Somerset County Council
Regulation Committee – 2 November 2017
Report by Service Manager - Planning Control,
Enforcement & Compliance : Philip Higginbottom

Application Number:	17/03257/CPO
Date Registered:	3 August 2017
Parish:	Wincanton
District:	South Somerset
Member Division:	Wincanton & Bruton
Local Member:	Cllr Anna Groskop
Case Officer:	James Jackson
Contact Details:	01823 359783
Description of Application:	Demolition of existing agricultural buildings and erection of a farm anaerobic digester plant for the processing of agricultural manures, crops, crop residues and pasteurised food waste together with the change of use of agricultural dwelling (Use class C3) to plant office (Use Class B1), earthworks and bunding, technical plant, flood compensation, a new site access off Moor Lane, landscaping and ancillary infrastructure
Grid Reference:	371878-127413
Applicant:	ACR Energy Ltd
Location:	Brains Farm, Moor Lane, Wincanton, BA9 9RA

1. Summary of Key Issues and Recommendation(s)

The key issues for Members to consider are:-

- Whether the principle of development is acceptable
- Whether the proposal represents sustainable development
- The waste hierarchy
- Impact of the proposal on landscape features and elements; landscape character; and visual amenity
- Impact of the proposal on the highway network
- Impact of the proposal on residential amenity – noise, odour and dust
- Impact of the proposal on biodiversity
- Impact of the proposal on flood risk

It is recommended that planning permission be GRANTED subject to the imposition of the conditions in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.

2. Description of the Site

2.1 The application relates to an existing agricultural holding of approximately 3.1 hectares, comprising a farmhouse and associated farm buildings, silage clamps and areas of hardstanding. Part of an agricultural field also forms part of the site. The existing access to the holding is located in the eastern corner of the site, from Moor Lane. A small watercourse crosses the site.

2.2 The site is bounded by Moor Lane on its north eastern edge, with agricultural fields to the north west, south west and south east. The River Cale runs beneath the A303 and is located approximately 500m to the west and south of the site. Also to the south east is located an existing agricultural barn which is proposed to be converted to a residential dwelling. The conversion does not form part of the current application; it is a district matter and so falls within the remit of South Somerset District Council.

2.3 The majority of the wider surrounding area is in use as agricultural land, with the exception of the town of Wincanton which is located approximately 500m to the north west and the A303 public highway that broadly runs in a south west / north east direction. Other notable exceptions are the Wincanton Sports Ground, which is located approximately 200m to the north west; the Wincanton Sewage Treatment Works, which is located approximately 500m to the west; and a solar farm installation approximately 400m to the south.

3. The Proposals

3.1 The submitted application form describes the proposed development as follows:

'Full planning permission for the demolition of existing agricultural buildings and erection of an on-farm anaerobic digestion plant, for the processing of agricultural manures, crop residues, and pasteurised food waste, together with the change of use of the agricultural dwelling (Use Class C3) to the plant office (Use Class B1); earthworks and bunding; technical plant; flood compensation; a new site access off Moor Lane; landscaping; and ancillary infrastructure.'

3.2 The majority of the agricultural buildings to be demolished are dual pitched roof barns of varying scale constructed from blockwork and steel cladding. They are generally in a poor state of repair and are redundant in terms of the agricultural operation. The areas of hardstanding to be removed are in a similar condition, with vegetation growing between cracks in the concrete. Other various outbuildings in a poor condition are also proposed to be demolished.

3.3 The proposed anaerobic digestion plant processes organic waste material, which is broken down by micro-organisms without the use of oxygen. The process produces methane gas, which is captured and transferred to the local gas network to be used for electricity and heating. It is anticipated that the quantity of energy produced will be sufficient to power approximately 3200 homes. The organic waste material to be used is manure and feedstock such as grass and silage from crops. The material will be sourced from the existing agricultural operation and from a number of other locally based sources within a 15km radius.

3.4 The process also produces fertiliser, which can be used on the fields associated with the existing agricultural operation and / or transported to other locally based farms to be used.

3.5 It is proposed that the anaerobic digestion plant will process up to 50,000 tonnes of waste material per annum.

3.6 The waste material will be brought onto the site using tractors and trailers, and HGVs and tankers. The vehicles will use the public highways in the surrounding areas and also tracks to bring the waste material across fields from other farms in the locality.

3.7 Once on site, the waste material will be weighed on a weighbridge adjacent to the clamp, before being unloaded into the clamp and covered. It will then be transferred using bucket loaders to a feedhopper, which will be closed to minimise odour. Any liquid material will be pumped directly from tankers into the pre-treatment tank, where it will be automatically pumped into the digesters.

3.8 Once in the digesters, the material will be stirred automatically by agitators. The biogas that is produced by this process will be stored in the top of the dome digesters, from where it is pumped into gas cleaning equipment before being injected into the local gas network. The gas will be injected on site,

and then transported to the local network by a pipeline that transports the gas to the network connection point, which is located on West Hill in Wincanton. The pipeline does not form part of these proposals. A small amount of the gas will be used for the CHP plant, which will provide power and heat for the development.

3.9 The anaerobic digestion process takes approximately 40 days. Once completed, a separator will be used to separate the solid and liquid digestate. The liquid digestate will be pumped into the lagoon, where it will be stored in an air tight facility before being transported offsite in tankers or piped onto local fields. It is anticipated that 20% will be pumped directly to local fields.

3.10 The proposals also include an on-site attenuation pond, which will be used to collect rainwater and surface water. In addition, any water runoff from the clamp and lagoon will be collected and stored in an underground tank, separate from the 'clean' water. The water from these two sources will be used in the anaerobic digestion process.

3.11 A new site access is proposed to serve the development, including the site office. It will be located at the northern corner of the site and will provide visibility splays of 160 metres set back from the carriageway by 2.4 metres. The existing access will be retained; however it does not form part of the site. It is envisaged that it will be used solely to provide access to the barn to be converted to a residential dwelling; located to the south east of the site.

3.12 The small watercourse crossing the site will be realigned as part of the proposals, so that it follows the north west and south west site boundaries.

3.13 The part of the site located in the flood plain will be raised above the level of the 1 in 1000 flood event, plus a freeboard of 0.3 metres. Consequently, the development will be raised to a minimum level of 68.5 metres Above Ordnance Datum (AOD). Flood storage will be provided for the amount of storage lost, plus 20% to provide betterment. This compensatory storage will be located at the site's north western and south western boundaries.

3.14 In respect of the layout of the site; the proposed access leads to a sealed road that provides access through a gate to the anaerobic digestion plant, and also to the site office via a road that broadly follows the north west and south west site boundaries. Beyond the gate, a clamp measuring 83m x 62.5m x 4m high will be sited alongside the site boundary that is adjacent to Moor Lane, with the lagoon measuring 67.75 x 32.8m x 3m high on the other side of the access road, in the westernmost part of the site. The eastern portion of the site will accommodate the two digesters, which will be dug into the ground by approximately 3m, the walls of which will be approximately 5m above the ground. The dome to the digesters is approximately 8.5m above ground level. The pre-treatment tank is also located in this part of the site, which will be approximately 5.7m high and 9m diameter, as well the two feed hoppers which are approximately 3.5m high. The southern portion of the site will accommodate the proposed separator (approximately 5m high);

pasteurisation unit (approximately 7m high); gas upgrading unit (approximately 17m high); flare stack (approximately 11m high); CHP unit (approximately 3m high with 7m high stack); propane tanks (approximately 3m high); grid entry unit (GEU) (approximately 3m high); and attenuation pond (36.6m x 20.4m).

3.15 As previously stated, the proposals include the conversion of the existing farmhouse to a site office associated with the plant. No physical alterations to the building are proposed; however planning permission is required for the change of use of the building from residential (Use Class C3) to office (Use Class B1).

3.16 A landscaping scheme has also been submitted as part of the application. Native hedgerows are to be planted along part of the south east site boundary and north east boundary; tree planting will be undertaken along the north east boundary, and native structure planting is proposed to the north west and south west boundaries. Grassed areas are also proposed to the north west and south west parts of the site. Also proposed is a bund of up to 1.5m high, which will wrap around the digesters and pre-treatment tank.

4. The Application

4.1 Documents submitted with the application

- Site Location Plan
- Site Plan Layout
- Elevations
- Existing Residential Building Plans / Proposed Site Office Floor Plans
- Digester Section
- Topographical Survey
- Tree Survey
- Planting Mitigation Plan
- Access Plan
- Application form
- Planning, Design & Access Statement
- Transport Statement
- Landscape + Visual Impact Assessment (LVIA)
- Flood Risk Assessment and Drainage Strategy
- Flood Model Report
- Flood Risk Sequential Assessment
- Noise Assessment
- Odour Assessment
- Air Quality Assessment
- Ecological Assessment
- Bat Survey
- Arboricultural Assessment

5. Environmental Impact Assessment (EIA)

5.1 An assessment of the proposed development in the context of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has demonstrated that the proposal falls within Schedule 2, specifically 11(b) 'Installations for the disposal of waste', and that the proposal exceeds the applicable thresholds and criteria insofar that the area of the development exceeds 0.5 hectares and the plant is to be sited within 100m of a controlled watercourse. As such, it is necessary to screen the proposal to determine whether or not it the effects on the environment associated with the development are likely to be significant. The screening process determines whether or not the proposal represents EIA development, and therefore whether or not an Environmental Statement is required.

5.2 The screening exercise has been undertaken using the selection criteria for screening Schedule 2 development, which is set out at Schedule 3 of The Regulations. As such, the characteristics of development; location of development; and types and characteristics of the potential impact have all been assessed. The site's geographical location; appropriate design of the development; absence of sensitive areas; and potential to use appropriate conditions to avoid, manage or mitigate the effects associated with the development, combine to ensure that the effects are unlikely to have a significant impact on the environment in this instance.

5.3 In undertaking the screening exercise, due regard has also been given to central government's indicative screening thresholds, published on 26 March 2015, which in respect of project type 11(b) confirms that the indicative criteria and threshold for proposals to represent EIA Development is 'Installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require Environmental Impact Assessment.' It is acknowledged that this is not an inflexible threshold to be dogmatically applied to each and every proposal; however it does give a steer in relation to the way that central government envisages that The Regulations should be applied.

5.4 Taking account of the above, and for the reasons discussed, it is concluded that the proposed development is Schedule 2 development; however the associated effects on the environment are not considered to be significant. Accordingly, the proposed development is not EIA development and an Environmental Statement is not therefore required.

6. Consultation Responses Received

External Consultees

6.1 **South Somerset District Council –**

NO OBJECTION - The County Council to urge to have drawing no; LC/00129- 05 amended to remove reference to the use of birch (betula pendula) and replaced to show 10% hornbeam in the 'native structure mix', and a 5% increase in both the hawthorn, and field maple, in the 'native hedge' mix.

