of flooding has not been established and a suitable floor level has not been set to mitigate the flood risk and make the development safe. The development has identified that surface water would increase however, no figures have been provided on the volume of storage required.

The operation of this anaerobic digestion (AD) plant would be classed as a waste activity and require an environmental permit. A permit for a regulated facility can authorise a number of activities. AD activity could result in nearby communities being exposed to odour emissions. The severity of these impacts would depend on the size of the facility, the way it is operated and managed, the nature of the waste it takes and the prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate odour impacts, the facility and community can co-exist with some residual impacts. In some cases, these residual impacts may cause local residents concern.

Digestate **-** where the only waste feedstock to an AD plant is agricultural manure and slurry or where non-waste feedstocks such as crops grown specifically for AD are used with the manure or slurry, the digestate output is not waste if it is spread to land in the same way as undigested manure and slurry would be. This use would not need to be authorised by the Environment Agency. If other wastes such as food wastes are digested on their own or with manure, slurry or crops grown for AD, the storage and spreading of the digestate on land would require authorisation (i.e. a permit or exemption). Spreading and storage of digestate on agricultural land (even where an authorisation is not required) should, of course, be carried out in accordance with existing codes of good agricultural practice and nitrate vulnerable zone (NVZ) requirements, to prevent nutrient overload and pollution.

Pollution prevention – request that informatives are attached to any permission granted to ensure contaminated water is appropriately addressed. Also that facilities for the above ground storage of chemicals etc should be within an bunded area.

Water Framework Directive - the proposed site is in the catchment of a designated watercourse under the Water Framework Directive, the Lower Witham. This is a ‘moderate’ status watercourse. The proposed

site must be designed in such a way that it will not impact on this sensitive river catchment.

Following receipt of further information from the applicant the Environment Agency is still maintaining its objection as the Flood Risk Assessment (FRA) is based on information contained in the Boston Strategic Flood Risk Assessment to determine the predicted flood level to the site. As the site is situated in East Lindsey this model is not relevant.

The FRA needs to be updated to make an appropriate assessment of flood depth for the site and propose a finished floor level for the flood vulnerable elements of the development.

(c) Witham 4th Internal Drainage Board - a Board maintained watercourse exists as the northern Boundary of the site and to which the following bylaw applies: No development within 9 metres of the top of the drain; no building or structure to be erected, tree or shrub to be planted within 9 metres of the top of the watercourse.

It is recommended that before any work commences on site, details of surface water and treated water disposal arrangements are submitted and agreed with the Planning Authority in conjunction with the Drainage Board. The FRA contains inaccuracies and omissions that may have been avoided had the consultant contacted the Board. The closest watercourse to the site is the Board maintained Cut Dyke, not the River Witham. The FRA makes no comment on the risk from the Cut Dyke. The FRA references the North Forty Foot Drain, a watercourse that has no impact on the site and is situated in a totally separate catchment. It also states that there are no artificial watercourses in the vicinity of the site. The Cut Dyke is a manmade artificial watercourse, 60m from the site.

If there is any change to the surface water or treated water arrangements, the Board should be contacted.

(d) Natural England - does not object to the proposed development. Based on the information provided, Natural England advises that the proposal would be unlikely to affect any statutorily protected sites or landscapes.

In relation to protected species, it is noted that a survey for European Protected Species has been undertaken in support of this proposal. On the basis of the information available, the development would be unlikely to affect great crested newts.

Protected species standing advice should be used to assess the impact on other species and the appropriateness of any mitigation measures.

Advice is given that the site may provide opportunities for biodiversity and landscape enhancements.

(e) Historic Environment Team (Lincolnshire County Council) - no further archaeological input is required.

Local County Council Member, Councillor C Mair, Ministry of Defence, Environmental Health Officer (East Lindsey District Council), Lincolnshire Wildlife Trust and the Highways Officer (Lincolnshire County Council) were all consulted on 21 October 2013 but had not responded at the time this report was prepared.

34. The application was publicised by site notices placed close to the site and on Armtree Road, to the south of the site. A press notice was placed in the Boston Standard on 30 October 2013. Eleven letters of support, which used all the same wording were received, as followings (summarised):

The proposal will be of great benefit to the aspirations of the farm and shows an attempt to clean up the farming operations. The proposal complements the current activities encouraging farming diversification, odour and waste minimisation and promotes the generation of renewable energy in a sensible and considered manner whilst not detrimentally impacting upon the environmental and visual setting of the area.

