

**PLANNING AND REGULATORY COMMITTEE
20 SEPTEMBER 2016****PROPOSED MINOR MATERIAL AMENDMENT TO
PLANNING PERMISSION 12/000008/CM, DATED 13 JULY
2012 FOR "DEVELOPMENT OF AN ANAEROBIC
DIGESTION PLANT, BEEF (CATTLE) UNIT AND
ANCILLARY INFRASTRUCTURE AT ROTHERDALE FARM,
LONG LANE, THROCKMORTON, WORCESTERSHIRE" TO
VARY CONDITION 2 SO AS TO CONSTRUCT TWO NEW
ANAEROBIC DIGESTION TANKS**

Applicant

Vale Green Energy

Local Member(s)

Mrs E B Tucker

Purpose of Report

1. To consider a County Matter planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) for a proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, to vary Condition 2 so as to construct two new Anaerobic Digestion (AD) Tanks at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire.

Background

2. Evesham Vale Growers is a local horticultural company growing produce for onward sale to supermarkets. The company currently farms approximately 880 hectares of land in Worcestershire which is made up of 9 farms. It employs about 600 people (at its busiest periods) and is one of the largest employers in the area. The applicant for this planning application, Vale Green Energy, is the energy arm of Evesham Vale Growers. 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 by Members of the Planning and Regulatory Committee at their meeting on the 10 July 2012 for the development of an AD plant, beef (cattle) unit and ancillary infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire (Ref: 12/000008/CM, Minute 782 refers).

4. On 1 October 2013 the County Planning Authority granted planning permission for the development of a new storage building for the storage of bailed straw, for the

cattle unit associated with the permitted AD Plant (planning permission reference number 13/000038/CM). In August 2013 the County Planning Authority approved a non-material amendment to that scheme to allow the movement of the storage shed 5 metres to the south and a reduction of the eaves height of the storage shed by about 1.15 metres (planning permission 13/000038/NMA).

5. In September 2013, a non-material amendment to planning permission 12/000008/CM was approved by the County Planning Authority to increase the eave height of the cattle unit from about 6.43 metres to about 7.43 metres, with the height of the ridge (overall height of the building) remaining at the approved height of about 9.41 metres (permission reference 13/000039/NMA).

6. In September 2015, a further non-material amendment to planning permission 12/000008/CM was approved by the County Planning Authority (Ref: 12/000008/NMA) to revise the permitted layout of the AD Plant required to address efficiency improvements in the technology and subsequent design changes that were made during the construction of the facility.

7. The applicant states that AD is a relatively new technology and as such its development and design constantly evolves. In order to improve the efficiency of the plant, Vale Green Energy is now seeking additional amendments to the original planning permission.

The Proposal

8. The applicant is seeking permission for a proposed minor material amendment to planning permission 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, to vary Condition 2 so as to construct two new AD Tanks at Rotherdale Farm.

9. Anaerobic Digestion is a process whereby feedstocks (in this case energy crops) are fed into a warmed vessel within which bacteria break down the feedstock material and produce biogas. This biogas is then extracted and passed through an upgrading plant where any contaminants are removed leaving the two main components of Bio-methane and Carbon Dioxide.

10. The Carbon Dioxide can be compressed for use in the food industry as long as the gas is of the correct grade and has not been derived from waste. At Rotherdale the Carbon Dioxide is compressed and sold into the food industry as it passes food grade quality.

11. The Bio-methane is injected into the National Gas Grid. Its quality is dependent on getting the feedstock quality and process quality correct. A by-product of the digestion process is Digestate which is recycled and used as an organic fertiliser. This reduces the reliance on oil based fertilisers and is also used as a soil conditioner.

12. The proposed AD tanks would measure approximately 22.7 metres in diameter with an overall height of about 10 metres (9 metres above ground level and 1 metre below ground level). The above ground dimensions would match the existing AD tanks (the existing tanks are sunk about 2 metres below ground level). The proposed AD tanks would be located immediately to the north of the existing tanks.

The colour of the proposed AD tanks would be goosewing grey and green to match the existing tanks.

13. This planning application seeks to vary Condition 2 of planning permission 12/000008/CM (as amended by 13/000039/NMA and 12/000008/NMA) which states:-

14. *“The development hereby permitted shall be carried out in accordance with the following approved drawings numbered:-*

- JER5274-001 Revision A;
- JER5274-003 Rev. A;
- SPH/1001/011/Z Revision A;
- JER5274-006 Rev.-;
- SPH/1001/010/Z Revision A;
- 610-032 Revisions B;
- JSL2143 003-02, Rev C; and
- JPW0147-003.”

