

PLANNING AND REGULATORY COMMITTEE
3 JULY 2018**PROPOSED CONSTRUCTION OF AN ANAEROBIC
DIGESTION STORAGE TANK (PART RETROSPECTIVE) ON
LAND AT SPRINGHILL NURSERY, OFF A44 NEAR VALE
GREEN ENERGY, SPRINGHILL NURSERY,
NEAR FLADBURY, PERSHORE, WORCESTERSHIRE****Applicant**

Vale Green Energy

Local Member

Mrs E A Eyre

Purpose of Report

1. To consider a County Matter planning application for the proposed construction of an Anaerobic Digestion (AD) storage tank (part retrospective) on land at Springhill Nursery, off A44 near Vale Green Energy, Springhill Nursery, near Fladbury, Pershore, Worcestershire.

Background*Planning History*

2. Springhill Farms Ltd is a local horticultural company growing produce for onward sale to supermarkets. Vale Green Energy is the renewable energy arm of Springhill Farms Ltd. The company was established in 2011 to develop and deliver energy projects which support the operations of the wider horticultural business.

3. Planning permission was granted in January 2009 on appeal for the erection of 48,000 square metre glasshouse, including office, toilets, holding area and staff canteen for tomato production, formation of reservoir, provision of up to 4 mobile homes for horticultural works and associated infrastructure at Springhill Farm (Appeal Ref: APP/H1840/A/08/2074216). Following the appeal, a further application was made to Wychavon District Council for a retrospective application to extend the size of the glasshouse development (4,9161 square metres) increase the size of the reservoir (12,478 square metres), provision of loading bay, and rotation and relocation of on-site caravan and was granted in September 2010 (District Application Ref: W/10/01610/PM).

4. On the 13 October 2011 Vale Green Energy (part of Springhill Farms Ltd) were granted planning permission by Worcestershire County Council for the development of AD plant, new roundabout access and associated ancillary infrastructure at Springhill Farm in Pershore (Application Ref: 11/000020/CM, Minute No. 749 refers).

5. In March 2013 planning permission was granted (part retrospective) for the variation of condition 8 of planning permission 11/000020/CM to allow the digesters, the internal road layout and the roundabout to be constructed at the same time (Application Ref: 12/000079/CM). Condition 8 originally required construction of a new roundabout prior to construction of the digesters and internal road layout. However, the applicant began construction of the digesters prior to completion of the roundabout, and therefore, sought to amend this condition to regularise the works. A condition was imposed requiring the roundabout and internal road layout to be completed prior to the digesters being used for the processing of waste.

6. In May 2013 an application under Section 96A of the Town and Country Planning Act 1990 was granted for non-material amendments to application 11/000020/CM to remove one of the primary digesters, increase the height and size of the liquid intake pit, the addition of one storage tank and relocation of gas flare, remaining digesters, liquid intake pit, filling station and separation tank (Application Ref: 13/000005/NMA).

7. Retrospective planning permission for the development of a pasteurisation house (including education room), ancillary equipment and two end storage bags at the site was granted planning permission by the County Council in May 2013 (Application Ref: 13/000006/CM).

8. In November 2016 planning permission was granted by Wychavon District Council for a biomass boiler including fuel store and associated drainage infrastructure (District Application Ref: W/16/01994/PN). An application for the variation of a condition following the grant of planning permission was subsequently submitted to Wychavon District Council to amend Condition 6 of Planning Permission W/16/01994/PN so as to amend the list of approved plans to enable the re-siting of the proposed building (District Application Ref: W/16/02801/PN), which was granted in January 2017.

Anaerobic Digestion (AD)

9. AD is a natural process in which microorganisms break down organic matter, in the absence of oxygen, into biogas (a mixture of carbon dioxide (CO₂) and methane) and digestate (a nitrogen-rich fertiliser). The biogas can be used directly in engines for Combined Heat and Power (CHP), burned to produce heat, or can be cleaned and used in the same way as natural gas or as a vehicle fuel. The digestate can be used as a renewable fertiliser or soil conditioner. AD is not a new technology, and has been widely applied in the UK for the treatment of sewage sludge for over 100 years. However, until fairly recently it has not been used in the UK for treating other wastes or with purpose-grown crops.

The Proposal

10. The applicant is proposing an additional storage tank for digestate to be located in the south-east corner of the site, immediately to the south of the End Storage Bag and to the east of the glasshouse. The applicant has confirmed that the proposal would be sited on previously disturbed ground from made up earth works arising from the construction of the adjacent glasshouse.

11. The proposed tank would measure approximately 6 metres high (3 metres above ground level at the highest point), with a diameter of approximately 28 metres. The

development is part retrospective in that the ground works and side walls of the proposed tank have been substantially completed.

12. The applicant states that the proposal is required to supplement two existing and operational tanks / chambers on site, which are experiencing technical faults due to issues with the type of agitators that have been used. In short, the agitation or stirring of the stored material is not possible and the weight of the stored material has solidified. This means that repair cannot be undertaken until the storage facilities can be emptied. Restrictions apply between October and March, as to when stored material can be removed from the storage facilities and deposited onto agricultural fields. As a result, the facility is operating and is running out of storage capacity and, therefore, requires additional storage to manage the issue and prevent any adverse issues occurring and to enable the business to continue operating.

13. The proposed new tank would store this material and enable the facility to continue operating whilst the repairs are undertaken. It is then proposed that the internally mounted agitators on the existing plant would be replaced with externally fitted agitators. As a result of the proposal, the two existing storage tanks would then not need to be filled as much as presently, and the material would be spread across three storage tanks rather than two, which would help to prevent this issue arising again in the future.

14. The applicant has confirmed that the proposed tank would be fully sealed.

15. The existing AD plant has a throughput of approximately 15,000 tonnes per annum of vegetable feedstock and 16,000 tonnes per annum of maize generated from Springhill Farm Limited holdings within Worcestershire. The applicant has confirmed that the proposed development would not alter the throughput of the site. They also state that the additional facility would simply add greater flexibility to the existing output to enable the applicant to better manage their operations.

The Site

16. The existing glasshouse, AD plant and biomass boiler site is located approximately 4.2 kilometres north-east of Pershore Town Centre and approximately 5.9 kilometres north-west of Evesham Town Centre. The villages of Fladbury and Lower Moor are located about 355 metres south-east and 625 metres west of the proposed development, respectively.

17. The proposed development is located in the south-east corner of the wider glasshouse, AD plant and biomass boiler site, immediately to the south of the End Storage Bag and to the east of the glasshouse.

18. Evesham Road (A44) runs east to west immediately to the north of the site. The Cotswold mainline railway line (Oxford – Worcester – Wolverhampton) runs east to west on the southern boundary of the site. The site is bounded by farmland, beyond which are residential properties along Station Road, Evesham Road (A44) and Salters Lane. Public Rights of Way (Footpaths FB-522 and FB-521) run parallel to the railway line, approximately 120 metres south of the proposal.