Two further letters were received. One letter of objection was received in relation to the risk of smells from both the plant and the increase in pig manure movements from adjoining pig farms. Also, there would be an increase in traffic and a precedent set for others in the area, as once one is granted permission more will be built and it would become like wind farms, with one around every corner.

A further letter supported the process, but stated that some binding conditions should be made in relation to (i) odour - there would be smells from the process and there should be strict limits on the degree of smell so that the company ensures that all precautions are taken to avoid the escape of foul odour. (ii) noise - there are residents and companies situated close to this planned process and a limit should be set on the volume of noise and the time when it is allowed. Local residents need to get a good night sleep. (iii) traffic - the company claim that there would be little increase in traffic, and perhaps even a reduction. A limit should be set to ensure that this claim is met in practice. (iv) future expansion - there is a tendency for companies to wish to expand once they are operating successfully. It should be made clear that no further expansion would be allowed at the site.

District Council's Recommendations

35. East Lindsey District Council raise no objection to the application, but requested that an appropriate landscaping condition be imposed on any permission granted.

Conclusions

36. The aim of policies at the national and local level in relation to waste is to allow waste management operations that move waste up the hierarchy, provided there would be no unsatisfactory environmental impacts resulting from the development. In particular, the proposal is in line with the presumption in favour of sustainable development as set out in the NPPF and the Government's strategy on AD plants including agricultural holdings.

37. The proposed development would provide a means for energy recovery from animal waste and crop grown for this purpose. Although small scale, the development would make a contribution towards achieving the objectives of Waste Local Plan Policies WLP1 and WLP21 (xvii) by providing a means to recover and use a waste stream, thereby moving such wastes up the waste hierarchy. The application also needs to satisfy the requirements of Policy WLP11. In terms of Criterion (i) it achieves this by ensuring satisfactory management of any digestate produced.

38. Consequently, the principal of the development based on strong Government policy support for AD plants and also its positive contribution to the waste hierarchy has been established. However, issues in relation to the countryside location, visual impact, flood risk amenity issues and traffic need to be assessed.

Location

39. The site is located within open countryside on an existing farm unit approximately 1km north west of the village of Langrick and approximately 7.5km from Boston town centre. The surrounding countryside is flat and low lying agricultural land, interspersed with belts of trees, residential properties, farmsteads and agricultural buildings.

40. Criterion (iii) of Policy WLP11 states that such facilities will be permitted on land identified for general industrial use (B2) or the other stated criteria. Whilst the application site falls outside any of the stated locational criteria, the Government has recently given clear support for the siting of AD units on farms. The National Anaerobic Digestion Strategy (2011) supports and acknowledges the role of AD units on farms. Consequently, although the site does not meet any of the locational requirements of Policy WLP11 this policy was adopted in 2006, sometime before the publication of the Government's strategy on AD plants which clearly supports the location of ADs on farms. Given that the Government's strategy is more recent than the Waste Local Plan and emerging policy reflects the Government approach it is considered that the location of the proposed AD plant is acceptable.

41. The second criterion of Policy WLP11 is to minimise traffic impact. This would be achieved by the following:

- the journeys are existing, in relation to the muck for straw arrangement the landowner has with a neighbouring farmer, and it is expected that much of the feedstock would be brought to the site using the internal farm tracks rather than the public highway;
- the material used to feed the digesters is largely produced on the applicant's farm or on the immediate surrounding area; and
- the solid and liquid products resulting from the anaerobic digestion process can be used on the applicant's farm as fertiliser, reducing the need to transport it off site.

42. It is concluded that the above reasons provide justification for the proposal location, despite it falling outside the stated locational criteria of WLP Policy 11.

Landscape and Visual Impacts

43. The proposed site is within a farm holding on the corner of an arable field and adjacent to farm buildings and is currently used for activities associated with cattle rearing, including the storage of slurry and silage. The main built elements of the proposal would comprise the anaerobic digester tank, a storage tank and the silage clamps. The highest structures would be the storage tank and the digester tanks at 13m and 11m respectively. They would be screened by the belts of trees and landscaping to the north and west and would be viewed in context with the existing grain store building, which is 10m high and the other agricultural buildings and stored hay bales.

44. The AD plant would be screened from the two nearest residential properties, Laburnum House and the property to the north west of the site, by a combination of their positioning, the existing belts of trees and the farm buildings. There are open views into the site from the south and east, however the application proposes landscaping along these boundaries of the site, and it is considered that the distance of the properties from the site along Armtree Road and Gipsey Bridge at approximately 680m and over 1700m respectively, would be of such a scale as to lessen the impact. It is considered that the visual appearance of the proposed development, taken in context with these existing buildings and structures, would not be incongruous in this flat agricultural landscape.