This planning application seeks to vary the wording of Condition 2 to read as follows:-

15. *“The development hereby permitted shall be carried out in accordance with the following approved drawings numbered:-*

- JER5274-001 Revision A;
- JER5274-003 Rev. A;
- **SPH/1001/011/Z;**
- JER5274-006 Rev.-;
- **SPH/1001/010/Z;**
- 610-032 Revisions B;
- **JSL2143 0003-02 D; and**
- JPW0147-003.”

16. The emboldened and underlined text above highlights those drawings which would be amended should this application be approved.

17. The AD facility at Rotherdale Farm produces both electricity and biomethane for injection into the national grid. The applicant states that the reason for seeking to construct a further two AD tanks at the site is to allow for greater retention time of the feedstocks resulting in improvements to both the volume and quality of the gas produced and, thereby, improving the contribution to the national grid.

18. The biogas produced by the existing AD plant at Rotherdale Farm currently consists of approximately 50% methane and 48% carbon dioxide with the target being 55% plus and 43% respectively. The applicant, therefore, wishes to make improvements to the process to enable this target mix to be achieved. The optimum time for digestion of the feedstock in digesters is between 60 to 100 days. The Rotherdale Farm facility currently digests for only 40 to 50 days and as a result the feedstocks are not going through the full digestion process meaning that energy is being left in the digestate by-product and the target gas mix is not being achieved. The construction of the proposed two new digesters would enable the digestate to

be held within the vessels for longer, enabling full digestion and hence optimum gas production and quality without impacting on existing feedstock throughputs.

19. This application does not seek to increase the throughput or any other elements of the AD plant or associated infrastructure. The proposal, therefore, does not result in any additional vehicle movements to the site.

The Site

20. The application site measures about 8 hectares in area and encompasses part of Rotherdale Farm, which is located on the north side of Long Lane approximately 1.5 kilometres west of Throckmorton village and approximately 6.5 kilometres north of Pershore within Bishampton and Throckmorton Parish. The former Throckmorton Airfield is located south-east of Rotherdale Farm on the southern side of Long Lane. Hill and Moor Landfill site lies to the south of the former Throckmorton Airfield. The area is predominantly rural with the surrounding land used for agriculture both arable and pasture. A solar farm is located on land immediately north of the application site. The site is surrounded by hedgerows and the Rotherdale Farm buildings are located immediately to the north-west of the application site and proposed AD tanks.

21. Existing buildings at Rotherdale Farm include barns, a grain store building, grain silos, a storage building for agricultural machinery and bailed straw (Ref: 13/000038/CM), storage clamps and an AD Plant and associated infrastructure (Ref: 12/000008/CM). A reservoir, approved by Wychavon District Council is located to the immediately north of the site (District Ref: AB/11/01829/AB). The site is accessed from Long Lane which links to Throckmorton and the A44 further to the south.

22. The Tributary of Piddle Brook Local Wildlife Site (LWS) is located approximately 40 metres north of the site. The site is located approximately 2 kilometres from Naunton Court Meadows Site of Special Scientific Interest (SSSI) and Yellow House Meadow SSSI. Footpath TH-502 is located approximately 60 metres east of the site.

23. Tilesford Farmhouse a Grade II Listed Building is located about 245 metres west of the application site (red line boundary) and approximately 525 metres south-west of the proposed AD tanks.

24. The nearest residential property is Rotherdale Farm House located approximately 200 metres north-west of the proposal. Further residential properties of Tilesford Cottages are located approximately 450 metres south of the proposed AD tanks on the north side of Long Lane. Tilesford Farm House, Saddleback Barn and Old Spot Barn are located about 525 metres south-west of the proposed development.

Summary of Issues

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

- Landscape Character and Appearance

- Residential Amenity (Noise and Air Quality Impacts)
- Traffic and Highways Safety.

Planning Policy

26. 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.

27. 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".

28. 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.

29. 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

30. 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

31. The Development Plan is the strategic framework that guides land use planning for the area. In this respect the current Development Plan consists of the Adopted Worcestershire Waste Core Strategy and Adopted South Worcestershire Development Plan.

32. 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.