19. A Scheduled Monument (Settlement site north of Spring Hill) is located immediately to the west of the existing glasshouse, located approximately 275 metres

west of the proposal. The Scheduled Monuments of Enclosures North-East of Fernhill Farm and Settlement site North-East of Fernhill Farm are located about 1.4 kilometres and 1.7 kilometres east of the proposal, respectively.

20. No Listed Buildings are located within the immediate setting of the proposal, with the nearest Listed Buildings being located approximately 520 metres south-east of the proposal in the village of Fladbury. Further Listed Buildings are located within Lower Moor situated about 935 metres west of the proposal. The Grade II* Listed Building of Craycombe House is situated approximately 1 kilometre north-east of the proposal. The Fladbury Conservation Area and Lower Moor Conservation Area are located about 480 metres south-east and 1.1 kilometres west of the proposed development, respectively.

21. The proposed development is approximately 4.3 kilometres north of Bredon Hill which is designated as a Special Area of Conservation (SAC) and is within the Cotswold Area of Outstanding Natural Beauty (AONB). The nearest Sites of Special Scientific Interest (SSSI) are that of Highclere and Tunnel Hill Meadow, which are located approximately 2.2 kilometres and 3 kilometres north-east of the site, respectively. The River Avon Local Wildlife Site (LWS) is located about 690 metres east of the site. The Lower Moor Pits and Lench Ditch LWS is situated approximately 1.1 kilometres south-west of the proposal. The Oxton Ditch and Meadows LWS is situated approximately 1.4 kilometres south of the proposal. The Wood Norton Complex LWS is located about 1.3 kilometres north-east of the proposed development. The Locally Registered Historic Park and Garden of Wood Norton Hall is situated about 1.3 kilometres north-east of the proposal. Ancient Woodland including Craycombe Coppice, Cold Knap Wood and Tunnel Hill Wood are located approximately 1.3 kilometres, 2.1 kilometres and 2.7 kilometres north-east of the proposed development, respectively. The development is located within Flood Zone 1 (low probability of flooding).

22. A crematorium together with a chapel, associated memorial garden, access road with car parking, staff parking, service yard, floral tribute area, landscaping, drainage balancing pond, photovoltaic array and associated works at Roxley Stud, Fladbury Hill, Hill Furze was granted planning permission by Wychavon District Council in July 2017 (District Council Application Ref: 17/00511/FUL). This is located to the north of Evesham Road (A44), opposite the AD plant site.

23. The nearest residential property is located approximately 260 metres north-east of the proposal, situated along Evesham Road (A44). Further dwellings are situated off Station Road, located about 350 metres east of the proposed development and Salters Lane located approximately 625 metres west of the proposal. Fladbury First School is located approximately 770 metres south-east of the proposal.

Summary of Issues

24. The main issues in the determination of this application are:

- The Waste Hierarchy
- Location of the Development
- Landscape Character and Visual Impacts
- Residential Amenity (Noise, Odour and Health Impacts)

- Traffic and Highways Safety
- The Water Environment
- Ecology and Biodiversity
- Cultural Heritage.

Planning Policy

National Planning Policy Framework (NPPF)

25. The National Planning Policy Framework (NPPF) was published and came into effect on 27 March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications. Annex 3 of the NPPF lists the documents revoked and replaced by the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking.

26. Sustainable Development is defined by five principles set out in the UK Sustainable Development Strategy:

- "living within the planet's environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance; and
- using sound science responsibly".

27. The Government believes that sustainable development can play three critical roles in England:

- an economic role, contributing to a strong, responsive, competitive economy
- a social role, supporting vibrant and healthy communities and
- an environmental role, protecting and enhancing our natural, built and historic environment.

28. The NPPF does not contain specific waste policies, as these are contained within the National Planning Policy for Waste. However, the NPPF states that local authorities taking decisions on waste applications should have regard to the policies in the NPPF so far as relevant. For that reason the following guidance contained in the NPPF, is considered to be of specific relevance to the determination of this planning application:

- Section 1: Building a strong, competitive economy
- Section 3: Supporting a prosperous rural economy
- Section 4: Promoting sustainable transport
- Section 7: Requiring good design
- Section 8: Promoting healthy communities
- Section 10: Meeting the challenge of climate change, flooding and coastal change
- Section 11: Conserving and enhancing the natural environment
- Section 12: Conserving and enhancing the historic environment

National Planning Policy for Waste

29. The National Planning Policy for Waste was published on 16 October 2014 and replaces "Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management" as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

The Development Plan

30. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan that is relevant to this proposal consists of the Adopted Worcestershire Waste Core Strategy Development Plan Document, Saved Policies of the Adopted County of Hereford and Worcester Minerals Local Plan and the Adopted South Worcestershire Development Plan.

31. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

32. Annex 1 of the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However, the policies contained within the NPPF are material considerations. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

Worcestershire Waste Core Strategy Development Plan Document (WCS)

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 3: Re-use and Recycling

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

County of Hereford and Worcester Minerals Local Plan (Saved Policies)

33. The Adopted Minerals Local does not contain any saved policies relevant to the consideration and determination of this planning application. However, the application site lies within an area of identified mineral deposits as shown on the adopted County of Hereford and Worcester Minerals Local Plan (1997) Proposal Map, notified as a Minerals Consultation Area.

South Worcestershire Development Plan

34. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP policies that are of relevance to the proposal are set out below:-

- Policy SWDP 1 Overarching Sustainable Development Principles
- Policy SWDP 2 Development Strategy and Settlement Hierarchy
- Policy SWDP 4 Moving Around South Worcestershire
- Policy SWDP 6 Historic Environment
- Policy SWDP 8 Providing the Right Land and Buildings for Jobs
- Policy SWDP 11 Vale of Evesham Heavy Goods Vehicles Control Zone
- Policy SWDP 12 Employment in Rural Areas
- Policy SWDP 21 Design
- Policy SWDP 22 Biodiversity and Geodiversity
- Policy SWDP 23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
- Policy SWDP 24 Management of the Historic Environment
- Policy SWDP 25 Landscape Character
- Policy SWDP 28 Management of Flood Risk
- Policy SWDP 29 Sustainable Drainage Systems
- Policy SWDP 30 Water Resources, Efficiency and Treatment
- Policy SWDP 31 Pollution and Land Instability
- Policy SWDP 32 Minerals

Emerging Minerals Local Plan (Third Stage Consultation)

35. Worcestershire County Council is preparing a new Minerals Local Plan for Worcestershire, which will be a restoration led plan. This document will set out how much and what minerals need to be supplied, where minerals should be extracted, how sites should be restored and how minerals development should protect and enhance Worcestershire's people and places. Once it is adopted it will replace the existing minerals policies in the County of Hereford and Worcester Minerals Local Plan.