6.2 **Wincanton Town Council** –

1. The site is within Flood Zones 2 and 3 and the applicant has attempted to justify the acceptability of the site in his submitted Sequential Test. However, his justification is predicated upon two factors that should not be relevant: firstly, that he controls no other suitable land within a 2.5 km radius of the gas grid connection point, and secondly, that land any further away from that connection point would make the project financially unviable. The Town Council contends that such evaluation criteria are irrelevant within the context of the Sequential Test. Consequently, **it is recommended that the application is refused on the grounds of inappropriate development within the flood plain.**

2. The Town Council note that the applicant is not held any public consultation events to describe the application to the population, despite being specifically requested so to do by the Chairman of the Town Council at the meeting held on 10th July 2017 at which the applicant's representative made a very brief presentation to the Town Council of the proposals. The applicant refers to this presentation within the Design and Access Statement and infers that public consultation has taken place. However, since the applicant's representative could not answer any questions put to him at the meeting, to suggest that this presentation constitutes a consultation event is disingenuous.

3. The Town Council notes that the applicant has reduced the proposed throughput of the facility from 69,000 tonnes per annum to 50,000 tonnes per annum, specifically and explicitly for the sole reason of trying to avoid the need to submit an Environmental Impact Statement with the application. This is regrettable and suggests that the applicant does not wish to provide appropriate information with which to evaluate the proposal.

4. The applicant refers to the need for this type of facility within Somerset but has not shown any assessment to back up this statement beyond stating that there are several pre-existing facilities in Somerset. Part of establishing the need for the development would be an assessment of waste arisings and their current means of treatment. This has not been addressed in the application. The Town Council considers that this is a

significant omission and is extremely relevant to an assessment of whether or not it is reasonable to develop within Flood Zone 2 and 3.

5. The number of vehicle movements has been described in terms of the daily average as being acceptable, however, the applicants own traffic assessment shows significantly greater numbers of movements in some months. It is contended that the test of acceptability should be based upon the peak months when movements are double the average. The Town Council seeks assurance that the County Council's highways officers will undertake an appropriate assessment of the peak vehicular flows and that **should the Council be minded to grant planning permission, that any permission has a condition to limit daily vehicle movements to a level below that at which unacceptable impact might occur.**

6.3 **Stoke Trister with Bayford Parish Council –**

Stoke Trister with Bayford Parish Council make the following observations and comments on the above application.

VEHICLE MOVEMENTS

We feel that ACR have vastly underestimated heavy vehicle movements in and out of the proposed AD plant and the inconvenience that this will cause in residential areas

ROUTES

The heavy vehicles will be coming from all directions. However information regarding which routes these vehicles will be restricted to has not been made clear, although one route appears to be through Bayford Village and Common Lane, Wincanton which are restricted to single lane due to residential parking.

SMELL

Members of the public and those involved with the Sports Ground are concerned about the odours from the AD plant being added to the already unpleasant odours from the sewerage plant.

FLOOD PLAIN

This plant is to be built on a flood plain. We have the same views as Wincanton Town Council as regards the inherent risks of building on a flood plain.

AGRICULTURAL LAND

The amount of acreage to be taken out of human food production to supply

the AD plant will be very substantial. Two thirds of feedstock (maize and/or rye) will come from this source which strictly speaking is not waste. Farmers wanting to carry on with normal agriculture in the vicinity of the AD plant will be disadvantaged in an already squeezed industry.

Decision:

The extra traffic generated from the heavy lorries and tractors and trailers required to supply the AD plant is likely to cause a serious inconvenience to those living along the supply routes, and a traffic issue both on the local rural road network and through the pinch points in Bayford Village and Wincanton, Common Lane (due to residential carparking) and in Moor Lane (north end) which is restricted to single lane coming from Wincanton past residential housing.

The Parish Council has reason to believe that the number of vehicle movements in and out of the AD plant have been significantly underestimated by ACR.

The AD site is within Flood Zones 2 and 3, and the Parish Council needs further evidence that the risks attendant to building the AD facilities on such a site have been adequately addressed.

The Parish Council considers that the implications of an AD plant on Moor Lane would justify a requirement from Somerset County Council that ACR submit an Environmental Impact Assessment.

The Parish Council is in agreement with grounds for refusal No.s 1, 3, 4 and 5 given by Wincanton Town Council

Stoke Trister with Bayford Parish Council are accordingly unanimous in their decision to recommend a refusal for this application.

6.4 **Environment Agency –**

We object to the proposed development on flood risk grounds. This objection is discussed below.

Flood Risk
Whilst we have no objection in principle, however we object as the Flood Risk Assessment does not meet the requirements of the National Planning Policy Practice Guide.

Climate Change
There is no mention of any percentage applied for climate change figures. The applicant will need to refer to the new climate change figures to ensure that this is assessed accordingly.

In relation to this, it is unclear where the level for the 1 in 1000 year event is acquired from? Referring to the EA Product 4 data extracted from the River Cale model 2005 (as shown within the applicant's FRA), there is a level for the 1 in 100 year and 1 in 100 year 20% cc and no level for the 1 in 1000 year, when looking at model node R0000 (which is the nearest point to the site), along the River Cale.

Please note that we accept the Flood Zone 3b challenge based on a review of the FRA model report.

If you wish to discuss the above comments in further detail then please contact David Humphrey (Flood Risk Management Officer) on 02030 250156

NOTE TO APPLICANT

Floodplain compensation

We would recommend that instead of having a deep section around the edge of the raised section, that the applicant consider lowering the ground level right across the entire field to avoid the risk of having a deep section which could be more hazardous to others.

NOTE TO LPA

Stream realignment

As this watercourse is a non-main river the re-alignment to facilitate the development will have to be agreed with the Lead Local Flood Authority. There is likely to be an associated floodplain for this small channel the LLFA looks at WFD when it comes to ordinary watercourses but there could be scope for some enhancements?

NOTES TO LPA / APPLICANT

Environment Protection / Permit

The proposed development will require an Environmental Permit therefore we can offer the following advice in regards to the requirements for the development. These May be relevant to the planning permission in regards to any sensitive receptors nearby.

Proximity to population at risk from odour nuisance

New development of an anaerobic digestion activity could result in the community at the proposed development being exposed to odour emission. The severity of these impacts will depend on the size of the facility, the way it is operated and managed, the nature of the wastes and feedstock it takes and the prevailing weather conditions. If the operator can demonstrate that they have taken all reasonable precautions to mitigate odour impacts, the facility and community can co-exist, with some residential impacts. In some cases, these residential impacts may cause local residents concern.

We raise serious concerns where an anaerobic digestion activity is proposed close to an existing or potential future receptor sensitive to odour as to whether the risk could be mitigated satisfactorily to grant a permit.

Developments proposed within 400m of such a receptor are likely to require additional risk assessment and control measures for odour. Reception of source-segregated food waste and animal by-products would typically be within a closed system such as a building or tank. This, in turn, would typically require a ventilation systems under negative pressure incorporating a biofilter or other form of appropriate abatement, to minimise the release of odorous substances into the air. Closed systems may also be required for storage and treatment of wastes/digestate or feed material.

Potential effects on human exposure from engine stack emissions
We raise serious concerns where:
• the gas engine stack is within 250m of residential house**s and other off-site buildings, and**
• emission dispersal is af**fected by proximity of adjacent buildings. As the effects of emissions of oxides of nitrogen may need to be modelled in cases**

In these cases addition mitigation may be required such as increased stack height and new or revised buildings. These changes will require planning permission and in some cases local planning policy can restrict stack height.

Potential effects on nature conservation sites from engine stack emissions
We raise serious concerns where stacks are within 500m of a conservation site for nonrural locations and 300 metres for rural locations. Effects of emissions of sulphur dioxide may need to be modelled in these cases. Increased stack height and new or revised buildings will require planning permission and in some cases local planning policy can restrict stack height.

Anaerobic digestion with a watercourse running through or close to it
We raise serious concerns where the storage and treatment of waste solids, liquids and sludges, including manure and feedstocks takes place within 10 metres of any watercourse. Distance from the tank can vary and will depend on the size of the tank and the geography of the site. In these cases you may need additional mitigation to control surface run off such as locating storage and treatment areas on hardstanding and enclosing by bunding ensure contaminated surface water does not enter the watercourse.

If any of the above apply to a proposed development we strongly recommend that the applicant has pre-permit application discussion with us at an early stage and considers joint discussion or parallel tracking of the application alongside planning permission.

Proximity to nature conservation sites at risk from emissions to air
We raise serious concerns for combustion installations proposed within 3 km1 of a SSSI, Special Conservation Area, Special Protection Area or Ramsar site in which the critical levels or loads for Acidification or Eutrophication are exceeded or close to the threshold. These installations may require additional pollution prevention and control methods as well as careful consideration of the height and location of major emission points.

These may affect the layout of the development so are likely to be material considerations for planning permission/DCO.

ADDITIONAL COMMENTS RECEIVED 5 OCTOBER 2017 –

Following submission of the Flood Risk Assessment (FRA) Addendum we can withdraw our objection subject to the following conditions and informatives being included in any planning permission granted.

Flood Risk
The FRA addendum letter produced by Vectos (dated 14th September 2017, with VECTOS reference NB/173059/L01) satisfactorily deals with our objection in our previous correspondence, regarding an appropriate factor for climate change. The FRA addendum has now satisfactorily shown the inclusion of current climate change levels, as well as a further explanation regarding their proposed floodplain compensation.

Therefore, the proposed development will only meet the National Planning Policy Framework (NPPF) to not increase flood risk if the following planning conditions are included.

CONDITION
The development hereby permitted shall not be commenced until such time as a scheme to ensure finished development platform levels are set no lower than 68.5 metres above Ordnance Datum (AOD*)* has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON
To reduce the risk of flooding to the proposed development and future users.

CONDITION
The development hereby permitted shall not be commenced until such time as a scheme for floodplain compensation has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON
To prevent any increase flood risk associated with modifying the floodplain.

NOTE TO LPA
The ground levels within the floodplain compensation area will be lowered by

between approximately 0.01 to 0.5m, as indicated in the FRA and associated addendum. The applicant should under this condition demonstrate through

appropriate land surveys that the works have been undertaken in accordance with the floodplain compensation agreed.

*Please note that the Environment Agency should not need to be consulted on the discharge of these conditions.

Ordinary Watercourse
Please note that the Lead Local Flood Authority (Somerset County Council) should provide comments and advice in regards to the modification of the ordinary watercourse. They should lead on the design and capacity requirements of realigning the watercourse.

INFORMATIVES
The applicant must ensure that any realignment of the watercourse allows for sufficient flood flows as well as providing an enhanced space for wildlife.

The applicant must also ensure that they do not impact on the upstream or downstream landowners, as required under their riparian rights to receive water in both quality and quantity.