33. 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

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 is a Development Plan Document which sets out strategic planning policies and detailed development management policies. The SWDP also allocates sites for particular types of development and sets out policies on site specific requirements. It covers the period 2006-2030. The SWDP was adopted on 25 February 2016. 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 12 Rural Employment
Policy SWDP 21 Design
Policy SWDP 22 Biodiversity and Geodiversity
Policy SWDP 24 Management of the Historic Environment
Policy SWDP 25 Landscape Character
Policy SWDP 27 Renewable and Low Carbon Energy
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

Waste Management Plan for England (2013)

35. 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.

36. 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.

37. 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.

38. 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.

39. It states that the Government supports 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

40. 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.

Consultations

41. **Wychavon District Council** has no objections, subject to the relevant conditions imposed on the extant planning permission being imposed on any new consent; imposition of appropriate conditions to protect the amenities of local residents; and consideration given to potential impacts upon surface water drainage. They consider that the proposal would not have a significant landscape or visual impact over and above what is already approved and constructed.

42. **Bishampton and Throckmorton Parish Council** objects to the proposal and raise concerns regarding the management of the existing AD plant site, stating the following:-

Consultation

43. Express disappointment at the comments made within the application which states that "a public consultation has been undertaken" and the "councillors' fears over traffic have been allayed".

44. The Parish Council state that their members were invited to attend a tour of the AD site and that several members of the Parish Council did attend. However, members were guests at a tour of the facility and it is unfair to describe it as consultation.

Traffic

45. There are a number of large tractors and trailers passing through Throckmorton carrying green matter, often at speeds. It is understood that the digesters are now being supplied purely with green material grown across the local area. Therefore, this has now resulted in an increase in vehicle movements, as the proposal is no longer processing waste from the adjacent chicken farm. Furthermore, as the harvesting of maize for the AD plant occurs later in the year, the Parish Council are concerned about the amount of mud that would be transferred to the road in the villages of Bishampton and Throckmorton and Tilesford making driving conditions dangerous. They ask that the County Highway Authority examine the routes that these vehicles travel to the AD plant, their tonnage and frequency.

Noise

46. Raise concerns regarding the constant and repetitive noises arising from the existing AD facility, which is particularly noticeable at night. The sounds are thought to be machinery moving or aerating fuel for the AD plant. The Parish Council hope that alterations to the structures of the buildings could reduce the noise levels significantly.

Light

47. Lights situated in the outside of the buildings are switched on throughout the night, and in the original application it was stated that these lights would be turned off after the last delivery, which is not occurring.

Landscaping

48. The landscaping at the site has not been undertaken as described in the original planning application and whilst it is understood that there have been difficulties with planting trees on the bund, no major planting or landscaping appears to have taken place.

49. Following a response from the applicant to their above comments, the Parish Council reiterated their objection to this application, despite the applicant's intentions relating to the matters raised. Whilst many positive alterations to the site have been described by the applicant, the matters raised are still of concern to the Parish Council.

50. **Naunton Beauchamp Parish Council (Neighbouring Parish Council)** has made no comments.

51. **Pinvin Parish Council (Neighbouring Parish Council)** has considered the application and wishes to make no comments.

52. **Peopleton Parish Council (Neighbouring Parish Council)** has considered the application and wishes to make no comments.

53. **The Environment Agency** has no objections stating that the additional digestion tanks are proposed to be constructed predominantly above ground, with the base of the tank set around one metre below the existing ground level. In relation to possible sub water table impacts and their current guidance: Groundwater Protection: Principles and Practice (GP3), in particular Policy D3 – 'Sub water table storage' - states that the Environment Agency "will object to storage of hazardous substances below the water table in principal or secondary aquifers". The proposed tanks are unlikely to be sited within groundwater.

54. This site is operated using energy fuel crops. As such it has never held an Environmental Permit and, therefore, has not been regulated by the Environment Agency but Worcestershire Regulatory Services. They recommend consulting Worcestershire Regulatory Services on the proposal. Notwithstanding this, they highlight the fact that operators of AD sites should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to controlled waters. The Environment Agency has powers under the Environmental Permitting Regulations (EPR) 2010 to take action where groundwater pollution occurs, or is likely to occur.

55. It appears that the areas around the storage tanks and digesters may not be fully bunded. The Environment Agency is unsure of the current design, or whether the containment at the site is adequate to prevent loss of polluting material in the event of a catastrophic or slow failure. This is normally achieved through a suitable concrete and/or earth bund structure, to protect controlled waters. The applicant may wish to consider future proofing the scheme, should the waste types change in the future and the site fall under the Environment Agency's regulation, but also to ensure a robust scheme. This may save time and resources retrofitting additional infrastructure and minimise the risk of pollution.