36. The majority of the application site falls within the 'Avon and Carrant Brook Strategic Corridor' of the Emerging Minerals Local Plan (Policy MLP 2). The Emerging Minerals Local Plan Policy MLP1 directs minerals development within the Strategic Corridors. The site falls within a Minerals Resource Safeguarding Area, as identified by Figure 8.1 'Mineral Resource Safeguarding and Consultation Area'. Policy MLP27: 'Safeguarding Locally and Nationally Important Mineral Resources' seeks to safeguard Worcestershire's locally and nationally important mineral resources from needless sterilisation by non-minerals development. It requires all non-exempt development within a Mineral Resource Consultation area to provide information about whether the proposed development would result in sterilisation of some or all of the resource; and whether the mineral resource is of economic value.

37. The first stage consultation on Emerging Minerals Local Plan ran from 9 October 2012 to 11 January 2013. The second formal stage of consultation began on 11 November 2013 and ran until 31 January 2014. In summer 2014 the County Council made a call for proposed locations for aggregate extraction that should be considered in the development of the Minerals Local Plan. In summer 2015 the County Council undertook a further call for non-aggregate and aggregate sites and call for resources and infrastructure that should be safeguarded, as well as seeking

comments on a suite of background documents. This consultation ran until 25 September 2015, but late submissions were accepted until 27 November 2015.

38. The third formal stage of consultation on the Emerging Minerals Local Plan ran from 14 December 2016 to 8 March 2017, this consultation sought comments on the proposed policy wording and site allocations. The County Council in September 2017 published the Response Document detailing the comments received and the Council's initial response. This highlights that there are not enough mineral workings in Worcestershire to deliver the level of minerals supply required from the County, as required by the national minerals policy and regional supply calculations. Consequently, the County Council undertook a further call for sites, which closed on 26 January 2018.

39. The Emerging Minerals Local Plan has not, therefore, been tested at examination or adopted by the County Council. Indeed, there will be further stages of consultation on the document prior to submission to the Secretary of State. Having regard to the advice in the NPPF, Annex 1, it is the view of the Development Manager that the Emerging Minerals Local Plan should be given limited weight in development management terms in the determination of this application.

Other Documents

Waste Management Plan for England (2013)

40. The Government through Defra published the Waste Management Plan for England in December 2013. This Plan superseded the previous waste management plan for England, which was set out in the Waste Strategy for England 2007.

41. There are comprehensive waste management policies in England, which taken together deliver the objectives of the revised Waste Framework Directive, therefore, it is not the intention of the Plan to introduce new policies or to change the landscape of how waste is managed in England. Its core aim is to bring current waste management policies under the umbrella of one national plan.

42. This Plan is a high level document which is non-site specific, and is a waste management, rather than a waste planning document. It provides an analysis of the current waste management situation in England, and evaluates how it will support implementation of the objectives and provisions of the revised Waste Framework Directive.

43. The key aim of this Plan is to work towards a zero waste economy as part of the transition to a sustainable economy. In particular, this means using the "waste hierarchy" (waste prevention, re-use, recycling, recovery and finally disposal as a last option) as a guide to sustainable waste management.

44. With regard to anaerobic digestion it states that "*the Government supports anaerobic digestion (AD) because of its value in dealing with organic waste and avoiding, by more efficient capture and treatment, the greenhouse gas emissions associated with its disposal to landfill. AD also recovers energy and produces valuable bio-fertilisers. The Government is committed to increasing the energy from waste produced through AD*".

The Government Review of Waste Policy England 2011

45. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal.

46. With regard to AD it states that *"this technology offers benefits, such as recovering energy, producing valuable bio-fertilisers, and maintenance and use of nutrients"*. It goes on to state that *"AD also has a number of advantages over other renewable energy technologies. The energy is generated constantly and can be delivered to the grid in the form of electricity or stored in the grid (in the form of gas)...The digestate produced by AD is a valuable low carbon fertiliser and helps deliver a sustainable farming sector, where resources are re-used on farm to reduce greenhouse gases"*.

Anaerobic Digestion Strategy and Action Plan (2011)

47. This document sets out the Government's vision for AD and the actions that are required to bring about an increase in energy from waste through anaerobic digestion. The Strategy does not set specific targets or regional strategies for the adoption of AD. The Action Plan is intended to ensure there are no unnecessary obstacles to the development of AD, by addressing the barriers that have been identified by industry representatives.

48. A significant number of the actions in the Action Plan are aimed at improving the dissemination of information that is already available, and making it widely accessible to landowners, communities, local authorities, planners, AD operators, farmers and financiers. Other actions relate to developing best practice, providing an agreed framework for skills and training, and further work to deal with specific barriers such as connection to the gas grid.

Consultations

49. **Fladbury Parish Council** objects to the proposal as the conditions imposed on previous planning applications at the site for the operation of the AD plant have not been met. Condition 17 of planning permission (12/000079/CM) states *"no emissions results in offensive odour that is detectable beyond the site boundary"*. This has been breached regularly and has been reported to the local County Councillor and Worcestershire Regulatory Services, and no action to counter this breach has been effective.

50. Fladbury Parish Council has held regular liaison meetings with the applicant in an attempt to resolve this matter. The applicant has failed to improve the operation of the AD plant, frequently citing technical issues.

51. Residents, particularly in the north of the village, users of Evesham Golf Course and residents as far away as Hill Furze have been adversely impacted due to the prevailing south-westerly winds.

52. The application submission states that *"there will be no releases of odour or odorous gases from the tank"*. Similar claims were made for the original application and the Parish Council remains sceptical over whether these claims would be met.

53. **Hill and Moor Parish Council (Neighbouring Parish Council)** have no objections to the proposal on the basis that the proposed development would see a reduction in odour emanating from the site.

54. **Wychavon District Council** raises no objections to the proposal, welcoming the proposed improvements to the site's infrastructure, and the reuse / recycling of horticultural waste.

55. The County Council should satisfy itself with the proposed serving arrangements of the facility in the event of a breakdown and ensure that these would help to minimise any smells released to the locality. The District Council advise that the County Council seek the views of Worcestershire Regulatory Services in respect to odour emissions.

56. The District Council consider that the facility is suitably positioned so that it would be seen in the context of the existing site and is not likely to cause any adverse impact on the local or wider landscape, including the Cotswold Area of Outstanding Natural Beauty (AONB) or Listed Buildings and Conservation Area in Fladbury, as well as residential properties in the site's vicinity.

57. The District Council also note that the proposal does not require a new or altered site access and no additional vehicle movements (once operational) are anticipated by the proposal.

58. The District Council consider that the application site lies in the open countryside as defined under Policy SWDP 2 of the South Worcestershire Development Plan, however, the District Council consider the proposal is clearly related to an existing agricultural commercial business and, therefore, appears to be appropriate development in the countryside.

59. **The Environment Agency** comments that the site is no longer regulated by the Environment Agency and the operator has surrendered their Environmental Permit, therefore, it is not in this instance within their remit to make any substantive comments on the application.

60. **Worcestershire Regulatory Services (Air Quality Officer)** has no objections to the proposal in relation to air quality.