Under the terms of the Land Drainage Act 1991 the prior written Land Drainage Consent of the Lead Local Flood Authority (Somerset County Council in this case) is required for any proposed works or structures that could affect the flow of an ordinary watercourse (all non-main river watercourses/streams/ditches etc). To discuss the scope of their controls and please contact Flood Risk Management Team at Somerset County Council.

Environment Protection / Permit
The LPA and the applicant should refer to the detailed notes in our previous response, as the operations will require an Environmental Pemit from the Environment Agency.

INFORMATIVE
This activity requires a Permit under the Environmental Permitting Regulations 2010 (as amended). The Environment Agency is required to consider all forms of pollution when issuing an Environmental Permit. Odour can be classed as pollution if it causes offences to man’s senses. If a permit is issued for this site, it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours from the activity. However, this does not mean that there will be no odour from these activities.

Digestate Storage
INFORMATIVE
Any storage for digestate should be designed and bult to comply with the

Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010, as amended 2013.

Pollution Prevention During Construction
INFORMATIVE
Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.
Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: https://www.gov.uk/guidance/pollution-prevention-for-businesses

Waste Management
INFORMATIVES
Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website https://www.gov.uk/how-to-classify-different-types-of-waste

6.5 **Campaign for the Protection of Rural England –**

CPRE Somerset generally support the production of small scale renewable energy projects. However the national CPRE Energy Policy Guidance Notes recognise that energy production affects the countryside through its impacts on landscape, tranquillity, and character. Anaerobic digestion projects can affect the ability of the countryside to deliver other environmental goods; an increase in the use of agricultural land for energy crops may impact on food production. Fertiliser and pesticide use for bioenergy crops may also affect water quality and habitats. Inappropriately sited energy infrastructure for renewable or non-renewable generation, can also damage the landscape.

It is noted that the email of 28.07.2017 from Turley reduces the proposed tonnage of feedstock from 69,000 to 50,000 to ensure that the proposal does not trigger a need for an EIA. However, the penultimate paragraph states that they would still like a formal screening opinion on the need for an EIA at 69,000 tpa to clarify the position “if at a later stage the Applicant was minded to apply for an increase in tonnage”. To mention this at this stage indicates that this may be a long term plan and whilst we are aware that the planning application before us must be considered, and not potential future applications, surely the fact that is mentioned causes concern. This was the

original proposal on which viability was considered so it is reasonable to request an EIA for the capacity of the proposed plant i.e. 69,000 tpa (for which the site is designed) even if that capacity will not be used in the short term. To approach this proposal incrementally should not be acceptable. The design of the plant has not been revised to reduce the capacity by 30% as now proposed and therefore the site should be assessed on its capacity i.e. 69,000 tpa.

The email also states that no changes will be made to the assessments provided as part of the application as they represent a worst case scenario. Should this application be approved this leaves a position where if the applicants decide to increase the input it could be claimed that impacts of the larger scale of input has been assessed and found satisfactory without the need for an EIA. The conditions should be very carefully written to control the level of activity and the cumulative impact of any future applications be assessed in conjunction with any development permitted at this stage.

Paragraph 5.5 of the Design and Access Statement claims that there will be "a minimal impact on traffic" however critiques of the submitted Transport Assessment do not agree with this statement and CPRE Somerset support the valid concerns and questions raised by Stoke Trister with Bayford Parish Council.

A recent smaller scale application for an AD plant processing up to 44,500 tonnes per annum (tpa) of grass and rye was recently refused by Tewkesbury Council (ref: 17/00072/FUL . The second reason for refusal was as follows:

"The scale and nature of the proposed development and the resulting volume and type of traffic associated with it would have a harmful impact on the character, appearance, and peace and tranquillity of the area. The potential light, air and noise pollution arising from the operation of the Anaerobic Digestion Facility would cause harm to the amenity of users and residents of the local area. Furthermore, the local road network is not suitable to cater for the increased number and type of vehicle movements that would be generated by the proposed development which would be likely to affect the enjoyment and perception of safety of all users of the local highway network."

This was also a site in the open countryside and while the context is different for each site the issues raised above are consistent with national policy and equally applicable to this application site. Like Tewkesbury, Somerset County Council should also give significant weight to the protection of the countryside when balancing the benefits of this proposal against the adverse impacts identified. While no landscape objections appear to have been raised by either SSDC or SCC this proposal does bring an intrusive industrial form of development to this rural location.

In conclusion CPRE Somerset object to this application on the grounds of scale, traffic impacts and the adverse impact on the character and tranquillity of the area.

INTERNAL CONSULTEES

6.6 **Ecology –**

An Ecological Assessment of the application site was carried out by Ethos Environmental Planning and reported in June 2017. The development proposals require the demolition of a number of built structures on site. The existing farmhouse is to be retained as a site office. The existing stream, which was almost dry at the time of the survey, will be redirected and much of the semi improved grassland within the centre of the site will be removed. A species poor hedgerow will be removed along the existing stream and the species rich hedgerow will be retained except for one section to allow for access and visibility splay.

The species-poor hedgerows and scrub adjacent to the stream were assessed as having moderate potential for nesting birds and the semi-improved grassland provided potential foraging habitat for a range of common bird species. I would therefore recommend that the following be conditioned:

- No removal of hedgerows or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
  Reason: In the interests of nesting wild birds

The hedgerows and scrub adjacent to the stream were assessed as providing some limited potential cover for reptiles. A precautionary approach should be taken given that survey was deemed difficult and should be conditioned as follows:

- Any vegetation in the construction area, including hedgerow, scrub and vegetation along the stream, should initially be reduced to a height of 15 centimetres above ground level by hand, brashings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles and / or amphibians that may be present and to encourage their movement onto adjoining land in the active period. Once reduced vegetation should be maintained at this height up to the commencement of and through the construction period. Any features such as rubble piles which potentially afford resting places for reptiles will be dismantled by hand by a competent ecologist and any individuals found translocated to a location agreed with the local planning authority prior to works commencing on site. This work may

only be undertaken between April and October under the supervision of a competent ecologist. Notification of clearance for reptiles will be given to the local planning authority within one week of commencement.
Reason: in the interest of protected species

Hedgehog, an s41 priority species, was considered to be potentially present.

- Any excavations left open overnight during the construction phase will have a means of escape for hedgehogs and other mammals. This will comprise a shallow sloped edge or board (of at least 30cm width) set at an angle of no more than 30°
  Reason: In the interests of biodiversity

None of the barns to be demolished have roosting potential for bats. However, the farmhouse was assessed to have moderate potential. This building is to be converted to offices but as no work to the building structure is planned there is no need to carry out a preliminary bat roost survey. Suitable habitat for foraging/commuting bats was present on site and the surrounding habitat was assessed as being highly suitable, with a network of hedgerows and water courses providing potential commuting routes for a range of species. Further bat activity surveys, including activity transects and static monitoring, are underway but have yet to be submitted. I shall give comment on these once these have been received.

I assume the submitted landscape plan will be secured through a general condition and that mitigation for run-off and the accidental release of fuel, lubrication or hydraulic oils to the surface water drainage system, for example through the diverted water course during construction would be considered through a construction environmental management plan.

ADDITIONAL COMMENTS DATED 29 AUGUST 2017 FOLLOWING RECEIPT OF BAT SURVEY - Thanks for sending the report. I have nothing to add to my previous email.

6.7 **Transport Development –**

I refer to the above-mentioned planning application received on 14 July 2017 and after a site visit on 24 August 2017, have the following observations on the highway and transportation aspects of this proposal:-

The application is to demolish the existing agricultural buildings to construct an anaerobic digester plant.

The applicant has provided a detailed Transport Statement suggesting the anticipated level of vehicle movements to and from the site. It is noted that the levels of vehicle movements vary per month but the level of vehicle movements are not deemed to place the existing highway network over

capacity. Certainly from my onsite observations the current traffic flow along Moor Lane was low and consideration is also given the existing level of vehicle movements that the farm currently generates. It should also be noted that there is a current level of vehicle movements to and from the farm that use Moor Lane as well.

Drawing number 19106-02-RevA shows that the visibility splays that have been proposed are 2.4x160 metres which is in line Design Manual for Roads and Bridges (DMRB) which is considered the appropriate guidance. The applicant has provided a speed survey which is consistent with my onsite observations. This drawing also shows that there is forward visibility for vehicles turning right which is again 160 metres.

The proposed access road into Brains Farm is 7.3 metres wide with a 12 metre radii. The width of the access would allow for vehicles to pass one another at the junction which would reduce the time spent waiting on the highway which would help reduce the potential for any highway safety concerns of vehicles waiting on the highway. There would appear to be sufficient radii to allow for vehicles to leave the farm without crossing onto the opposing side of the carriageway when turning left. It is noted that on the site plan.

The access would need to have a fully consolidated surface i.e no loose stone and gravel to prevent any loose material from being deposited onto the Highway, which could potentially cause a highway safety concern. The applicant would need to ensure that any gates are set back at least 10 metres from the edge of the carriageway to allow for vehicles to wait fully off the carriageway, the gates would need to be designed to only open inwards, away from the carriageway. It should also be noted that the creation of the access would mean that the applicant would need to enter into a suitable legal agreement with the Highway Authority prior to any works on the access being carried out.

It is an offence under the Highways Act to allow for water and detritus to be discharged onto the highway and as such under no circumstance should water or detritus be allowed to be discharged onto the highway.

Taking the above into account, the Highway Authority does not wish to raise an objection to the application. However, should planning permission be granted then I would recommend that the following conditions are imposed:

1. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.

2. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

3. Prior to commencement of development of the development hereby permitted the proposed access over at least the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

5. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

6. The access hereby permitted shall be used for agricultural purposes only.

7. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

8. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 19106-02 Rev A, and shall be available for use before the site is first brought into use. Once constructed the access shall be maintained thereafter in that condition at all times.

9. The proposed development shall not be brought into first use until details of a vehicle routing and signage strategy have been submitted to and approved in writing by the LPA. The development shall accord with this

strategy unless otherwise agreed in writing with the LPA.

Notes:

- Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT, Tel No 0330 123 2224. Application for such a permit should be made at least four weeks before access works are intended to commence.

- Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
  The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

6.8 **Planning Policy –**

SUMMARY

The application proposes the development of a farm anaerobic digester plant for the processing of agricultural manures, crops, crop residues and pasturised food waste with a proposed intake of feedstock of 50,000 tonnes per annum (tpa) rather than circa 69,000 tpa described in the application and supporting documents. Plant at the proposed development would include:

- a combined heat and power unit ('CHP') to provide the AD plant with power and heat. The unit would be powered by the gas produced by the biogas plant.
- a gas upgrading unit to 'clean' the gas and pressurise it before it is placed into the gas grid
- propane tanks to occasionally add (up to 3%) propane to the produced biomethane gas prior to feeding it into the gas grid;
- grid entry unit ('GEU') - the point where the processed gas is fed into the public gas grid network*

*The applicant has confirmed by separate correspondence dated 4 September that underground pipework and connections works will be undertaken under permitted development rights from the development site to the point of the gas grid connection off site, near West Hill. A separate point of entry to the electricity grid network is located onsite.