56. **Worcestershire Regulatory Services (Noise)** has no objections to the proposal.

57. **Worcestershire Regulatory Services (Air Quality)** has no objections as the proposal does not seek to increase the throughput or any other elements of the plant, and it is noted that the proposed AD tanks would not have any emissions to air.

58. They also state that the original application was accompanied by an Air Quality Assessment that indicated that all potential air quality contaminants are at least well below 70% of the relevant environmental quality standards (EQS), *“The maximum long-term impacts with the worst-case meteorological conditions across the modelled grid show that the predicted environmental concentrations are well below 70% of the EQS and as such no significant impact is predicted”*. Additionally it was stated *“overall, the effects of the proposed facility are not considered to be significant based on the Environment Agency’s Horizontal Guidance H1 for assessing point source emissions”*.

59. **Public Health England** has no objections stating that proposal does not present any obvious cause for public health concern providing it is well managed and maintained and the relevant environmental legislation and environmental permitting sector guidance notes are complied with as necessary. The applicant should take all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

60. **Lead Local Flood Authority** has no objections.

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

62. **The County Archaeologist** has no objections stating that the original planning permission 12/000008/CM imposed a suite of conditions relating to archaeology (Conditions 16, 17 and 18). The required archaeological work was undertaken during October 2012 and a report on the investigation was subsequently produced and approved by the County Planning Authority in consultation with the County Archaeologist in early 2013. On this basis, all archaeological works required in connection with application 12/000008/CM and this application (16/000008/CM) have been completed and no further archaeological work is required.

63. **The County Landscape Officer** has no objections stating that whilst there would be a material impact to the site, overall the impact to landscape would be slight within the context of current mitigation.

64. **Natural England** has no objections to the proposal.

65. **The County Ecologist** has no objections to the proposal.

66. **Worcestershire Wildlife Trust** has no objections and wishes to defer to the County Ecologist for all detailed ecological matters at the site.

67. **The County Highways Officer** has no objections, stating that the proposal would not alter the details already approved on the wider site with the exception of the drawings listed under Condition 2 of the extant permission and that the existing planning conditions and schemes approved would be unaffected. The proposal also does not seek to increase the throughput or any other elements of the plant. The proposal, therefore, does not result in any additional vehicle movements to the site.

68. They note the comments from Bishampton and Throckmorton Parish Council regarding concerns regarding existing levels of traffic movements to the site, but this

concern is linked to the existing planning permission and as stated above this application does not seek to increase any vehicle movements associated with the site.

69. **Hereford and Worcester Fire and Rescue Service** has made no comments.

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

Other Representations

71. The application has been advertised in the press, on site, and by neighbour notification. To date 2 letters of representation objecting to the proposal have been received. The letters of representation are available in the Members' Support Unit. The main comments are summarised below:

- Raise concern about not being consulted by the applicant about this proposal or invited to the site as part of the presentation to the Parish Council
- Raise concerns regarding the operation of the existing AD plant site in relation to noise, lighting (left on after dark) and visual impact (no planting or landscaping of the bund), which have also been raised with Vale Green Energy
- If the proposal is to facilitate increased gas production, then this would inevitably result in the need for an increased quantity of energy crop, and therefore, an increase in the already unacceptable volume of traffic through Throckmorton village.

The Head of Strategic Infrastructure and Economy's Comments

72. 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.

Landscape Character and Appearance

73. The proposed AD tanks would measure approximately 22.7 metres in diameter with an overall height of about 10 metres (9 metres above ground level and 1 metre below ground level). At 9 metres in height above ground level the two additional AD tanks would be lower than many other structures at the Rotherdale Farm site, such as the farm silos, which measure about 19 metres high; beef unit and grain store, which measure approximately 9.4 metres high; and stack for the AD Plant which measures about 19 metres high. Accordingly, the Head of Strategic Infrastructure and Economy considers that the two new AD tanks would fit into the context of the existing site as the digesters have been designed to match the existing AD tanks in terms of their design, height above ground, and colour. Furthermore, the new digesters would be located immediately to the north of the existing AD tanks and east of the feedstock storage buildings, which would help to partly screen the proposal from public views points and would be seen in the context of the overall AD plant site.