61. **Worcestershire Regulatory Services (Noise, Dust and Odour Officer)** has no objections to the proposal, stating that whilst they are aware of ongoing odour issues associated with the site, this proposal would appear to be acceptable in terms of potential odour nuisance. Without this additional digestate storage tank, it is their understanding that the operator would have to open up the blocked storage bag for maintenance and this could lead to significant odour issues.

62. **Public Health England** have no objections to the proposal, stating that they have no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

63. **South Worcestershire Land Drainage Partnership** has made no comments.

64. **Lead Local Flood Authority** has no objections to the proposal stating that they are generally supportive of the approach outlined within the submitted Planning and Design Statement and welcomes the recognition given to understanding and addressing the risk of surface water flooding and any potential impacts in relation to this proposal.

65. **Severn Trent Water Limited** raises no objections to the proposal.

66. **The County Highways Officer** has no objections to the proposal, as the traffic movements are not anticipated to increase as a result of this application.

67. **The County Footpath Officer** has no objections, stating that the proposal would not affect any Public Rights of Way as shown on the current definitive map.

68. **The Campaign to Protect Rural England (CPRE)** has made no comments.

69. **The District Archaeologist** comments that the proposal may affect known heritage assets of archaeological significance. The known heritage assets within the site and environs relate to Prehistoric and Roman settlement and associated features. The proposed development is sited in an area which is very likely to be over a Roman ditch / boundary. The suggestion that the ditch / boundary feature continues under the proposed development is confirmed by the current field boundary which appears to have been aligned with the historic ditch / boundary.

70. Given that the proposal is part-retrospective, with the groundworks for the proposal already having occurred, any archaeological features would have been destroyed. The District Archaeologist confirms that the heritage loss is considered to be total within the area of unauthorised works, therefore, substantial harm to a known heritage asset if archaeological significance has occurred. However, an enforcement case would seek to regularise the site either through an application or with the relevant enforcement notice. The District Archaeologist considers that this can be achieved through the current application. If an area of similar size is excavated to the south of the proposal, it may be possible to offset the heritage loss which has occurred. Therefore, the District Archaeologist recommends that should the County Planning Authority be minded to grant planning permission a condition is imposed requiring a programme of archaeological work.

71. Further comments are awaited from the District Archaeologist in response to further information submitted by the applicant regarding archaeology at the site.

72. **The County Archaeologist** comments that the proposal would potentially impact on Romano-British archaeology that was investigated in 2011 prior to construction of the glasshouse and lagoon. A boundary ditch, aligned north-south was excavated in the area of the lagoon. The subsequent report produced by Worcestershire Archaeology concluded that the ditch probably continues north of the section that was investigated, which would put it in line with the proposed storage tank. However, the County Archaeologist notes the application is part retrospective because the site of the proposed tank has already been excavated. In this circumstance the obligation of the developer to facilitate recording of any archaeology cannot now be conditioned. This is unfortunate and should have been addressed prior to works commencing. In

this instance the impact to the historic environment would hopefully be limited to the footprint of the storage tank, and by a lesser degree, the buffer of made ground.

73. **The County Landscape Officer** has no objections to the proposal, stating that they consider that the proposed additional storage tank would be seen within the context of the existing infrastructure and would not impose a harmful visual impact. They consider the proposal would be effectively screened by existing hedgerows and other soft landscape features within the immediate setting. The existing glasshouse is a highly visible structure for views from the north-west and west. This would provide screening of the new tank from these viewpoints. Therefore, the visual cumulative impact of adding the new tank would be negligible, both within the context of the existing structures and wider hedgerow network.

74. **Worcestershire Wildlife Trust** has no objections and wishes to defer to the County Ecologist for all on-site detailed ecological considerations.

75. **The County Ecologist** has no objections to the proposal, subject to the imposition of conditions requiring a scheme for biodiversity enhancement and a lighting scheme to protect foraging bats.

76. **Historic England** wishes to make no comments on the application and recommends that the County Planning Authority seeks the views of the District Council for their specialist conservation and archaeological advice.

77. **The Cotswolds Area of Outstanding Natural Beauty (AONB) Conservation Board** has made no comments.

78. **Ancient Monuments Society** has made no comments.

79. **West Mercia Police** have no objections to the proposal.

80. **Hereford and Worcester Fire and Rescue** have made no comments.

81. **Network Rail** has no objection in principle to the proposal, but due to the proximity of the proposal to the railway line they recommend appropriate conditions requiring the installation of trespass fencing if this is not already in place; surface water should not be discharged to Network Rail's land; no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures; any buildings should be sited at least 2 metres away from the railway line boundary fence; all excavations / earthworks carried out in the vicinity of Network Rail's property must be designed so that it does not interfere with the integrity of that property; and any scaffolding which is to be constructed adjacent to the railway must be erected in such a manner that, at no time would any poles or cranes over-sail or fall onto the railway.

82. **Western Power Distribution** has made no comments.

Other Representations

83. The application has been advertised on site, in the press and by neighbour notification. To date, 2 letters of representation commenting on the proposal, and 5 letters of representation objecting to the proposal have been received. These letters

of representation are available in the Members' Support Unit. Their main comments are summarised below:

Operation of the Facility

- They are in favour of the proposed improvement, but note inconsistencies in the application with regard to the site throughput leading to questioning of the motivation to increase storage capacity, and query if this is a back door application to expand the site.
- Are disturbed that the original design of the AD plant was so poor that the original system of agitation simply does not work.
- Recommend the imposition of a condition to ensure that the old system of agitation is replaced within an agreed timescale.
- Recommend that two agitators are fitted per tank in the event of a breakdown.

Odour

- The existing AD plant is not compliant with Condition 17 of planning permission 12/000079/CM relating odour emissions.
- Local residents are regularly deprived of the use of their gardens and unable to leave doors and windows open due to odour emissions from the AD plant site.
- Complained to Worcestershire Regulatory Services, Public Health, local County Councillor and Parish Council and have been unable to resolve odour issue.
- The applicant has made promises to resolve odour issues at the site, but has been unable to resolve this matter.
- Until the odour emissions have been resolved with the existing site they are unable to support this application.
- This application would have an adverse odour impact to local residents.
- Evesham Golf Club and its members are adversely effected by odour emissions from the existing AD plant, and consider this may discourage membership of the Golf Club.

Noise

- An external motorised agitator would make considerable noise adding to the existing noise pollution at the facility.
- The applicant should consider noise attenuation for the proposed development and existing site.
- The existing site has a continuous whine which keeps local residents awake at night, together with continuous reversing warning beeps from vehicles.
- The proposed development would also adversely impact the peace and tranquillity of the permitted crematorium.

Health

- Concerned that fumes and odours from the existing site would cause adverse health impacts.

Transport

- Tractors are used (on the public highway) in the transportation of feedstock to the AD plant. They query if this is to enable the use of red diesel in the tractors, thus avoiding tax. Consider tractors are not suitable for use on the public highway causing delays, excessive spray and mud from the wheels and as cars overtake this increases the potential for accidents.