45. On balance, it is concluded that the proposal would not be harmful to the landscape character of the area and would not be an incongruous feature within the landscape. It is therefore concluded that the proposed development would be in keeping with paragraph 97 of the NPPF and not conflict with Policy WLP21 (xi) of the Lincolnshire Waste Local Plan or Policy A5 of the East Lindsey Local Plan in terms of visual impact.

Odour

46. In relation to odour, Waste Local Plan Policy WLP11 sets out two specific requirements; one is that the application should be accompanied by a satisfactory Odour Impact Assessment; the other is that the proposal should

be located at a distance of no less than 250 metres from an occupied building (including residential properties) to ensure any odour impacts upon the use of the occupied buildings are sufficiently mitigated against. Waste Local Plan Policy WLP21 also requires that there be no adverse impact as a result of odour. Policy A4 of the East Lindsey Local Plan seeks to protect the amenities of people living or working near to proposed development.

47. As identified in the Odour Impact Assessment the main potential sources of odour would be from the storage of the slurry/ manure feed stock. At the current time these feedstocks are transported to land adjacent to the site area and the surrounding land. It is considered that the handling and storage of the manure would in essence be no different from the current situation.

48. The nearest residential property, not in the ownership of the applicant, is approximately 160m to the north west of the proposed silage clamps and therefore there is a conflict with criterion (v) of Policy WLP11 of the Waste Local Plan, which requires a distance of at least 250 metres. However, the purpose of this criterion of the policy is to ensure that any odour impacts can be sufficiently mitigated against and that odour would not have a detrimental impact on residential amenity, which would also be contrary to Waste Local Plan Policy WLP21 and East Lindsey Local Plan Policy A4. Policy WLP11 is relevant to all types of AD plant and correctly takes a precautionary approach. However, the Odour Assessment concluded that there would be no off-site odour impacts as a result of the development and neither the District Council or the Environment Agency have raised an issue with odour potential. Consequently providing that the development is carried out in accordance with the submitted details including the Odour Assessment, residential amenity is unlikely to be harmed and the development would not compromise the requirements of Policy WLP21 or East Lindsey Local Plan Policy A4 in this regard. As such, the conflict with criterion (v) of Policy WLP11 can be justified. It is recommended that if planning permission is granted it is subject to a condition requiring that the odour mitigation measures are implemented and that odour is monitored in accordance with the Odour Assessment.

<u>Noise</u>

49. Noise associated with the development would result from the associated traffic movements as well as the AD process itself. Anaerobic digestion is a predominantly biological process, with limited use of machinery. The machinery used would include the mechanical loading of feedstocks into the digester and the removal of dry digestate from the facility. In keeping with the existing environment and activities this machinery would be predominantly agricultural and would include tractors with front loading shovels and trailers, and this would be carried out during normal working hours.

50. As previously discussed, all of the feedstocks would either be transported along the existing farm tracks or along the B1192, Main Road. It is

considered there would be no significant noise impact on local residents, over and above existing vehicular movements, from the feedstock being brought to the site.

51. The engine associated with the AD operations would be situated in a purpose made building that would have attenuation to ensure that sound breakout from the building is minimal. The noise assessment submitted with the application concluded that predicted noise levels for both day and night, would not exceed existing background levels at the nearest sensitive receptors. Therefore the application would not be contrary to the aims requirements of Policy WLP21 (xi) or Policy A4 of the East Lindsey Local Plan.

Flood Risk

52. The site is within Flood Zone 3. In accordance with the Technical Guidance to the NPPF the development would be classified as a less vulnerable use and is considered to be appropriate. The Flood Risk Assessment (FRA) submitted with the application concluded that the main risk of flooding would be from fluvial flooding, with little risk from surface water/pluvial flooding, or from coastal flooding. The Environment Agency has objected to the application on the grounds of lack of information and details in relation to finished floor levels in relation to flooding levels and the volume of storage required for surface water run off. Whilst the additional information provided to the Environment Agency (EA) has still not allowed the EA to remove their objection it is considered that the objection can be resolved once the applicant has provided the correct information. It is considered that once this objection is removed with suitably worded conditions to require the development to be undertaken in accordance with the approved FRA and a condition to confirm details of surface water drainage proposals, the proposal would accord with Policy WLP21 (v).