Whilst highlighting relevant national policy and guidance, the following comments focus on the local waste planning policy position and brief concluding remarks from the planning policy team.

NATIONAL POLICY AND GUIDANCE

There is no single national policy or strategy document on the management of waste by anaerobic digestion. A number of different documents detail national policy and strategy on anaerobic digestion, renewable energy, waste management and planning policy for waste that are considered relevant to the proposed development.

National strategy

UK Renewable Energy Strategy, 2009
Anaerobic Digestion Strategy and Action Plan, 2011
Energy Security Strategy, 2012

National planning policy

The National Planning Policy Framework (NPPF) does not include any specific policies on waste.

The National Planning Policy for Waste (NNPW), October 2014 – sets out detailed waste planning policies, including the following related to determining planning applications: consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B (locational criteria). Planning authorities are advised to "*bear in mind the envisaged waste management facility in terms of type and scale*".

The Waste Management Plan for England, December 2013 - sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.

LOCAL PLANNING POLICY

The principles of the waste hierarchy are embedded within the adopted Waste Core Strategy and policies promote the concept of making the best use of waste as a resource.

The proposed Anaerobic Digestion facility would provide infrastructure for the treatment of farm wastes, crop residues and biodegradable commercial and industrial wastes for energy or "other recovery", the resultant biogas producing the equivalent energy used to heat 3,200 homes per annum. In addition, the process would produce digestate that will be spread to agricultural land in place of virgin fertiliser resources or untreated farm/ other wastes. As such the proposed development is in accordance with policy **WCS2: recycling and reuse** and **WCS3: other recovery,** subject to the

applicant demonstrating that the proposed development will in particular be in accordance with Development management policies 1-9.

Chapter 9 of the Somerset Waste Core Strategy (WCS) adopted in 2013 discusses the spatial strategy for waste management in Somerset and paragraph 9.7 states "*The County Council distinguishes between strategic and non-strategic sites. Strategic sites are required to support the delivery of strategic waste treatment capacity in Somerset. Non-strategic sites are required to ensure that local needs are met in an appropriate way, acknowledging the need for consolidation points (such as transfer facilities) and stakeholder support for a mix of larger and smaller scale waste facilities"*.

When defining strategic waste management sites, paragraph 9.8 describes "*A strategic site will be capable of contributing towards meeting Somerset's need for treating a particular waste management stream or resource. A strategic site should be: a) central to the delivery of the Waste Core Strategy, making a significant contribution to the sustainable management of waste generated in Somerset; b) well located to the source of the waste(s) and with good access to Somerset's strategic transport network; and c) of sufficient area (as a guide, at least 2ha) to promote the co-location of complementary activities and provide the potential to accommodate a range of waste management technologies.*

In terms of a definition of non-strategic wastes, paragraph 9.18 states "*waste facilities at non-strategic sites will contribute towards meeting local waste management needs*".

The planning policy team have given consideration to not only the scale of the proposed Anaerobic Digestion facility but also the proposed role and function. The applicant has described the feedstock in the context of type, source and estimated quantities (albeit in relation to the original proposed capacity of 69,000 tpa - the applicant having since confirmed a revised capacity of up to 50,000 tpa). The application documents describe that feedstock for the proposed development would all be sourced locally (a 15km radius of the site). It would include agricultural feedstock such as manure, slurry and silage from break crops such as grass and maize. The feedstock would also consist of organic residue from food and drink producers from the local area. The feedstock would therefore be a combination of agricultural waste, energy crop and commercial and industrial (C&I) waste.

Paragraph 9.19 of the WCS describes a "guide" capacity for non-strategic small-scale anaerobic digestion as facilities processing up to 25,000 tpa. The facility would appear to meet only a localised need for farm and C&I waste management and as such, we consider the proposed development as described in the application documents to be a non-strategic site.

Paragraph 9.20 continues "*Proposals for non-strategic facilities will be assessed against the Waste Core Strategy's development management policies. In this way the County Council uses a criteria based approach to the spatial strategy for non-strategic sites beginning with* ***Policy DM1****, which*

outlines basic location principles for waste management development in Somerset".

Whilst some parts of the application site fall within Flood Zone 1, it is noted that western parts of the site fall within Flood Zone 2 and Flood Zone 3 of the River Cale. Policy **DM7 (water resources)** of the WCS (adopted February 2013) states that: *"Planning permission for waste management development will be granted subject to the applicant demonstrating that:*

a) *adequate provision has been made to protect ground, surface and coastal water quality; and*
b) *the proposed development will not have an unacceptable impact on the volumes, direction and rates of flow of ground and surface water; and*
c) *the proposed development will not exacerbate flood risk. Flood Risk Assessments will be required for waste management development in areas at risk of flooding or where the development may lead to flooding elsewhere."*

The applicant has submitted a flood risk assessment in support of the application. This will be a matter for the Environment Agency and Lead Local Flood Authority to comment on the appropriateness of the assessment and the proposals put forward to provide protection from surface water and fluvial flooding and the strategy proposed to mitigate the displacement of flood water.

It is noted that the proposed infrastructure will include storage tanks for propane gas for periodic use in the gas treatment process. Paragraph 16.10 of the WCS states that "*waste management development classified as "highly vulnerable" to flood risk – in particular development requiring hazardous substance consent would not be appropriate in Flood Zone 3a or 3b*" (the technical guidance referenced has been replaced by planning practice guidance).

In their email dated 13th September, the applicant has advised that that the proposed development would not require hazardous substance consent (three LPG tanks, each having 8,000 litre capacity and their calculations that maximum storage capacity equates to 12 tonnes, below the trigger for hazardous substance consent). In this regard, the location of the site would accord with national planning practice guidance.

Whilst some of the feedstock for the proposed development will arise on site or from neighbouring landholdings, some will arise from commercial and industrial sites in the local area (circa 15 km radius of site). In addition, whilst some of the liquid digestate generated by the AD process will be transferred via pipeline for land spreading on fields surrounding the proposed development site, the application describes that 80% would be transported off site by tanker or tractor/trailer to a local field network.

Policy **DM6 (waste transport)** of the adopted WCS relates to waste transport and states that: "*Planning permission will be granted for waste*

management development subject to the applicant demonstrating that:

a) *the proposed development will not have a detrimental impact on Somerset's local and strategic transport networks; or adequate and deliverable measures to mitigate such an impact are integrated within the proposal. A Transport Assessment and Travel Plan will be required for development that will generate significant transport movements; and*
b) *suitable access to the development is deliverable; and*
c) *alternatives to road transport for waste have been adequately explored and will be pursued if they are demonstrated to be practicable and beneficial. In addition, for proposals located outside the zones in the key diagram, applicants will be required to demonstrate that the proposed development is well connected (via suitable transport routes) to the community or business(es) that the development is intended to serve."*

The applicant has submitted a transport assessment in support of the application and opinion should be sought from colleagues in the Transport and Development team in their capacity as the Highway Authority.

Concluding remarks

The proposed development will provide up to 50,000 tonnes per annum capacity for the treatment and recovery of energy from farm and commercial and industrial waste in accordance with policy WCS3: other recovery of waste. Regard has been given to the role and function of the proposed development. Based on the information provided, the planning policy team consider this to be a non-strategic waste site and we have **no objection** to make to this application. Particular attention will need to be given to the potential impacts on the environment and local communities to ensure alignment with policies DM3, DM6 and DM7.

6.9 **Rights of Way –**

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (public footpath WN 30/19). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. DIVERSION REQUIRED –

The current proposal will obstruct the footpath WN 30/19.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order.

The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a public right of way, should not be started and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. You are advised that failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.
The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:
• A PROW being made less convenient for continued public use.
• New furniture being needed along a PROW.
• Changes to the surface of a PROW being needed.
• Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

• make a PROW less convenient for continued public use; or
• create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-atemporary-closure-of-a-right-of-way/.

6.10 **Scientific Services (Noise) –**

THE FOLLOWING IS THE CONCLUSION AND RECOMMENDATIONS FROM THE ACOUSTIC SPECIALIST'S ORIGINAL REPORT, AND HIS FURTHER COMMENTS. THE ENTIRE REPORT HAS NOT BEEN SHOWN HERE DUE TO ITS LENGTH. THE SPECIALIST'S FULL REPORT IS AVAILABLE ON THE FILE OR FROM THE CASE OFFICER, SHOULD IT BE REQUIRED.

1 Conclusions

Daytime operational noise would include that from the fixed plant that would also operate throughout the night-time period with additional vehicle movements and mixer loading activities that might be considered no worse than might arise from typical mechanised farm machinery. As such the effect of daytime operational noise from this proposal on surrounding residential development would in my view fall into the NPPF description that 'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life'. In this situation PPGN would indicate 'No specific measures required'.

In my view there are some uncertainties in the predicted night-time noise that might arise from normal operation of this development however there would appear sufficient scope within plant and enclosure specification to ensure operations did not create an observed adverse effect during the night-time. In my view the operation of the flare stack would be required as a safety feature and would not be expected under normal conditions.

As such I would raise no planning objection to the proposal provided planning safeguards ensuring effective noise mitigation measures are incorporated into the development.

7 Recommendations

At present I consider both the uncertainties in resulting site noise, and the NPPF requirement for a planning consent to 'mitigate and reduce to a minimum' noise when an observed adverse effect might arise, sufficient to justify a requirement for planning conditions. The presence of the following conditions might be considered sufficient to ensure effective noise mitigation and the development was acceptable in planning terms.

As such I suggest the following wording for noise conditions:

- The operational noise limits of the development during commercial gas production between 23:00-06:00 shall not exceed an Leq(5minute) free field level of 30dB(A) at the location of any dwelling not associated with the

facility;

Reason: In the interests of residential amenity during the period of night-time operation.

- Within 3 months of the commencement of commercial gas production the developer shall demonstrate that adequate noise mitigation measures are in place by providing a noise report that details the main sources of plant noise present during typical operation between 23:00-06:00 with predictions that demonstrate, to the satisfaction of the planning authority, that night-time operational noise limits can be met.

Reason: In the interests of residential amenity to demonstrate effective noise mitigation measures are in place.

- The operator shall maintain records of any noise complaints associated with the site activities and record any actions taken as a result of such complaints, for the duration of the development hereby permitted. The records shall be made available to the Planning Authority at any reasonable time upon request.

Reason: In the interests of recording and addressing any issues associated with residential amenity.

- All plant used on site shall be effectively silenced to manufacturer's specifications and all noise control measures shall be maintained to their design specification for the duration of the development hereby permitted.