- The Gold Club members need to cross the A44, and despite the introduction of 40 mph speed limit, road users regularly exceed this limit. Slow vehicles only cause further problems and the Golf Club fear this would lead to potentially dangerous road conditions for Members crossing.
- The use of slow vehicles together with the permitted Crematorium would only exacerbate traffic in the local area.

The Head of Strategic Infrastructure and Economy's Comments

84. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

Waste Hierarchy

85. The National Planning Policy for Waste states that positive planning plays a pivotal role in delivering this country's waste ambitions through:

- Delivery of sustainable development and resource efficiency...by driving waste management up the waste hierarchy;
- Ensuring that waste management is considered alongside other spatial planning concerns...recognising the positive contribution that waste management can make to the development of sustainable communities;
- Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of; and
- Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.

86. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re-use, recycling, other types of recovery (including energy recovery) and last of all disposal. This is reiterated in the Waste Management Plan for England (2013). The Worcestershire Waste Core Strategy sets out a number of objectives. Objective WO3 of the Waste Core Strategy seeks to make driving waste up the waste hierarchy the basis for waste management in Worcestershire.

87. The existing AD plant processes green waste (tomato leaves) arising from the adjacent glasshouse and produces electricity and heat for the biogas, a product from the AD plant to be used in the glasshouse. Any additional electricity is sold back to the national grid. Liquid and solid digestate is also a product of the AD plant which is used as a fertiliser on the Springhill Farm landholdings.

88. The NPPF supports the decentralisation of energy supply and states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions through supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

89. The Head of Strategic Infrastructure and Economy considers that this proposal would modernise and improve the operation of the existing AD plant, in that it would

help to improve the operation, efficiency and resilience of the plant, which is considered to be a sustainable waste management development that supplies a source of renewable energy. It is considered that the development accords with the National Planning Policy for Waste and the Worcestershire Waste Core Strategy in relation to the waste hierarchy, as it would support and enhance the existing AD plant by enabling improvements to be made to the processing of the digestate.

Location of the Development

90. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

91. The Waste Core Strategy sets out a Geographic Hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

92. Policy WCS 3 of the Waste Core Strategy requires waste management facilities that enable re-use or recycling of waste to be permitted within all levels of the Geographic Hierarchy, where it is demonstrated that the proposed location is at the highest appropriate level of the Geographic Hierarchy.

93. The proposal would be located in Level 5 of the geographic hierarchy for waste management in Worcestershire (the lowest level). However, as the proposed storage tank is ancillary to the existing operational AD Plant, and the location of the AD plant has already been established, therefore, it is considered the proposal is located at the highest appropriate level of the Geographic Hierarchy.

94. For the purposes of the Waste Core Strategy anaerobic digestion is included as recycling alongside other physical and chemical treatment processes.

95. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs re-use and recycling facilities, such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; redundant agricultural or forestry buildings or their curtilage; and sites with current use rights for waste management purposes.

96. The proposed development forms part of the curtilage of an existing waste management site (AD plant), and therefore, would comply with Policy WCS 6 of the Waste Core Strategy, falling under the compatible land use of 'sites with current use rights for waste management purposes'.

97. Policy SWDP 2 of the South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including "*safeguard and (wherever possible) enhance the open countryside*". Policy SWDP 2 c) defines the 'open countryside' as "*land beyond any*

development boundary". Therefore, the existing site and the application site are located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and buildings for agriculture and forestry.

98. Policy SWDP 12 c) states that the expansion of existing employment sites in rural areas will be supported where it has been demonstrated that intensification of the existing site is not viable or practical and Policy SWDP 12 d) states that proposals to diversify farm businesses for employment, tourism, leisure and recreation uses will be permitted providing:

- The proposed new use does not detract from or prejudice the existing agricultural undertaking or its future operation.
- The scale of activities associated with the proposed development is appropriate to the rural character of the area.
- Wherever possible existing buildings are used to reduce the need for additional built development.

99. The supporting text to this policy states that *"within rural areas, agriculture, horticulture, food processing and distribution remain a vitally important part of the local economy, particularly in the Vale of Evesham and in the south and north-west of Malvern Hills. An important focal point for the strategy is the further improvement of the economic prospects for those living in the rural north and west of Malvern Hills, beyond the main employment centres. This policy should also be read in conjunction with policy SWDP 8 e)"*.

100. Policy SWDP 8 e) states that *"the provision of employment land and the conversion of existing buildings to support job creation throughout south Worcestershire will be supported providing the development supports an existing business or new enterprise of a scale appropriate to the location"*.

101. Wychavon District Council raises no objections to the proposal, stating that the proposal is clearly related to an existing agricultural commercial business and, therefore, appears to be appropriate development in the countryside, in accordance with Policy SWDP 2 of the South Worcestershire Development Plan. The Head of Strategic Infrastructure and Economy considers that the proposal would be within the curtilage of the wider site and would be of a scale appropriate to the location and rural character of the area, and would not further detract from or prejudice agricultural undertaking. In view of this, it is considered that the proposal would be appropriate development in the open countryside.

Landscape Character and Visual Impacts

102. The proposal, which measures approximately 616 square metres in area, is located within the south-east corner of the wider glasshouse, biomass boiler and AD plant site, immediately to the south of the End Storage Bag and to the east of the glasshouse. Evesham Road (A44) runs east to west immediately to the north of the site. The Cotswold mainline railway line runs east to west on the southern boundary of the site. The site is bounded by farmland, beyond which are residential properties along Station Road, Evesham Road (A44) and Salters Lane. Public Rights of Way (Footpaths FB-522 and FB-521) run parallel to the railway line, approximately 120 metres south of the proposal.

103. The County Landscape Officer has been consulted and has raised no objections to the proposal, stating that they consider that the visual cumulative impact of adding a new storage tank would be negligible, both within the context of the existing structures and wider hedgerow network. Wychavon District Council consider that the facility is suitably positioned so that it would be seen in the context of the existing site and is not likely to cause any adverse impact on the local or wider landscape, including the Cotswold AONB or Listed Buildings and Conservation Area is Fladbury, as well as residential properties in the site's vicinity. The Cotswolds AONB Conservation Board has been consulted but has made no comments.

104. Given the location of the proposal within the confines of an existing operational glasshouse, AD plant and biomass boiler site, and being well screened by earth bunds and mature vegetation from Evesham Road (A44), and by the existing glasshouse from views to the west, it is considered that the proposal would not have an adverse impact upon the character and appearance of the local area. Whilst views into the site are visible from along the Public Right of Way (Footpaths FB-522 and FB-521), it is considered that these are distant and seen in the context of an operational site. Furthermore, the surrounding area is characterised by glasshouses and commercial nurseries and, therefore, ancillary facilities and stores, such as the proposed development are not alien features in the locality. The County Footpath Officer has been consulted and has raised no objections to the proposal.

105. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area.