74. The Landscape and Visual impact Assessment undertaken for the original application (Ref: 12/000008/CM) has been reviewed in the light of this proposal. The Assessment concludes that the two additional digestion tanks would not result in any changes in the magnitude of effect or significance of effect to any of the views

experienced by a variety of visual receptors at the 19 viewpoint locations assessed in the original (2012) Assessment. Accordingly, the updated Assessment concludes that the impacts associated with the existing as built plan would remain unchanged by the introduction of the two additional tanks.

75. The County Landscape Officer has been consulted and raised no objections to the proposal. Wychavon District Council also raises no objections to the proposal.

76. Objections have been raised by local residents regarding the lack of landscaping at the site, in particular along the constructed bund to the south of the existing AD tanks. The Head of Strategic Infrastructure and Economy notes that Condition 13 of the extant planning permission required the implementation of the submitted and approved landscaping scheme. The County Planning Monitoring and Enforcement Officer is aware of this matter and continues to regularly visit / monitor the site and liaise with the applicant with a view to resolving this matter in the next planting season (October to April). In response to these comments the applicant confirmed that the hedgerow which forms part of the landscaping scheme has been planted and the remaining planting would take place in the next planting season/autumn 2016. The Head of Strategic Infrastructure and Economy recommends that should planning permission be granted the extant condition relating to landscaping should be imposed and the County Planning Monitoring and Enforcement Officer will check to ensure compliance.

77. The Head of Strategic Infrastructure and Economy considers that, based on the advice of the County Landscape Officer, the proposed development would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of conditions as imposed on the extant planning permission.

Residential Amenity

78. The proposed two new AD tanks would not have any emission to air and the applicant states that the tanks would not generate noise. The Head of Strategic Infrastructure and Economy notes that the new AD tanks would be sited to the north of the existing digesters, behind an earth bund which measure about 3.5 metres high, some 450 metres north of the residential properties along Long Lane and about 200 metres south-east of the residential property of Rotherdale Farm House with intervening building and plant.

79. Objections have been raised by a local resident and Bishampton and Throckmorton Parish Council regarding existing noise and light impacts, particularly at night time. The applicant has confirmed that this planning application is for two new digesters which are silent in nature. Vale Green Energy was made aware of noise complaints on the 26 July 2016. These were investigated and the following two noise sources have been identified:

- The reject exhaust pipe from the CO₂ production system, and
- The feeding system, feed hoppers, motors and gears.

80. Since this time, the applicant states that the first noise source has been modified to seek to address this problem and they are awaiting feedback before further modifications are made. The second is currently being addressed, as the applicant is awaiting the delivery of noise suppression material which would be used

to totally encase this part of the facility within a box. In the short term a screen has been built around the motors to attempt to reduce the noise impact of the feeding system.

81. Worcestershire Regulatory Services has been consulted and has raised no objections in respect to noise or air quality. The Head of Strategic Infrastructure and Economy notes that Conditions 21, 22, 24 and 25 of the extant planning permission (12/000008/CM) relate to noise mitigation measures. In particular Condition 21 required the submission of a scheme of noise attenuation measures. Furthermore, Condition 22 limits the noise output from the existing Combined Heat and Power (CHP) engine so that the level of noise from the development within any dwelling does not exceed 10dB below background noise level. Therefore, it is considered that subject to the carrying forward of these conditions on to any new planning permission, the County Planning Authority, in liaison with Worcestershire Regulatory Services, would have appropriate conditions in which to monitor and ensure compliance in respect of controlling noise emissions from the development.

82. With respect to lighting, the proposed development would not include the installation of any further lighting. It is noted that Condition 11 of the extant planning permission (Ref: 12/000008/CM) required the submission of a lighting scheme. The Head of Strategic Infrastructure and Economy recommends that should members be minded to grant planning permission the extant condition relating to lighting should be imposed on any new planning permission. Furthermore, the applicant has confirmed that they were made aware of light pollution complaints on the 26 July 2016, two light sources were identified. Since this time, one light has been disabled (28 July 2016) and one has been moved to a lower point (27 July 2016).

83. With regards to objections raised in relation to non-compliance with the extant planning permission (Ref: 12/000008/CM) in respect of lighting, noise and landscaping. Members should note that compliance or otherwise with the extant planning permission should not be taken into account in the determination of this related but separate planning application. The Head of Strategic Infrastructure and Economy is now aware of the concerns of local residents and in view of this the County Planning Monitoring and Enforcement Officer is investigating these concerns and will continue to monitor the site and liaise with local residents, the local councillor and the applicant to ensure compliance with the extant planning permission.