Reason: In the interests of safeguarding residential and public amenity.

- All reverse warning devices to be used on site based plant shall be broadband devices or similar and designed to minimise noise disturbance.

Reason: In the interests of minimising disturbance to residential and public amenity.

I would advise that the association of the proposed converted dwelling to this AD development be documented within the consent so as to identify the risk that independent ownership and subsequent noise nuisance claims might have in jeopardising future plant operations.

ADDITIONAL COMMENTS RECEIVED 6 SEPTEMBER 2017

You requested further consideration of noise in lieu of your site meeting yesterday and the fact you have now established that the closest property (developed within the existing farm complex without planning consent) is not linked with the AD development.

My noise report 302300N.236 discounted this property from consideration

because I incorrectly assumed it to be associated with the development. My report states:

The planning status of the farm building to be converted to a dwelling, on land associated with Brains Farm, is not clarified in the planning details. If this property development has been justified on the basis of its association with the proposed development, or if it is to be used to house those employed by the development, as is expected, then I would assume this association to discount the dwelling from further noise impact consideration. In my view this occupancy association may need to be documented within any planning consent so as to prevent a risk of subsequent noise nuisance claims jeopardising future plant operations should independent ownership and amenity issues then arise.

In deciding how to consider this issue it may be helpful to consider the circumstances of typical sequential development. Under these circumstances the later development must take account of the noise issues arising from the established development. It would be possible for two situations to arise at Brains Farm:

In one situation the AD plant might have occupied the site or gained consent prior to the development of the house. In this case the permitted development of a house would be dependent on it demonstrating compliance with policy and incorporating design features that were capable of achieving a reasonable standard or amenity for the potential occupants. The advice presented in ProPG: Planning & Noise (link) would have provided guidance on new residential development and the assessment of its planning viability. If a well-designed property could sufficiently protect the residents from the noise of existing development the District planning process could then ensure these measures takes place. If District planning found the proposed design to be non-compliant with this advice it might then recommend planning refusal so as to avoid a risk of later planning conflict arising with the established AD plant. This conflict might arise if noise disturbance claims were registered and then required investigation and action under the Environmental Protection Act 1990. Further safeguard against unreasonable housing development would also exist by virtue of a requirement to consult with the existing AD operators and to take account of any objection they might raise to noise sensitive development constricting their development interests and operational viability.

In the other situation the residential development could be present or permitted before the AD proposal. In this situation it would be a requirement of any planning consent to safeguard the interests of existing, or potential residents from subsequent commercial development impacts. Planning would need to ensure that potential impacts could be made acceptable in terms of NPPF guidance and that mitigation measures would be effective and reasonable. Planning conditions would then be necessary to ensure that both developers were aware of the design restrictions on their operation and that this situation was considered reasonable for the coexistence between

conflicting planning interests. Conditions would also provide some safeguard against any subsequent unreasonable claims of noise disturbance that might otherwise unexpectedly lead to the restriction to the operations of the permitted development.

It would appear that the owner of Brains Farm has in this instance created a situation of potential planning conflict by assigning adjoining areas of land to conflicting uses with neither demonstrating an obvious planning precedent. The planning outcomes could then be serious if these developments cannot coexist as either the house development might fail to get planning consent or the AD development might incur greater development costs and have further development opportunities restricted.

In my view it would appear the unauthorised conversion of a farm building to a house took place at a time when the AD development was considering land more remote from the property. If this was the case, and the house was also to be now recognised as permitted development, it would be my view that subsequent AD proposals would need to take account of the house and any additional restrictions this might place upon it. Therefore in my view if this house is considered acceptable development by the District it then becomes the requirement for AD developers to meet the conditions presently set for other existing residential development. At present I have only made a recommendation for a night-time noise condition and this would still seem appropriate to protect against night-time noise disturbance as it states:

The operational noise limits of the development during commercial gas production between 23:00-06:00 shall not exceed an Leq(5minute) free field level of 30dB(A) at the location of any dwelling not associated with the facility;

The presence of this property now also provides a greater planning assurance that night-time noise impacts at more distant properties would not be sufficient to create disturbance. In my view the condition is not unreasonable as I believe noise containment of CHP plant and other plant can be increased should this be found necessary.

When considering what might be a reasonable daytime noise limit at the house it is relevant to note that the house conversion is within land that has existing permitted commercial farm use, and that these uses could reasonably be expected to result in daytime noise from farm machinery and vehicle movements. Under these circumstances I consider it to be unreasonable to base a daytime noise limit on a background noise determined in the absence of these permitted activities. In my view this approach might then unfairly restrict a subsequent developer intending to use this land in a similar way. The Ion noise report indicates that the modal daytime background noise at the new house would be 41dB(A) and the district council has suggested (and noise consultants have adopted) this level as a daytime noise limit.

The report indicates that daytime operational noise averaged over an hour would be 40dB(A) and below this proposed limit. In my view this noise impact would seem low but it is possible and not clear, that noise modelling has not have taken account of internal farm traffic using internal farm tracks closer to the property. In my view this approach would seem reasonable as these movements would have been a feature of continued farm operation.

As such I do not think it necessary to specify a daytime noise condition because the noise from operational plant is mostly restricted by the night-time noise condition and the additional noise from material delivery and mixer loading would be both similar to existing farm operation and indirectly limited by the processing capacity and annual importation limits.

In my view there will always be risks associated with poor operational practices giving rise to unexpected unnecessary noise. Such noise could be a disturbance to this house and might arise if a metal loading bucket is bashed into a feed hopper to dislodge material or used to scrape clean a concrete area. I therefore suggest one minor change to my general plant operating condition as this, when combined with the requirement to record and address a noise complaint, would provide some means to encourage improvement if this was found to be necessary. I therefore suggest the following wording:

All plant used on site shall be operated in manner to reduce noise emissions and shall be effectively silenced to manufacturer's specifications with all noise control measures maintained to their design specification for the duration of the development hereby permitted.

6.11 **Scientific Services (Odour / Dust) –**

1. Air Quality. I accept the assertions made by the applicant that the AD plant will have no significant adverse impact on air quality, in terms of emissions of NO2 SO2 VOC's and PM10 and PM2.5 resulting directly from operation of the plant.

2. Odour. I accept the assessment of odour emissions presented by the applicant.

   However, I do have concern that there is no contingency provision described, in terms of action to be taken in the event that an odour issue does arise or complaints are received.

3. Dust. There is no reference to the prevention and/or mitigation of dust emissions from the site. It is considered that there is some potential for dust emission, firstly due to demolition & construction activities in the initial phase of the development, and subsequently due to vehicle movements during the operational phase. It is therefore suggested that the applicant is requested to provide a structured and detailed dust

mitigation scheme.

6.12 **Local Lead Flood Authority (LLFA) –**

The Applicant proposes the demolition of existing agricultural buildings & erection of anaerobic digestion plant with associated access roads and infrastructure. The site occupies an area of 3.1ha and is currently used for agricultural purposes. The site sits within an area of floodplain (flood zones 3 and 2 are present within the site boundary). The River Cale (a Main River) is located approximately 600 m south-west of the site. A small stream (an Ordinary Watercourse) runs through the site. As part of the application the applicant is proposing to re-route the ordinary watercourse to follow the boundary of the application site to the North West and South West boundaries to reconnect at the South West corner as per existing.

It is the re-routing of the ordinary watercourse that is causing the LLFA the greatest concerns; the applicant has not provided any details of the existing or the proposed river gradients before and after the diversion, therefore no assessment is available which will adequately demonstrate that flood risk will not be increased either up or down stream of the site as a result of the diversion of the ordinary watercourse and the changes to the associated flood plain. Note: If the Applicant decides to submit a qualitative assessment, this should be supported by hand calculations. However, the Applicant should consider using a flood model for this assessment.

The application does not demonstrate that the runoff from the energy crop storage area will not lead to increased flood risk for all rainfall events with annual probability between 1 in 1 and 1 in 100 (plus 40% for climate change).

There are no details included within the application to demonstrate any ongoing maintenance plans for the lifetime of the development.

In view of the lack of detailed information outlined above the LLFA would ***OBJECT*** to the application as submitted.

If the applicant is able to provide additional information to address these concerns then the LLFA will reassess the application. This additional information should include (as a minimum) the following information: -

- Demonstration of how proposed flood risk and resilience measures have been incorporated into the proposed development, including provision of safe access and egress;
- Demonstration of how proposed measures to ensure no increased risk to people and property elsewhere measures have been incorporated into the proposed development;
- Detailed construction drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage

features;

- Detailed construction drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures;
- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Detailed calculations and models to demonstrate that the re-routing of the ordinary watercourse will not increase flood risk either up or down stream of the proposed development.
- Detailed calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Detailed calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Detailed calculations that demonstrate there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Detailed drawings demonstrating how the first 5mm of rainfall (or 'first flush') will be managed to promote infiltration/evaporation/evapotranspiration, and with focus on the removal of pollutants;
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Calculations to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company;

ADDITIONAL COMMENTS RECEIVED 19 OCTOBER 2017:

Having now reviewed the additional information submitted by the applicant the LLFA would withdraw their previous objection, dated 9 October 2017.

It is noted that the applicant has now advised their intention to utilise any potentially contaminated runoff from the energy crop stored on site within the anaerobic digestion processes. Details of the proposed separate system for the capture and storage of this particular runoff must be included within the

information submitted to discharge the conditions imposed to any approval.

In view of the additional information provided by the applicant the LLFA would be satisfied that the application is approved subject to the following pre-construction condition being applied.

Condition: No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The strategy shall also ensure an entirely independent system is in place for the capture storage and re-use of runoff from any energy crop stored onsite.

Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage, that no potentially contaminated surface water runoff is allowed to enter the existing waterways and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

6.13 **Public Consultation**

The following representations have been received in respect of the proposals:

- 19 representations in support of the proposals;
- 48 representations objecting to the proposals; and
- 4 representations raising concerns in respect of the proposals.

The representations in support of the proposals raise the following issues:

- Employment benefits *(cited in 5 representations)*
- Highway impact will be manageable *(cited in 5 representations)*
- Positive impact on existing agricultural business
- Sustainable process to produce energy from waste *(cited in 16 representations)*
- Minimal visual impact
- No impact in relation to odour *(cited in 5 representations)*
- Impacts associated with agricultural use would be greater
- Benefit of direct grid connection

The representations objecting to the proposals raise the following issues:

- Adverse impact on highway network *(cited in 45 representations)*
- Need for development has not been demonstrated
- Adverse impacts in respect of odour *(cited in 17 representations)*
- Unacceptable visual impact *(cited in 5 representations)*
- No / limited employment benefits *(cited in 4 representations)*
- Agricultural land should be retained *(cited in 8 representations)*
- Adverse impact on tourism *(cited in 3 representations)*
- Damage to houses due to vibration
- Adverse noise impact *(cited in 3 representations)*
- Site is located in a flood plain *(cited in 9 representations)*
- Not all material is waste *(cited in 3 representations)*
- Pre-application engagement not accurate
- Greater gas supplies present elsewhere
- Adverse impact on community facilities *(cited in 6 representations)*
- Amount of energy produced will be limited
- Site should be designated as employment land
- Loss of residential accommodation is not acceptable *(cited in 2 representations)*
- Adverse impact on house values *(cited in 3 representations)*

The representations raising concerns in respect of the proposals raise the following issues:

- Adverse impact on highway network *(cited in 4 representations)*
- Supporting documents are incorrect
- Adverse visual impact
- Will there be odour issues?
- How will the site be monitored?