Residential Amenity (Noise, Odour and Health Impacts)

106. Letters of representation have been received objecting to the proposal on the grounds of adverse odour, noise and health impacts. Fladbury Parish Council has also raised objections on the grounds of adverse odour impacts.

107. The nearest residential property is located approximately 260 metres north-east of the proposal, situated along Evesham Road (A44). Further dwellings are situated off Station Road, located about 350 metres east of the proposed development and Salters Lane located approximately 625 metres west of the proposal.

108. The application is accompanied by a Noise Impact Assessment Note, which states that the proposal comprises an additional material storage tank, located to the south of existing storage bays, which does not inherently generate noise, but that noise is potentially generated by plant that delivers and retrieves material from it. The Assessment considers that any additional on-site plant movements associated with the proposed storage tank would be effectively diluted against the backdrop of the existing activity at the site, and as such noise from this additional plant would be imperceptible at sensitive receptors.

109. The Assessment also states that as the proposal is part retrospective, with the ground works complete, the majority of the significant construction works associated with the construction of the proposal are complete, with the remainder of the work largely comprising component assembly and installation, which is not anticipated to result in an adverse noise impact. It considers that the main noise generating element

of the proposal itself is the external motor associated with the mixer unit serving the storage tank, which is anticipated to generate noise of approximately L_w 83 dB (A).

110. The Assessment states that the background noise level at the closest noise sensitive receptor (Braden View) is L_{A90} 46dB during the day and 32 dB at night. It is predicted that the specific noise level at the closest sensitive receptor, as a result of the proposal would be 9.5 dB, which is approximately 36 dB below the noise background level during the day and 22 dB below the noise background level at night, and therefore, would have a negligible impact.

111. The application was also accompanied by an Odour Impact Assessment Note, which states that there are two mechanisms by which odour emissions may evolve from digestate in the proposed tank: 'surface emissions' and 'evolution of gases by AD'. Surface emissions are generated by surface wind "stripping" and / or evaporation of odorous gases / compounds from the surface of the liquid. The Assessment states that in this instance such emissions would be completely controlled by virtue of the fact that the tank would be fully enclosed so that no digestate would be exposed to the atmosphere. Evolution of gases by AD is the continuing decomposition of solids in the digestate material stored in the tank leading to gases or bubbling of methane and possible CO₂ (which are both odourless) accompanied by a range of other potentially more odorous gases, albeit in very low concentrations. The strength and intensity of the odours from the gases can be such that odours can arise. In this instance, as the tank headspace would be completely sealed and only vented to the AD plant main digester gas collection system. This means that all evolved gas, and therefore, odours would be contained and utilised in the Combined Heat and Power (CHP) system, or flared off if there is an excess of gas. This thermally oxidises the odour in biogas, resulting in no release of odours from the tank.

112. The Assessment states that the *"proposed tank would be fitted with a stirring system with an external drive mechanism (externally mounted agitators), so that future maintenance would require much less intrusive work in the tank, and therefore, avoid the need to disrupt the operation and seal of the tank enclosure. This is a significant advantage over the current storage facilities on site"*. In addition, the applicant is proposing to retrofit externally mounted agitators to the existing tanks, replacing the existing internal agitators.

113. The Environment Agency wishes to make no comments as the site is no longer regulated by them. Worcestershire Regulatory Services (Air Quality Officer) has no objections to the proposal and Worcestershire Regulatory Services (Noise, Dust and Odour Officer) also raises no objections, stating that whilst they are aware of ongoing odour issues associated with the site, this proposal would appear to be acceptable in terms of potential odour nuisance.

114. With regard to the ongoing odour issues at the wider site, the Planning Monitoring and Enforcement Officer and Worcestershire Regulatory Services have been made aware of the concerns raised by local residents and the local member in respect of odour emissions. Condition 17 of planning permission 12/000079/CM relates to the control of odours from the site and requires the applicant to operate the site in accordance with the approved Odour Management Plan. The Planning Monitoring and Enforcement Officer has recently met with the applicant and Worcestershire Regulatory Services and is currently liaising with the applicant to ensure compliance with the Odour Management Plan.

115. With regard to impacts to human health, Public Health England has raised no objections, stating that they have no significant concerns regarding risk to health of the local population from the proposed activity, providing that the applicant takes all appropriate measures to prevent or control pollution, in accordance with the relevant sector technical guidance or industry best practice.

116. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse noise or odour impacts on residential amenity or that of human health, and the proposed development would assist with improving the operation of the existing AD plant, thereby, helping to reduce the number of breakdowns where the tank needs to be opened, and therefore, reduce the risk of odour emissions escaping.

Traffic and Highway Safety

117. Letters of representation have been received objecting to the proposal on highway grounds. The development utilises the existing wider site access road, which is taken directly from Evesham Road (A44).

118. It is noted that the NPPF states that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*.

119. The applicant has confirmed that once operational this proposal would not alter the existing site vehicle movements. The proposal is required to store material from the existing tanks that are experiencing technical faults whilst repairs are undertaken. Once the two existing storage tanks are repaired the applicant is then proposing that these tanks would then not need to be filled as much as presently, and the material would be spread across three storage tanks rather than two, which would help to prevent future breakdowns and material solidifying inside the tanks. The applicant has confirmed that they do not propose to vary the throughput of the site.

120. The County Highways Officer has been consulted and has raised no objections to the proposal. In view of this, the Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic or highway safety.

Water Environment

121. The application site falls within Flood Zone 1 which has a low probability of flood risk. A French Drain is proposed to surround the storage tank, which would direct surface water in a controlled manner into the adjacent reservoir, which drains the wider site. The applicant has confirmed that the reservoir has sufficient capacity to accommodate surface water from the proposed development, noting that the maximum fill level within the reservoir during the winter months is 85% (typically 40% in the summer months).

122. South Worcestershire Land Drainage Partnership has been consulted and has made no comments. The Lead Local Flood Authority and Severn Trent Water Limited have both raised no objections to the proposal.

123. Based on this advice, the Head of Strategic Infrastructure and Economy considers that there would be no adverse effects on the water environment.

Ecology and Biodiversity

124. Paragraph 9 of the NPPF states that *"pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life"*, which includes *"moving from a net loss of biodiversity to achieving net gains for nature"*. This is reiterated within Section 11 of the NPPF, paragraph 109 states that *"the planning system should contribute to and enhance the natural and local environment"*, and this includes *"minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*.

125. Paragraph 118 of the NPPF states that *"when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles"*, this includes *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"*.

126. The application is accompanied by 'Ecological Appraisal Note', which confirms that the proposal would not likely have an adverse impact on any protected species or habitats. It recommends that consideration should be given to sowing with a native species-rich mix around the proposed development. In particular, due to the previous presence of skylark in the area, selecting a seed bank that would encourage and support their continued presence on site would be of great ecological value.

127. There are a number of non-statutory wildlife designated sites within 2 kilometres of the proposal, notably the River Avon Local Wildlife Site (LWS), which is located approximately 690 metres east of the site.