84. With regard to potential 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.

85. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions as imposed on the extant planning permission that there would be no adverse air pollution, noise, dust or light impacts on residential amenity or that of human health.

Traffic and Highways Safety

86. Local residents have raised concerns regarding the impact the proposal would have on traffic in the local area and Bishampton and Throckmorton Parish Council

request that the County Highway Authority examine the routes that vehicles travel to the AD plant, their tonnage and frequency.

87. In response to these comments that applicant has confirmed that they wish to improve the biomethane production process of the Rotherdale Farm site through the addition of two new digestion tanks which would facilitate an increased retention time for the digestate without increasing feedstock quantity or type. The addition of the new digesters would allow more digestion and better efficiency leading to a reduction in the volume of digestate (solid fertiliser) produced and hence a reduction in associated traffic movements as more feedstocks are converted into gas of a higher quality.

88. The Parish Council is correct that the applicant no longer utilise animal wastes at the site, this is primarily because the required operational efficiencies could not be achieved using this feedstock. In addition, and importantly, the Carbon Dioxide captured from the plant is now being utilised for a 'food related use' (i.e. for a drinks manufacture process). This food related use of the captured Carbon Dioxide prevents the use of animal wastes in the feedstock.

89. The applicant has indicated that they understand that vehicle movements are a concern to the local community. In response to this they intend to move their cropping plan to be less reliant on maize crop and use whole crop rye and grass silage. This alteration would move the harvest from October/November to a more even spread of traffic between April and August, thereby reducing daily vehicle movements. In response to the meeting between Vale Green Energy and the Parish Council on the 27 May 2016, the applicant has been reviewing the internal traffic routes around the farm and has identified an internal route which they would make into an internal track that would significantly reduce the traffic through Throckmorton. This would mean that the majority of the harvests and return of fertiliser, in the form of organic matter, would be within the farm boundary. With the new route the potential for mud on the road generated by Vale Green Energy would, therefore, be significantly reduced.

90. The County Highways Officer has been consulted and has considered the letters of representation and comments from the Parish Council and has raised no objections.

91. The Head of Strategic Infrastructure and Economy notes that Condition 4 of the extant planning permission (Ref: 12/000008/CM) restricts the throughput of the facility to a maximum of 20,000 tonnes per annum of feedstock. The applicant does not propose to increase the throughput of the facility or seek to amend this condition, therefore, subject to the carrying forward of this condition on to any new planning permission, it is considered that the proposal would not have an adverse impact on traffic or highway safety. Furthermore, it is considered that it would not be appropriate to impose a planning condition to control routing of vehicles to and from the site.

Other matters

Location of the Development

92. 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 4 identifies possible suitable sites for

waste management, this includes industrial sites, opportunities for co-location, re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages. 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.

93. 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 as long as they are enclosed. It also directs enclosed re-use and recycling sites to active mineral workings or landfill sites; land within or adjoining a waste water treatment works; or co-location with producers, end users or other complementary activities, where strongly justified. It is considered that the proposal would comply with Policy WCS 6 as the site has current use rights for waste management purposes.

94. The principal of the proposed development in this location is well established through the granting of the original planning permission for the AD plant and ancillary development (Ref: 12/000008/CM). The proposal seeks to increase the efficiency of the existing AD plant through the construction of two new AD tanks that would enable digestate to be held within the vessels for a longer period of time, enabling full digestion and hence optimum gas production and quality could be achieved. Furthermore, it is considered that the proposed development would meet the key principles set out in the National Planning Policy for Waste and Worcestershire Waste Core Strategy with regards to driving waste up the waste hierarchy by facilitating the efficient operation of the existing AD Plant which is considered a sustainable waste management facility.

Ecology and Biodiversity

95. The Tributary of Piddle Brook LWS is located approximately 40 metres north of the site and the site is located approximately 2 kilometres from Naunton Court Meadows SSSI and Yellow House Meadow SSSI. Consequently, Worcestershire Wildlife Trust and Natural England have been consulted, respectively. Both the Wildlife Trust and Natural England have raised no objections to the proposal with the Wildlife Trust deferring to the opinion of the County Ecologist for all detailed matters relating to biodiversity on site. The County Ecologist has been consulted and has raised no objections. In view of the above matters, the Head of Strategic Infrastructure and Economy considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area.