7. Comments of the Service Manager

7.1 **The key issues for Members to consider are:-**

- **Whether the principle of development is acceptable**
- **Whether the proposal represents sustainable development**
- **The waste hierarchy**
- **Impact of the proposal on landscape features and elements; landscape character; and visual amenity**
- **Impact of the proposal on the highway network**
- **Impact of the proposal on residential amenity – noise, odour and dust**
- **Impact of the proposal on biodiversity**
- **Impact of the proposal on flood risk**

7.2 **The Development Plan**

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this

case the development plan consists of the:

- Somerset Waste Core Strategy adopted February 2013; and
- South Somerset Local Plan (2006-2028) adopted March 2015

The following policies are of relevance in the determination of the application:

Somerset Waste Core Strategy adopted February 2013

SD1: Presumption in favour of sustainable development
WCS2: Recycling and reuse
WCS3: Other recovery
DM1: Basic location principles
DM2: Sustainable construction and design
DM3: Impacts on the environment and local communities
DM6: Waste transport
DM7: Water resources

South Somerset Local Plan (2006-2028) adopted March 2015

SD1: Sustainable development
EP5: Farm diversification
TA5: Transport impact of new development
EQ1: Addressing climate change in South Somerset
EQ2: General development
EQ4: Biodiversity
EQ7: Pollution control

7.3 **Material Considerations**

Other material considerations to be given due consideration in the determination of the application include the following:

- National Planning Policy for Waste October 2014 (NPPW); and
- National Planning Policy Framework March 2012 (NPPF)

7.4 **Principle of Development**

Somerset County Council's Planning Policy Team has been consulted in respect of the proposals and has provided a detailed assessment of the relevant planning policy context.

The response notes that a number of different documents set out national policy and guidance in respect of anaerobic digestion, renewable energy, waste management and planning policy for waste that are considered relevant to the proposed development. At the forefront of these is the National Planning Policy for Waste October 2014 (NPPW), which states that consideration should be given to the likely impact of the proposal on the local environment and on amenity against the locational criteria set out at Appendix B, and that local authorities should '*bear in mind the envisaged*

waste management facility in terms of type and scale'.

In terms of the local planning policy context; the Planning Policy Officer notes that, subject to compliance with other development management policies, the proposal satisfies the requirements of Core Strategy policies WCS2 and WCS3, by virtue of the development maximising reuse and recycling of waste and recovering energy from the waste product.

The Somerset Core Strategy makes a distinction between strategic and non-strategic sites, stating '*The County Council distinguishes between strategic and non-strategic sites. Strategic sites are required to support the delivery of strategic waste treatment capacity in Somerset. Non-strategic sites are required to ensure that local needs are met in an appropriate way, acknowledging the need for consolidation points (such as transfer facilities) and stakeholder support for a mix of larger and smaller scale waste facilities.'*

When defining strategic waste management sites, paragraph 9.8 states '*A strategic site will be capable of contributing towards meeting Somerset's need for treating a particular waste management stream or resource. A strategic site should be: a) central to the delivery of the Waste Core Strategy, making a significant contribution to the sustainable management of waste generated in Somerset; b) well located to the source of the waste(s) and with good access to Somerset's strategic transport network; and c) of sufficient area (as a guide, at least 2ha) to promote the co-location of complementary activities and provide the potential to accommodate a range of waste management technologies.'*

In terms of a definition of non-strategic wastes, paragraph 9.18 states '*waste facilities at non-strategic sites will contribute towards meeting local waste management needs.'*

The Core Strategy provides at paragraph 9.19 a guideline figure of 25,000 tonnes per annum (tpa) in respect of expected capacity of non-strategic small-scale anaerobic digestion facilities. However; it is important to consider the role and function of the facility as well as its scale. This approach is also suggested by the Planning Policy Officer. In this regard, the application states that feedstock would be sourced from farms within a 15km radius and organic residue from food and drink producers within the local area. Further, it is proposed that the digestate that results from the anaerobic digestion process will be supplied to end users within the local area.

It is clear that when considering the role and function of the proposed development, the operation is largely restricted to the local area. A site visit has demonstrated that there are numerous sources of waste product within the local area that will supply the development, and it is therefore concluded that the development represents a non-strategic facility. Consequently, the principle of development in the location proposed is considered to be acceptable from a planning policy perspective. The Planning Policy Officer

also concludes that the development is a non-strategic facility and that there is no 'in principle' objection to the proposal.

Taking account of the above, it is appropriate to assess the proposal on the basis of a non-strategic facility in the context of the Core Strategy development management policies DM1 to DM9 where relevant, and those of relevance within the South Somerset Local Plan (2006-2028) adopted March 2015.

Does the proposal represent sustainable development?

7.5 The Somerset Waste Core Strategy and South Somerset Local Plan contain an almost identically worded policy in relation to sustainable development. The general thrust of the policies is that planning permission will be granted, without delay, for proposals that improve the economic, social and environmental conditions in the area, unless material considerations indicate otherwise.

In this particular case, it is considered that the following assessment demonstrates that the proposal represents sustainable development, by reason that it satisfies the relevant planning policies within the Development Plan.

It is noted that there are a significant number of objections to the proposal (and also a number of representations in support of the proposal); however the assessment of the application demonstrates that the potential adverse effects cited by objectors to the proposal can be effectively avoided, minimised or mitigated through the design of the development and /or conditions attached to the planning permission that provide the Waste Planning Authority with a sufficient degree of control over the operation. It should also be noted that the development will be subject to legislative frameworks other than the planning system which will regulate the operation.

The Waste Hierarchy

7.6 The Somerset Waste Core Strategy set out the Waste Hierarchy on page 9. The hierarchy establishes the Council's approach to waste management, with disposal being the least preferred option, then other recovery, recycling, preparing for reuse, with waste prevention being the most preferable situation.

Policy WCS2 relates to the recycling and reuse of waste, and confirms that planning permission will be granted for waste management development that will maximise reuse and/or recycling of waste subject to the applicant demonstrating that the proposed development will, in particular, be in accordance with Development Management Policies 1-9.

The use of animal waste and plant matter to generate energy is classified as biomass energy and is one of the five forms of renewable energy. The

proposed anaerobic digestion process produces methane gas, which is captured, cleaned and injected directly into the gas grid network. To facilitate this, a pipeline will be constructed that will transport the gas from the site to the grid entry point located on West Hill in Wincanton. The pipeline can be constructed using permitted development rights under Part 15, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is expected to produce enough energy to provide power for approximately 3200 homes.

The production of energy from what is largely waste product has clear policy support in both the Somerset Waste Core Strategy and South Somerset Local Plan. In particular, Core Strategy Policy DM2 notes that waste management development should incorporate energy efficient design strategies and enable local use to be made from energy that is generated by the development, whilst South Somerset Local Plan Policy EQ1 states that development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts associated with the development.

In essence, the proposed anaerobic digestion facility takes waste from locally based sources and turns it into energy. There is a clear benefit in using waste material that otherwise has to be either stored at the location at which it is proposed, or transferred elsewhere for disposal. The proposal ensures that the waste has a useful purpose.

In addition to the above, the digestate that is produced by the anaerobic process is a nutrient rich form of fertiliser that is proposed to be used on local fields or transported to other sites. The digestate can be injected into agricultural land, which prevents the run off that is experienced in relation to the more traditional method of spreading the fertiliser on the field. This also has the potential to reduce the need for chemical based fertiliser, which often runs off agricultural land and is deposited in local watercourses.

It is considered that the proposal accords with all of the above policy requirements, for the reasons discussed within this report, and that the reuse of waste and production of renewable energy associated with the development weighs significantly in favour of the proposal.

7.7 **Impact of the development on Landscape Features and Elements; Landscape Character; and Visual Amenity**

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. The LVIA contains a detailed assessment of the effects of the proposed development on landscape features and elements; landscape character; and visual amenity. The LVIA concludes the following:

Landscape Features and Elements

- Minor effects will result from the slight diversion of the Public Right of Way WN 30/19
- Moderate effects are associated with the proposed tree removal
- Changes to the topography on-site would not be notable over such a small area
- Most trees and hedgerows will be retained. There will be a net benefit once the proposed planting is established
- The physical fabric of the landscape beyond the site will remain unchanged by the proposals
- The ditch running across the site will be realigned around the site boundary

Given the limited changes to the topography on site, the modest amount of tree removal, and proposed landscaping that forms part of the development, it is agreed that the identified harm is only slight.

Landscape Character

- The physical characteristics of the surrounding wider landscape beyond the site would remain unchanged
- A wide variety of human influences including infrastructure and semi industrial development are evident within the landscape
- The existing pattern and landcover of the landscape comprising tree cover, settlement, and agriculture over gently undulating topography would continue with the development in place

In respect of the wider views of the proposed development; it is agreed that the effects will be limited. It is acknowledged that the proposal includes some structures of significant height; however in the main these are non-bulky structures such as the gas upgrading unit and flare. The exception is the proposed digesters, which occupy a much larger footprint than the afore-mentioned items of plant and are also of significant height. However, despite the scale of these structures, it is agreed that they would be viewed from a distance in the context of other elements of built form within the landscape, such as other farms, residential development, solar installations and the sewage treatment works, and that the topography and existing vegetation limits views to some extent. Further, an agricultural use could include structures of a quite similar scale and nature, such as slurry stores. In addition, whilst the proposed on site planting will not screen these structures

in their entirety, it will assist in softening the appearance of the development. Similarly, the green colour of the digesters will aid their assimilation with the landscape to a certain degree. Taking account of these factors, it is considered that the proposal will preserve the existing character of the landscape.

Visual Amenity

- Higher levels of visual effects would be experienced within close proximity to the site, but even at 500m or less many potential views would still be restricted.
- The proposed development would typically be seen as discrete elements rather than in its entirety.
- The proposed development would not be seen in isolation, but within the context of existing built form, including farms and residential development.
- Existing vegetation on and off site would filter or partially filter many views of the proposed development.
- The greatest effect on visual amenity would be from the Public Right of Way (PRoW) to the south of the site, particularly from WN 30/19.
- The scale of effect for the majority of the representative views would be minor.
- Overall, the proposed development would have a limited effect that would not be unacceptable on the visual amenity of the wider landscape beyond the immediate vicinity of the Brains Farm buildings.