Other Issues - Loss of Agricultural Land for Food Production

53. The Government's approach in relation to the use of agricultural land for the production of crops for use in electricity generation is set out in the UK Bioenergy Strategy (2012). This document acknowledges the potential impacts of the loss of agricultural land for food production to facilitate the production of energy crops however, it concludes that it is not anticipated that there would be any significant conflicts with food production objectives. It also states that Government policy should aim to maximise opportunities for improving energy crop supplies sustainably and that ways of removing barriers to energy crop production should be explored. In addition to this the National Anaerobic Digestion Strategy and Action Plan (2011) sets out the Government's commitment to on-farm AD plants, as set out above. The applicant has confirmed that the total amount of land given over to the production of crops for a feedstock would be approximately 135ha from a 890ha farm holding.

54. Although only limited weight can be attached to the policies set out in the Draft Core Strategy and Development Management Policies - Lincolnshire Minerals and Waste Local Plan, the application would nevertheless accord with draft Policies W3, W5, DM1 and DM2 of this document.

55. In relation to the concerns raised by the Parish Council regarding vehicle movements, the additional traffic to be created is modest at 18 additional movements per week. No highways objection has been raised to the proposal and access to a class II County Road with good visibility in both directions would ensure the development can proceed without detriment to highway safety. In relation to odour and noise these matters have been addressed above. Any further development linked to this site would be subject to a further application which would be considered on its merits and subject to local consultation. If permission is granted it does not set a precedent for further applications to be approved, each one would be assessed on its merits.

Final Conclusions

56. The application is for a small scale anaerobic digestion plant on a farm. The plant would utilise manure and muck, currently brought to the area adjacent to the site, as well as purpose grown crop to produce a renewable energy source. The digestate would be used as a fertiliser. It is considered that the development would not have a negative impact on the landscape, or in terms of vehicular movements. The risk of nuisance from noise and odours is considered to be low. The risk from any odour is addressed by the odour management plan submitted. For these reasons it is considered that the application accords with the Development Plan.

RECOMMENDATIONS

Subject to the Environment Agency removing their objection the Executive Director for Communities in consultation with the Chairman be delegated to grant planning permission subject to any further conditions requested by the Environment Agency and 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 be carried out in accordance with the submitted application and details received on 13 September 2013 and 23 September 2013 and the following drawing numbers:

   - 109.P1- Location- received 18 September 2013
   - 109.P2- General View- received 23 September 2013
   - 109.P3- Layout and Elevations- received 23 September 2013.

3. The feedstock materials for the anaerobic digestion plant hereby approved shall be restricted to slurry, animal bedding, maize and any other biomass or energy crops that are grown and sourced from within the farm holding.

4. Prior to development commencing a landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of the number, species, heights on planting and positions of all the trees. The scheme as approved shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained, including a 0.5m weed free radius around each tree until they are established, for the period of 10 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

5. No development shall take place until details of the noise mitigation measures to be incorporated in the design and construction of the building housing the combined heat and power engine have been submitted to, and approved in writing by, the Waste Planning Authority. Such details shall include an assessment of the noise levels associated with the engine. The approved details shall be implemented in full.

6. Prior to installation, details of all external lighting shall be submitted to, and approved in writing by the Waste Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

7. The means of connection to the National Grid shall be by underground cable.

8. The material stored within the silage clamps shall not exceed four metres in height.

9. The development hereby permitted shall be carried out in accordance with the odour management plan dated 6 September 2013. The plan shall be implemented in full for the duration of the development.

10. No development shall take place until details of the impermeable surface, for all areas where waste is to be stored or treated, incorporating a sealed drainage system has been submitted to and agreed in writing by the Waste Planning Authority. The scheme as approved shall be implemented in full.

11. No material shall be stored outside at any time other than in the silage clamps.

<u>Reasons</u>

1. To comply with Section 91 of the Town and Country Planning Act 1990.

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

3. To correspond with the quantities and source of feedstock materials for which planning permission was applied for and to limit the scale of operations in the interests of the amenity of the area.

4, 7 & 8
In the interests of the visual amenity of the area.

5, 6 & 11
In the interests of the general amenity of the area.