128. Worcestershire Wildlife Trust has been consulted due to the proximity of the proposal to LWS's, and has raised no objections to the proposal, wishing to defer to the County Ecologist for all on-site detailed ecological considerations. The County Ecologist has raised no objections to the proposal, subject to the imposition of conditions requiring a scheme for biodiversity enhancement as recommended by the 'Ecological Appraisal Note' and a lighting scheme in order to protect foraging bats.

129. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that subject to the imposition of appropriate conditions as recommended by the County Ecologist, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

Cultural Heritage

130. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects to listed buildings in the exercise of planning functions. Subsection (1) provides that *"in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Section 72 (1) imposes a general duty as respects Conservation Areas in the exercise of planning function

stating "in the exercise, with respect to any buildings or other land in a Conservation Area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

131. Paragraph 132 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II Listed Building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments...Grade I and II* Listed Buildings, Grade I and II* Registered Parks and Gardens...should be wholly exceptional"*. Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan also require development to conserve and enhance heritage assets, including their setting.

132. Paragraph 133 of the NPPF states that *"where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*.

133. A number of heritage assets are located within the wider context of the application site, as outlined in paragraphs 19 and 20 of this Report. Notably, a Scheduled Monument (Settlement site north of Spring Hill) is located immediately to the west of the existing glasshouse, located approximately 275 metres west of the proposal.

134. Due to the proximity of the Scheduled Monument to the application site, Historic England and the Ancient Monuments Society have been consulted. Historic England wishes to make no comments and recommends that the District Council is consulted for their specialist conservation and archaeological advice. No comments have been received from the Ancient Monuments Society. The District Council comments that the facility is suitably positioned so that it would be seen in the context of the existing site and is not likely to cause any adverse impact on Listed Buildings or Fladbury Conservation Area.

135. In view of this, the Head of Strategic Infrastructure and Economy considers that due to the distance from designated heritage assets, the screening offered by the glasshouse, topography and the sites boundary vegetation that the proposed development would have no adverse impact upon the nearby Scheduled Monument, Fladbury and Lower Moor Conservation Areas or Listed Buildings.

136. Paragraph 135 of the NPPF states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

137. The District and County Archaeologists have confirmed that site contains Prehistoric and Roman settlement and associated features and the proposal is sited

in an area which is very likely to be over a Roman ditch / boundary. The applicant did not conduct any archaeological work or carry out the development under a watching brief of an archaeologist. Therefore, it is likely any archaeological features would have been destroyed by the construction works.

138. The County Archaeologist states that given that the proposal is part retrospective, the obligation of the developer to facilitate recording of any archaeology cannot now be the subject of a condition. In this instance the impact to the historic environment would hopefully be limited to the footprint of the storage tank, and by a lesser degree, the buffer of made ground.

139. The District Archaeologist states that the heritage loss is considered to be total within the area of unlawful works; therefore, substantial harm to a known heritage asset of archaeological significance has occurred. The District Archaeologist considers that if an area of similar size is excavated to the south of the proposal, it may be possible to offset the heritage loss which has occurred. Therefore, the District Archaeologist recommends that should planning permission be granted a condition is imposed requiring a programme of archaeological work.

140. In response to the District Archaeologist's comments the applicant submitted an Archaeology Advice Note which states that the archaeological work to date at the site has established that a relatively sterile boundary ditch which was in use prior to the cutting of the furrows of likely medieval origin which cross it. If it was a Roman field boundary then the paucity of archaeological materials within it is confirmation of its distance from the core of settlement.

141. From examining the submitted drawings the Archaeology Advice Note states that all groundworks are within the existing bund. The bund is 'made ground' and does not contain in-situ archaeological remains. Therefore, so long as groundworks do not extend 'below' the existing bund and down into the pre-existing ground surface, there can be no truncation to archaeological remains as a result of the proposals. Furthermore, there is a buffer of approximately 0.5 metres between the pre-existing ground surface and the top of the boundary ditch.

142. Notwithstanding the above, the Archaeology Advice Note then concludes that the development (the tank) may have impacted upon the boundary ditch. This is most likely to be at the eastern end of the tank, given the projected alignment of the boundary ditch. The Note also states that in order to confirm if the development has impacted upon the boundary ditch in terms of compression impact, an engineer's report is required and this has not been carried out, but to the best of their knowledge there is no evidence to suggest a negative impact due to compression of the archaeological remains.

143. Further comments are awaited from the District Archaeologist in response to the Archaeology Advice Note.

144. Given that the further information submitted (Archaeological Advice Note) is not conclusive in terms of the impact of the proposal upon a known heritage asset and based on the current advice of the District Archaeologist, it is considered that the proposal is likely to have impact upon a known heritage asset of archaeological significance, which is an undesignated heritage asset. The Head of Strategic Infrastructure and Economy considers this to be an unfortunate situation and is

disappointed by these actions, but considers that based on the advice of the District Archaeologist that a condition should be imposed requiring a programme of archaeological work to an area to the south of the proposal to better understand the archaeology of the wider site and to offset the heritage loss that has occurred. The Head of Strategic Infrastructure and Economy considers that on balance, subject to the imposition of this condition that the benefits of the proposal would outweigh the harm to and loss of a known heritage asset of archaeological significance. Furthermore, the Head of Strategic Infrastructure and Economy strongly advises the applicant to seek professional advice in advance in the future should they be considering developments on this site.

Other Matters

Economic Impact

145. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development through the three dimensions of economic, social and environmental. In particular the NPPF sees the economic role of planning as *"contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating the development requirements, including provision of infrastructure"*.

146. In addition, the NPPF at Paragraph 19 states that the *"Government is committed to ensuring that the planning system does everything it can to support economic growth, and therefore, significant weight should be placed on the need to support economic growth through the planning system"* and paragraph 28 states that *"planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development"*.

147. The AD plant and adjacent greenhouse combined employ 30 employees (each employing 15 employees). It is considered that the proposed development would help to secure the existing jobs at the site, thereby contributing to the local economy. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

Mineral Safeguarding

148. The proposed development is located within a Minerals Consultation Area as shown on the South Worcestershire Development Plan Proposals Map, Figure 8.1 'Mineral Resource Safeguarding and Consultation Area' of the Emerging Minerals Local Plan, and on the Proposal Map of the adopted Minerals Local Plan. Policy SWDP 32 of the South Worcestershire Development Plan requires proposals in Minerals Consultation Areas to assess the scope for minerals extraction before development takes place. The applicant has not submitted any information regarding the value or potential of the mineral resource in this location. Notwithstanding this, given the small footprint of the proposal (approximately 616 square metres), that the foundations were into or at least partly into made ground (spoil) deposited from previous developments at the site, and the proposal is within the confines of an existing glasshouse, biomass boiler and AD plant site, it is not considered prior extraction would be appropriate in this instance. Furthermore, as the site is existing and is not been extended it would not sterilise the adjacent mineral resource by introducing a new sensitive receptor.