In respect of views of the development from within close proximity to the site, it is acknowledged that views will be restricted to some degree; however even with restricted views some of the structures will undoubtedly appear as large items of plant of a somewhat industrial character. Again, the on-site planting will help to soften the visual impact and mitigate this issue to some degree; however it is considered that there will be some harm to visual amenity when the development is viewed from within close proximity to the site.

7.8 **Impact of the proposal on the highway network**

The application includes a Transport Statement prepared by David Tucker Associates dated 5 July 2017, which has been assessed by Somerset County Council's Planning Liaison Officer in the Highways Development Management Team.

The Officer has advised that, in his professional opinion, the proposed vehicle movements associated with the development will not place the existing highway network over capacity – i.e. such movements can be accommodated by the existing network. The Officer confirms that he has taken into account the existing movements that are generated by the agricultural use of the site and observed during a site visit that traffic flows along Moor Lane were low.

It is agreed that it is important to consider the vehicle movements that would be associated with the agricultural use of the site; were that use to continue. Clearly the continuation of the agricultural use of the site would result in vehicle movements to and from the site, and these will be removed as a result of the proposal. In addition, the waste material that will be transported to the site to be processed by the anaerobic digestion plant would otherwise have to be transported from the site for disposal. The vehicle movements from these other farms that supply the waste product will no longer be required, as the waste will instead be transported to the site. It is noted that, once processed, a proportion of the waste material will be piped to local farms to be used as fertiliser; thereby removing additional vehicle movements that would otherwise be required. In addition, it is proposed to transport a proportion of the incoming waste product using existing tracks across fields. This will also reduce the impact of the proposal on the highway network.

The Planning Liaison Officer has also confirmed that the proposed visibility splays and general specification of the proposed access are acceptable. The applicant has submitted a plan that demonstrates that the land required to form the splays is within their control, which provides certainty that the access can be laid out as shown within the application. Taking account of these points, there are no concerns in respect of the proposed access. It should also be noted that the existing access will no longer be used except for in conjunction with the barn to the south east of the site that is proposed to be converted to a dwelling. It is considered that there is some planning gain in the current agricultural use no longer utilising the existing access, which is of substandard specification and has limited visibility along Moor Lane.

It is noted that the majority of the objections to the proposal cite concerns in relation to the impact of the development on the highway network. Whilst these concerns are noted, and it is agreed that it is likely that the proposal will result in additional vehicle movements on the highway network, it is considered for the reasons above that the highway network can effectively accommodate the additional movements without prejudicing highway safety. The Planning Liaison Officer has suggested a condition requiring that the development cannot operate until such time that a vehicle routing and signage strategy has been submitted to and approved in writing by the Waste Planning Authority. This will give the Council the opportunity to control to some degree the vehicle movements associated with the development and further mitigate the effects of the development on the highway network.

The construction phase of the development also has the potential to have an adverse impact on the highway network, and this issue has also been highlighted by a number of the objectors to the proposal. To this end, the Planning Liaison Officer has recommended that a condition be attached to any forthcoming planning permission requiring a Construction Traffic Management Plan to be submitted to and approved by the Waste Planning Authority prior to the commencement of development. It is considered that

this will provide the Waste Planning Authority with controls over the construction phase such as hours of working, timing of deliveries, working practices etc. such that adverse effects can be effectively mitigated.

Comments have also been submitted by the Transport Development Liaison Manager at Dorset County Council. The comments raise concern in respect of the routes that will be used by traffic associated with the development, and that the impacts of the proposal on the wider strategic highway network have not been accounted for. The comments have been discussed with Somerset County Council's Planning Liaison Officer in the Highways Development Management Team, who has advised that he considers that all issues have been addressed and that the impacts of the proposal can be adequately mitigated through the imposition of the suggested conditions.

In summary, taking account of all of the above, it is considered that the proposal is acceptable in highways terms and that effects associated with the development can be appropriately controlled. It is therefore concluded that the proposal accords with Somerset Waste Core Strategy policies DM3 and DM6; and South Somerset Local Plan policies EP5 and TA5.

7.9 **Impact of the Development on Residential Amenity – Odour, Noise, Dust**

It is noted that the site is located a significant distance from the majority of residential dwellings within the locality: the closest dwelling is that associated with Home Farm approximately 250m to the south east. Notwithstanding, it is necessary to consider the way in which the effects associated with the development will impact upon the occupiers of any residential uses, given that there is the potential for some effects to be far reaching in geographical terms.

The existing farmhouse on the site is to be used as the site office associated with the development, with the result that it can be discounted from the assessment of the effects on residential amenity.

To the south east of the site, located approximately 45m from the site boundary, is an existing barn that it is proposed to be converted to a residential dwelling. Further to reviewing South Somerset District Council's website it would appear that the barn was proposed to be converted under the prior approval process set out at Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO); however the works have been undertaken and it would appear that the conversion included works that go beyond the permitted level. As such the development is currently unauthorised and does not therefore have residential use. It is not clear if the development will be able to secure planning permission to regularise the unauthorised works; however the effects on the potential future occupiers have been assessed, in the interests of completeness.

Odour

Given the nature of the waste material that will be used in the anaerobic digestion process, there is the potential for odour to be generated by the development. In particular, it is envisaged that a proportion of the waste material will be chicken waste, which has the potential to cause odour nuisance to a greater degree than other waste.

It is considered that the development has been designed such that effects related to odour will be minimised. The clamp where incoming waste is to be stored will be covered for the majority of the time. Once the waste is loaded into the feedhoppers, they will be closed to minimise odour. The waste will be pumped automatically from the pre-treatment tank into the digesters, which are air tight, thereby ensuring that odour will not be an issue at this point of the process. The lagoon area is where the waste will be stored after the anaerobic digestion process has been completed, which is again an air tight facility which will effectively control odour. From the lagoon area, it is either transported off site in tankers, which will be sealed, or piped to local fields. In any case, it is understood that once the material has been through the anaerobic digestion process it is no longer odorous, with the result that there are no concerns in respect of the impact on the surrounding area. In summary, the anaerobic process is largely a sealed process that is designed to significantly reduce odour.

It is also important to note that the waste material that will be processed by the development is existing waste that is located at the farms and other locations where it is produced, potentially not in sealed systems such as that proposed. As such, the waste already has the potential to create odour nuisance, but just in locations other than the site. Consequently, it is considered that the proposal has the potential to benefit the locations where the waste is currently held, as the waste will be removed from those locations as a result of the proposals. It is acknowledged however that this is an ancillary benefit associated with the proposals, and should not be given significant weight in the determination of the application.

In addition, the existing authorised use of the site as an agricultural holding must be taken into account. When the site was operating at full capacity as an agricultural holding there would have been the potential for odour effects to be created, and the site could again operate in this way without the need for planning permission. As such, any consideration of the odour associated with the proposal must be considered in the context of the present authorised agricultural use.

Given the potential for the development to create odour effects, the County Council's Scientific Officer has been consulted in respect of the proposals. The Officer has assessed the Odour Assessment that has been submitted as part of the application, and has advised that he accepts the assessment of odour emissions that has been provided. He has stated that there is some concern that there is no contingency provision to address potential problems

with odour if they do occur and complaints are received: it is considered that this concern can be satisfactorily addressed by a condition attached to any forthcoming planning permission.

In summary, taking account of the above, it is considered that effects associated with odour will be effectively controlled by the design of the development and the condition suggested by the Scientific Officer.

Noise

The County Council's Acoustic Specialist has been consulted in respect of the proposals and has provided comprehensive written reports dated 25 August 2017 and 6 September 2017.

In general it is considered that the development is not a particularly noise generating form of development, and that there are relatively few sensitive receptors within the immediate locality.

The closest potential sensitive receptor is the barn that is proposed to be converted to a residential dwelling; to the south east of the site. A review of South Somerset's website has established that the works that have been undertaken in respect of the conversion are unauthorised, with the result that the building is not in residential use. Notwithstanding, the County Council's Acoustic specialist has recommended that a condition be attached to any forthcoming planning permission requiring that noise limits at the location of any dwelling not associated with the development must not exceed 30dB(A) between the hours of 23:00–06:00. Clearly this would include the building to the south west if it were converted to a residential use, and the Acoustic Specialist has advised that he does not consider the condition to be unreasonable, given that it would be possible to increase the noise containment measures of CHP plant and other plant, should it be necessary to do so to meet the requirements of the condition.

In terms of daytime noise nuisance, the Acoustic Specialist notes that any potential future residential occupiers of the building could be subjected to noise generated by the permitted use of commercial farm operations within the immediate locality. As such, it is considered unreasonable to base a daytime noise limit on a background noise level determined without these permitted activities being present. In any case, the Acoustic Specialist considers that a daytime noise condition is not necessary, given that the noise from the development will be restricted by the night time noise condition, and that any additional noise generated by the daytime activities such as material deliveries or on-site operations would be similar to the existing farm operation. Noise would also be limited through the imposition of a 50,000 tonnes per annum limit on the capacity of the development.

The report provided by the Acoustic Specialist also considers the effect of transport related noise that is associated with the development. In this regard the Specialist's report considers that when compared with the existing

traffic on the highway network, the highways movements from the proposed development would not be of concern, particularly given that deliveries from local farms are likely to be dispersed across several roads.

The Acoustic Specialist concludes that, in his view, the effects of daytime noise generated by the development on the surrounding residential environment would fall into the National Planning Policy Framework (NPPF) description that *'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.'* Conditions are suggested by the Specialist as set out further in this report: it is agreed that all conditions are reasonable and appropriate in all planning respects.

There is always the potential for noise nuisance to be generated during the construction phase of the development. In this regard, it is considered that a condition can be attached to any forthcoming planning permission requiring the submission and approval of a construction management plan, prior to the commencement of development. This will ensure that the construction phase of the development, and its associated effects including noise, can be effectively controlled.

In conclusion, for the reasons above it is considered that the noise effects relating to the development are not serious to the extent that they should result in a reason for the refusal of planning permission.

Dust

The County Council's Scientific Officer notes that the application does not include measures to mitigate effects related to dust from either the operational or construction phases. Notwithstanding, there is potential for this effect to adversely affect residential amenity, and the Scientific Officer has therefore suggested a condition requiring the applicant to provide a dust mitigation plan. It is agreed that the condition is required to ensure that residential amenity within the locality will not be compromised. By imposing such a condition, the development will be acceptable in respect of the effects associated with dust generation.