The Water Environment

96. The application site is currently hardstanding having recently been developed as part of the wider AD Facility. Condition 19 of the extant planning permission required the submission of drainage scheme for the disposal of foul and surface water, which illustrated that the yard area and storage areas drain to the foul water system and roof water was shown as draining to the irrigation lagoon. The scheme

was approved in consultation with the Environment Agency and has now been implemented. The applicant does not propose to amend this drainage arrangement.

97. The Environment Agency are satisfied that the proposal is unlikely to result in direct impacts to groundwater, however, the Environment Agency is unsure whether the containment at the site is adequate to prevent loss of polluting material in the event of a catastrophic or slow failure, stating that the applicant may wish to consider future proofing the scheme, should the waste types change in the future and the site fall under the Environment Agency's regulation, but also to ensure a robust scheme.

98. In response to the Environment Agency's comments the applicant has confirmed that bunding, as required by the previous consent has been fully installed. The Lead Local Flood Authority has also been consulted and has raised no objections to the proposal. Based on this advice, the Head of Strategic Infrastructure and Economy considers that the proposal would have no adverse effects on the water environment.

Economic Impact

99. 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"*.

100. 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"*.

101. The proposal seeks to increase the efficiency of the existing AD by enabling full digestion, thereby optimising gas production and quality. Whilst the proposal would not increase the number of employees at the site it is considered that it would help to secure the existing six jobs at the site. In so far as it provides these social and economic benefits, the proposal would accord with the aims of the NPPF.

Conclusion

102. This planning application seeks a minor material amendment to planning permission 12/000008/CM to enable the construction of two new AD tanks at Rotherdale Farm. The applicant wishes to improve its biomethane production process to achieve a gas mix of 55% biomethane and 43% carbon dioxide through the construction of two new AD tanks which would facilitate an increased retention time for the digestate without impacting on feedstock capacity or type and result in better quality biomethane for injection into the national grid.

103. The proposed digestion tanks have been designed to match the existing AD tanks at the site and as such fit into the wider context of the operating AD facility. Accordingly, the Head of Strategic Infrastructure and Economy considers that, based on the advice of the County Landscape Officer, the proposed development would not have an unacceptable impact upon the character and appearance of the surrounding area, subject to the imposition of conditions as imposed on the extant planning permission.

104. The proposed two new AD tanks would not have any emissions to air and the applicant has confirmed that the tanks would not generate noise emissions. Based on the advice of Worcestershire Regulatory Services and Public Health England, the Head of Strategic Infrastructure and Economy considers that there would be no adverse air pollution, noise, dust or light impacts on residential amenity or that of human health, subject to the imposition of appropriate conditions as imposed on the extant planning permission.

105. Condition 4 of the extant planning permission (Ref: 12/000008/CM) restricts the throughput of the facility to a maximum of 20,000 tonnes per annum of feedstock. The applicant does not propose to increase the throughput of the facility or amend this condition, therefore, subject to the carrying forward of this condition on to any new planning permission, it is considered that the proposal would not have an adverse impact on traffic or highway safety.

106. 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 SWDP1, SWDP2, SWDP4, SWDP6, SWDP12, SWDP21, SWDP22, SWDP24, SWDP25, SWDP27, SWDP28, SWDP29, SWDP30 and SWDP31 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

107. The Head of Strategic Infrastructure and Economy recommends that planning permission be granted for the carrying-out of development pursuant to planning permission reference number 12/000008/CM, dated 13 July 2012, as revised by Non-Material Amendment approvals, without complying with Condition 2 of that permission so as to construct two new Anaerobic Digestion Tanks at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire, subject to the following conditions:

- a) **The development must be begun not later than the expiration of three years beginning with the date of this permission;**
- b) **The development hereby permitted shall be carried out in accordance with the following approved drawings numbered:**
 - **JER5274-001 Revision A;**
 - **JER5274-003 Rev. A;**
 - **SPH/1001/011/Z;**