Integrity of Railway Line

149. The Cotswold mainline railway line (Oxford – Worcester – Wolverhampton) is located approximately 170 metres south of the proposed development, and runs east to west on the southern boundary of the wider glasshouse, biomass boiler and AD plant site. Network Rail has been consulted and has raised no objections in principle, subject to appropriate conditions regarding trespass fencing, surface water, works and construction of buildings in close proximity to the railway line, and erection of scaffolding adjacent to the railway line.

150. Given the distance from the railway line and the proposed drainage arrangements (see Water Environment section of this Report), it is not considered that any of the conditions recommended by Network Rail would be relevant or appropriate in this instance.

151. In view of this, the Head of Strategic Infrastructure and Economy considers that there would be no adverse impact upon the safe operation of the railway.

Conclusion

152. The applicant states that the proposal is required to supplement two existing and operational tanks / chambers on site, which are experiencing technical faults due to issues with the type of agitators that have been used. The internal agitators have broken and the stored material has solidified. This means that repair cannot be undertaken until the storage facilities can be emptied. The applicant is proposing that the material would be emptied into the proposed storage tank. In the future this proposed tank would then be used, so that the two existing tanks no longer have to be filled as much as presently, which would help prevent this issue arising again. The applicant is also proposing that the internally mounted agitators on the existing plant would be replaced with externally fitted agitators. The proposed storage tank would also have an externally fitted agitator.

153. It is considered that this proposal would modernise and improve the operation of the existing AD plant, in that it would help to improve the operation, efficiency and resilience of the plant, which is considered to be a sustainable waste management development that supplies a source of renewable energy. It is considered that the development accords with the National Planning Policy for Waste and the Worcestershire Waste Core Strategy in relation to the waste hierarchy, as it would support and enhance the existing AD plant.

154. The proposed development forms part of the curtilage of an existing waste management site (AD plant), is ancillary to the existing AD Plant, would be a scale appropriate to the location and rural character of the area, and therefore, complies with Policies WCS 3 and WCS 6 of the Waste Core Strategy, relating to the Geographic Hierarchy and compatible land uses, respectively and Policies SWDP 2, SWDP 8 and SWDP 12 of the South Worcestershire Development Plan relating to the Development Strategy and Settlement Hierarchy, and development in rural areas.

155. Due to the location of the proposal within the existing operational greenhouse, biomass boiler and AD plant site, it is considered that the proposed development would not have an adverse or detrimental impact upon the character and appearance of the local area.

156. Based upon the advice of Worcestershire Regulatory Services and Public Health England, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse noise or odour impacts on residential amenity or that of human health, and the proposed development would assist with improving the operation of the existing AD plant, thereby, helping to reduce the number of breakdowns where the tank needs to be opened, and therefore, reduce the risk of odour emissions escaping.

157. The Head of Strategic Infrastructure and Economy is satisfied that the proposal would not have an unacceptable impact upon traffic and highway safety.

158. Based on the advice of the Lead Local Flood Authority and Severn Trent Water Limited it is considered that the proposal would not have an adverse effect upon the water environment.

159. It is considered that subject to the imposition of an appropriate condition as recommended by the County Ecologist relating to a landscaping scheme, the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

160. The Head of Strategic Infrastructure and Economy considers that due to the distance from designated heritage assets, the screening offered by the glasshouse, topography and the sites boundary vegetation that the proposed development would have no adverse impact upon the nearby Scheduled Monument, Fladbury and Lower Moor Conservation Areas or Listed Buildings.

161. The proposal is likely to have impacted a known heritage asset of archaeological significance, which is an undesignated heritage asset. The Head of Strategic Infrastructure and Economy is strongly disappointed by these actions, but considers based on the advice of the District Archaeologist that a condition should be imposed requiring a programme of archaeological work to an area to the south of the proposal to better understand the archaeology of the wider site and to offset the heritage loss that has occurred.

162. It is noted that the NPPF affords significant weight to economic growth. By securing existing jobs, the proposal would support communities and thereby provide social and economic benefits. In so far as it provides these social and economic benefits, it is considered that the proposal would accord with the aims of the NPPF.

163. Whilst the proposal is located within a mineral safeguarding area, it is considered that due to the small footprint of the proposal (approximately 616 square metres), and being located within the confines of an existing glasshouse, biomass boiler and AD plant site, it is not considered prior extraction would be appropriate in this instance.

164. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the Adopted Worcestershire Waste Core Strategy and Policies SWDP 1, SWDP 2, SWDP 4, SWDP 6, SWDP 8, SWDP 11, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31 and SWDP 32 of the Adopted South Worcestershire Development

Plan, it is considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

Recommendation

165. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for proposed construction of an Anaerobic Digestion (AD) storage tank (part retrospective) on land at Springhill Nursery, off A44 Near Vale Green Energy, Springhill Nursery, Near Fladbury, Pershore, Worcestershire, subject to the following conditions:

Approved Plans

- a) **The development hereby permitted shall be carried out in accordance with the details shown on submitted Drawing Numbered C1609/1, Rev B, except where otherwise stipulated by conditions attached to this permission;**

Construction Hours

- b) **Construction works including the use of plant and machinery, necessary for implementation of this consent shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 hours on a Saturday. There shall be no work carried out on a Sunday or Bank and Public Holiday;**

Delivery Hours

- c) **The permitted hours for deliveries to the development hereby permitted shall be 08:00 to 18:00 hours Mondays to Friday and 08:00 to 17:00 hours on Saturdays with no deliveries on Sundays, or public and bank holidays;**

Noise

- d) **The vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers;**
- e) **All vehicles and machinery associated with the facility used on the site shall be fitted with a non-audible safety device or a "smart" form of reversing alarm, which produces a sound only audible to personnel in the immediate vicinity of the vehicle to which it is fitted;**

Odour

- f) **The development hereby approved shall be carried out in accordance with the '*Potential Odour Impacts of Proposed Additional Digestate Storage Tank at Springhill Nursery*' Note, dated 1 March 2018;**

Prevention of Pollution of the Water

- g) **Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or**

underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund;

Biodiversity Enhancement

- h) Notwithstanding the submitted details, within 3 months of the date of this permission, a scheme for biodiversity enhancement for the development hereby approved shall be submitted to and approved in writing by the County Planning Authority, and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development, and maintained in accordance with the approved scheme;

Lighting Scheme

- i) Prior to the development being brought into use, a lighting scheme shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of the height of all lighting, the intensity of lighting (specified in Lux levels), spread of light, including approximate light spillage levels (in metres), the times when the lighting would be illuminated, any measures proposed to mitigate impact of the lighting or disturbance upon protected species and habitats, in particular bats. Thereafter, the development shall be carried out in accordance with the approved details;

Archaeology

- j) No further development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - vi. Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation.
- k) The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition j) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Head of Strategic Infrastructure and Economy) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference:18/000018/CM.