9. In the interests of reducing odour pollution to protect the amenity of the area.

10. To prevent pollution.

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

Background Papers

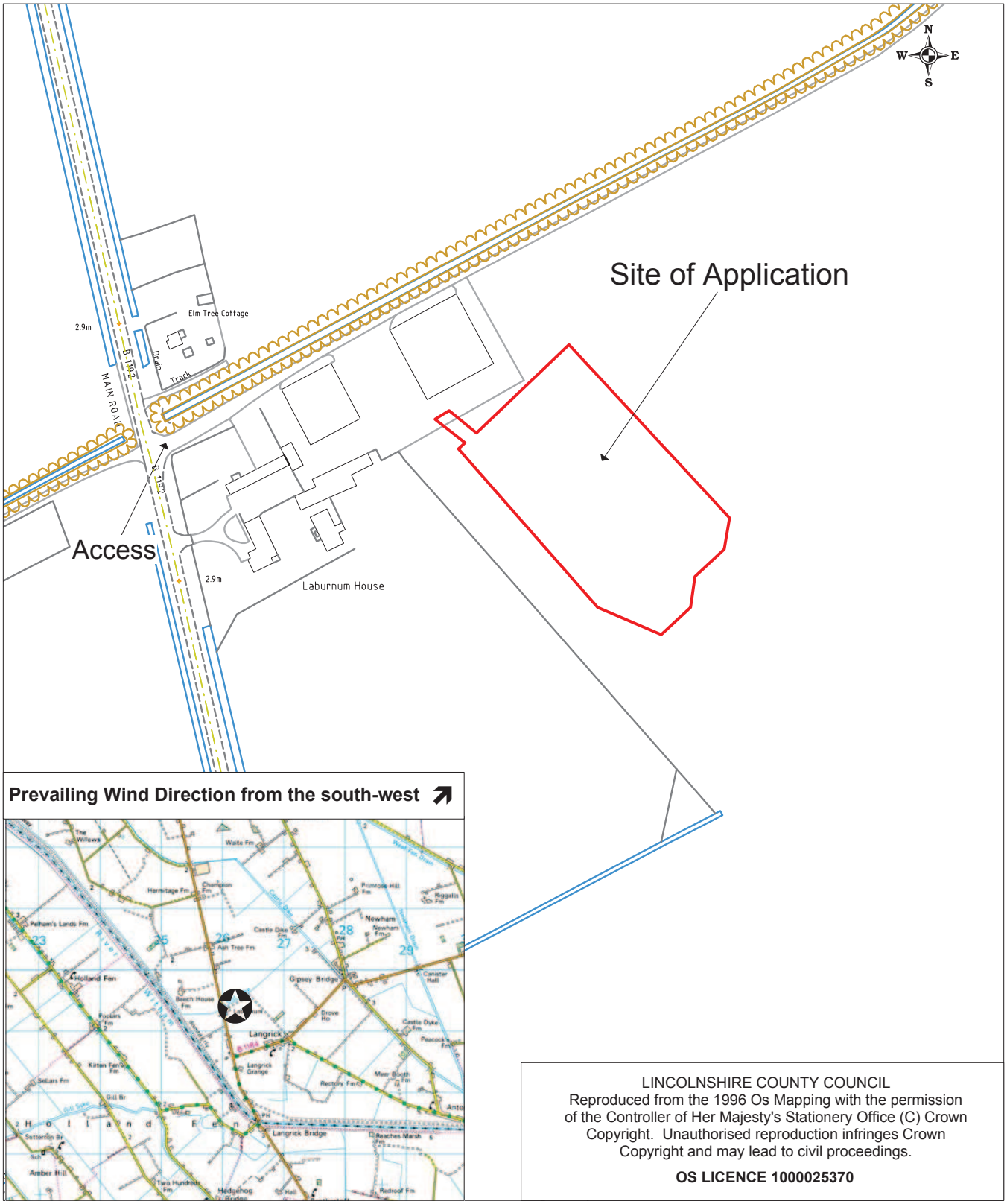
The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Planning Application File (E)S96/2043/13	Lincolnshire County Council, Planning, Witham Park House, Waterside South, Lincoln
National Guidance - National Planning Policy Framework (2012) Planning Policy Statement 10 – Planning for Sustainable Waste Management (2010) National Anaerobic Digestion Strategy and Action Plan (2011) UK Bioenergy Strategy (2012)	Communities and Local Government website www.gov.uk
Lincolnshire Waste Local Plan (2006) East Lindsey Local Plan (1999)	Lincolnshire County Council website www.lincolnshire.gov.uk East Lindsey District Council website www.e-lindsey.gov.uk

This report was written by Sandra Barron, who can be contacted on 01522 782070 or dev_pcg@lincolnshire.gov.uk

LINCOLNSHIRE COUNTY COUNCIL PLANNING

Appendix A



Location:
Laburnum House
Main Road
Langrick

Description:
For a 499kW anaerobic digestion plant

Application No: (E)S96/2043/13

Scale: 1:2500

Planning and Regulation Committee 4 December 2013

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