- JER5274-006 Rev.-;
 - SPH/1001/010/Z;
 - 610-032 Revisions B;
 - JSL2143 0003-02 D; and
 - JPW0147-003;
- c) On the decommissioning of the facility all the equipment shall be removed from the site and the land restored to agricultural use in accordance with a scheme to be submitted and approved in writing by the County Planning Authority;
- d) The Anaerobic Digestion Plant shall have a maximum throughput of 20,000 tonnes, organic matter, per annum of Feedstock consisting of Energy Crops such as maize, sugar beet, rye grass and whole crop wheat, poultry droppings and cattle manure. Records shall be kept for inspection by the County Planning Authority on request of the amount of throughput of materials for the duration of the operation of the Anaerobic Digestion Plant;
- e) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays and there shall be no construction work on Sundays, or public and bank holidays;
- f) The permitted hours for deliveries of poultry droppings to the development hereby permitted shall be between 8:00 to 18:00 hours Mondays to Friday and between 08:00 to 17:00 hours on Saturdays with no deliveries on Sundays, or public and bank holidays;
- g) Plant maintenance (within the building only) shall only be carried out between 06.00 and 22.00 hours Mondays to Saturdays;
- h) The storage clamps shall only be used for the storage of energy crops and not for the storage of any waste materials;
- i) The height of the stockpiles within the storage clamps shall not exceed 5 metres in height; and a means of visually checking the height shall be implemented and maintained for the duration of the development, in accordance with the approved scheme: covering letter dated 19.12.13, referenced: JCD2066 and titled: 'Discharge of Condition 9 of Planning Decision Notice Ref 12/000008/CM for the development of an anaerobic digestion plant, beef unit and ancillary infrastructure at Rotherdale Farm, Long Lane, Throckmorton, Worcestershire'; Drawing titled: 'Sections showing the silage clamp' (drawing number: GA_P101); and Drawing titled: 'Foundation Plan showing the silage clamp (drawing number: GA_P100)';
- j) All waste materials imported to the site shall be sheeted at all times during importation;
- k) All external lighting and other illumination at the site shall be implemented and maintained in accordance with the approved lighting scheme: Appendix 1 titled: 'Details of Proposed External Lighting' (Plan: 'B6962-EX-001-A1' which sets out the location of the lighting and the Luminous

Intensity Value; 'Details of Helvellyn bollards'; 'Q3-Q5 Pro Catalogue', which provides details of the lights and 'Rotherdale Farm site calculation surfaces') dated 16 August 2012;

- l) The development shall be carried out and maintained in accordance with approved scheme of materials, colours and finishes: 'Appendix 2 titled: 'A sample of the Aluminium to be used for the digesters and beef unit, plastic to be used for the top of the digesters and end storage bag' dated 16 August 2012;

Landscaping & Ecology

- m) The submitted landscape scheme as shown on drawings numbered 003-02, Rev D and Appendix B – Plant Schedules shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the County Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period;
- n) The development hereby approved shall be carried out in accordance with the recommendations set out in the document titled 'Extended Phase 1 Habitat Survey' dated February 2012 referenced JER5274;

Drainage

- o) The drainage scheme for the disposal of surface water and foul sewage shall be implemented and maintained in accordance with the approved details: Drainage Layout shown on plan numbered 610-032-01 Revision A dated 22/11/2012;

Pollution Control

- p) 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;
- q) The approved scheme of noise attenuation measures titled: 'Rotherdale Farm Anaerobic Digester Discharge of Planning Conditions (Project Number JAL6723)' dated 28 November 2012 shall be implemented and

maintained for the duration of the development;

- r) The emission of noise from the operation of the Combined Heat and Power (CHP) engine hereby approved shall be controlled by limiting the output thereof and by sound insulation if necessary so that the level of noise from the development hereby approved within any dwelling shall not exceed a level 10dB below the background level in all 1/3 octave frequency bands. This background noise shall be defined as LA90 measured in hourly intervals through a 24 hour period;**
- s) The approved Dust Management Plan dated 15 August 2012 shall be implemented and maintained for the duration of all the operations associated with the Anaerobic Digestion facility;**
- t) All vehicles and machinery associated with the facility use of 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. The design specification for the safety reversing device shall be implemented and maintained in accordance with the approved scheme: 'Brigade Vehicle Safety Solutions bbs-tek White Sound Warning Alarms'; 'Brigade White Sound Smart Reversing Alarm which includes the following models'; 'SA-BBS-97 – Self adjusting – medium duty – 77-97 Decibels 1399' and 'SA-BBS-97HV – Self adjusting – electric forklift – 77-97 Decibels 1398';**
- u) 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; and**
- v) The approved Odour Management Plan dated 15 August 2012 shall be implemented and maintained shall be implemented for the duration of the development.**

Contact Points

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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 16/000008/CM.