Summary

Taking account of the above, it is considered that the potential adverse effects in respect of odour, noise and dust can be effectively minimised and mitigated through the use of appropriate conditions. In addition, the design of the development will ensure that many of the effects will be avoided. Consequently, it is concluded that the proposal will not adversely affect the amenities of the occupiers of any residential properties and that there are therefore no concerns in this regard. Similarly, the amenities of other users of the locality will remain largely unaffected by the proposal.

7.10 **Impact of the proposal on biodiversity**

An Ecological Assessment prepared by Ethos Environmental Planning dated June 2017 has been submitted as part of the application. A Bat Survey prepared by the same organisation dated July 2017 has also been submitted. Both documents have been assessed by the County Council's Ecologist. The Ecologist has raised no objection to the proposals.

The proposals include the removal of a species poor hedgerow which follows the alignment of the stream on site. The majority of the species rich hedgerow will be retained, with the exception of a section to enable the proposed access to be formed. Given that the majority of the species rich hedgerow will be retained, there are no concerns in this regard. The Ecologist has suggested a condition to ensure the protection of nesting birds when the sections of hedgerow are removed.

A precautionary approach has been recommended in respect of the potential impact of the proposal on reptiles and hedgehogs, and in this regard conditions have been recommended by the Ecologist to protect these species if indeed they are present.

The submitted Bat Survey confirms that the watercourse on the site is used by commuting and foraging bats, but notes that use is relatively low. Consequently, a number of mitigation measures are proposed such as the planting of new hedgerows prior to the clearance of vegetation along the watercourse, the creation (if possible) of the new watercourse prior to the closure of the existing water course; and the provision of six new bat boxes. Somerset County Council's Ecologist has raised no objection to the proposed measures and it is agreed that they will appropriately mitigate the effects of the development on the resident bat population.

Taking account of the above, it is concluded that the effects on biodiversity have been fully considered as part of the application and there is no objection raised to this element of the proposals.

7.11 **Impact of the development on flood risk**

The application includes a Flood Risk Assessment and Drainage Strategy prepared by Vectos dated June 2017, a Flood Model Report also prepared by Vectos dated June 2017 and a Flood Risk Sequential Assessment dated June 2017.

It is proposed that the part of the site located in the flood plain will be raised so that it is no longer at risk from flooding. It will be raised above the level of the 1 in 1000 flood event, plus a freeboard of 0.3 metres. Consequently, the development will be raised to a minimum level of 68.5 metres Above Ordnance Datum (AOD). This will also mitigate any issues relating to surface water flooding.

The proposed raising of the site out of the flood plain reduces flood storage capacity in the area. To mitigate this, additional storage will be provided for the amount of storage lost, plus 20% to provide betterment. This compensatory storage will be located at the site's north western and south western boundaries.

The existing stream located on site will be realigned around the north western and south western boundaries, to ensure that the watercourse is located a minimum of 10 metres from the anaerobic digestion plant, as required by Environment Agency (EA) regulations.

The EA and Somerset County Council's Local Lead Flood Authority (LLFA) have assessed the proposal.

The EA initially objected to the proposal in a letter dated 8 September 2017 on flood risk grounds, on the basis that the submitted Flood Risk Assessment did not include any percentage applied to account for climate change figures.

In response to the objection, the applicant submitted an addendum to the FRA dated 14 September 2017. The EA has considered the additional information and has confirmed that the objection has been lifted. It is considered that the FRA addendum successfully demonstrates that climate change flood levels have been accounted for in the development's design and that the proposed floodplain compensation has now been fully explained.

The EA has advised that the removal of their objection is dependent on conditions being attached to any forthcoming planning permission. The conditions require that the development is located no lower than 68.5 metres Above Ordnance Datum (AOD) and that a scheme relating to the flood compensation is approved by the Waste Planning Authority. It is agreed that these conditions are appropriate in all planning respects and should be attached to the planning permission; if granted.

The LLFA has objected to the proposals, on the basis that they consider that the applicant has not demonstrated that the realignment of the ordinary watercourse (the existing stream on site) will not increase flood risk up or down stream; that run off from the proposed clamp will not increase flood risk; and that the application does not contain any details in respect of the maintenance of the development for its lifetime.

In response to the objection, the applicant's consultant (Vectos) has submitted a seven page letter dated 11 October 2017 which provides further information and explanation in an attempt to resolve the LLFA's objection. The letter addresses each of the LLFA's points in turn.

The LLFA has considered the additional information that has been submitted and has confirmed that they have removed the objection to the proposals. This is subject to a condition requiring that details of the surface water drainage scheme be submitted and approved prior to the commencement of

development. It is agreed that the condition should be attached to any forthcoming planning permission.

In summary, for the reasons discussed above it is concluded that the proposals will not exacerbate flood risk, subject to the recommended conditions.

7.12 Conclusion

It is considered that the above assessment demonstrates that the effects associated with the proposal can be effectively avoided, minimised or mitigated through the design of the development and / or the use of conditions attached to the planning permission.

It is noted that there is significant locally based opposition to the proposals. The issues raised by the objectors have been taken into account; however it is evident from the assessment above that the proposal accords with the Development Plan, subject to the imposition of conditions to successfully mitigate the potential adverse effects. It is pertinent to note that there are no objections from the various technical specialists that have been consulted in respect of the proposals.

Taking this into account, it is concluded that the proposals are acceptable in planning terms subject to the conditions set out below.

8. Recommendation

8.1 **It is recommended that planning permission be GRANTED subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.**

1 **Time Limit (3 years implementation)**
The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2 **Completion in accordance with the approved details**
The development hereby permitted shall be carried out in strict accordance with the approved plans:-

Site Location Plan - Drawing reference ACR-WIN-RL-100 P00 – June 2017
Topographical Survey – Drawing reference A166/9729/2 – June 2017
Tree Survey – Drawing reference 04 – 16.6.17
Existing Residential Building Plans/Proposed Site Office Floor Plans - Drawing reference ACR-WIN-XX-120 P00 – June 2017

Site Plan Layout - Drawing reference ACR-WIN-XX-100 P00 – June 2017
Elevations - Drawing reference ACR-WIN-XX-110 P00 – June 2017
Digester Tank Cross Section - Drawing reference AG302017_090_001 – 31.1.17
Planting Mitigation - Drawing reference 05 – 26.6.17
Site Access with Visibility - Drawing reference 19106-02 Rev A – June 2017

and specifications:-

Application form prepared by Turley dated 3.7.17
Planning, Design & Access Statement prepared by Turley dated June 2017
Transport Statement prepared by David Tucker Associates dated 29.6.17
Highways Revised Proposed Movements document prepared by David Tucker Associates received 13.9.17
Landscape + Visual Impact Assessment (LVIA) prepared by Landscape Collective dated April 2017
Flood Risk Assessment and Drainage Strategy prepared by Vectos dated June 2017
Flood Model Report prepared by Vectos dated June 2017
Flood Risk Sequential Assessment prepared by Turley dated June 2017
FRA Addendum Letter prepared by Vectos dated 14.9.17
Response to LLFA Comments Letter prepared by Vectos dated 11.10.17
Noise Assessment prepared by Ion Acoustics dated 3.7.17
Odour Assessment prepared by Redmore Environmental dated 27.6.17
Air Quality Assessment prepared by Redmore Environmental dated 28.6.17
Ecological Assessment prepared by Ethos Environmental Planning dated June 2017
Bat Survey Report prepared by Ethos Environmental Planning dated July 2017
Arboricultural Assessment prepared by Landscape Collective dated June 2017

and with any scheme, working programme or other details submitted to and approved in writing by the Waste Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the County Planning Authority to deal promptly with any development not in accordance with the approved plans.

3 **Commencement**
Written notification of the date of commencement shall be given to the Waste Planning Authority within seven days of the commencement of the development hereby permitted.

Reason: To enable the Waste Planning Authority to monitor compliance with conditions.

4 **Annual Tonnage Limit**
The incoming material to be processed by the development hereby permitted shall be limited to 50,000 tonnes per annum.

Reason: To ensure that the environmental impacts associated with the development are acceptable.

5 **Written Record of Incoming Material**
A written record of the amount and type of incoming material to be processed by the development hereby permitted shall be maintained by the operator of the site. The record shall be maintained for a period not less than five years and shall be made available to the Waste Planning Authority for inspection upon receipt of a written request.

Reason: To enable the Waste Planning Authority to monitor the volume and type of material being processed by the development.

6 **Visibility Splays**
There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

7 **Entrance Gates**
Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

8 **Consolidated Access**
Prior to commencement of development of the development hereby permitted the proposed access over at least the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Waste Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

9 **Highway Condition Survey**
A Condition Survey of the existing public highway shall be carried out and agreed with the Waste Planning Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this

development is to be remedied by the developer to the satisfaction of the Waste Planning Authority once all works have been completed on site.

Reason: In the interests of highway safety.

10 **Use of Access**
The access hereby permitted shall be used only in association with the development hereby permitted.

Reason: In the interests of highway safety.

11 **Construction Traffic Management Plan**
The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Waste Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety and residential amenity.

12 **Construction of Access**
The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 19106-02 Rev A, and shall be available for use before the site is first brought into use. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety.

13 **Vehicle Routing and Signage Strategy**
The proposed development shall not be brought into first use until details of a vehicle routing and signage strategy have been submitted to and approved in writing by the Waste Planning Authority. The development shall accord with this strategy unless otherwise agreed in writing with the Waste Planning Authority.

Reason: In the interests of highway safety.

14 **Operational Noise Limit**
The operational noise limits of the development during commercial gas production between 23:00-06:00 shall not exceed an Leq(5minute) free field level of 30dB(A) at the location of any dwelling not associated with the facility;

Reason: In the interests of residential amenity during the period of night-time operation.

15 **Noise Report**
Within 3 months of the commencement of commercial gas production the developer shall demonstrate that adequate noise mitigation measures are in place by providing a noise report that details the main sources of plant noise present during typical operation between 23:00-06:00 with predictions that demonstrate, to the satisfaction of the Waste Planning Authority, that night-time operational noise limits can be met.

Reason: In the interests of residential amenity to demonstrate effective noise mitigation measures are in place.

16 **Noise Complaint Record**
The operator shall maintain records of any noise complaints associated with the site activities and record any actions taken as a result of such complaints, for the duration of the development hereby permitted. The records shall be made available to the Waste Planning Authority at any reasonable time upon request.

Reason: In the interests of recording and addressing any issues associated with residential amenity.

17 **Operation of Plant**
All plant used on site shall be operated in a manner to reduce noise emissions and shall be effectively silenced to manufacturer's specifications with all noise control measures maintained to their design specification for the duration of the development hereby permitted.

Reason: In the interests of safeguarding residential and public amenity.

18 **Reverse Warning Devices**
All reverse warning devices to be used on site based plant shall be broadband devices or similar and designed to minimise noise disturbance.

Reason: In the interests of minimising disturbance to residential and public amenity.

19 **Odour Contingency Plan**
Prior to the commencement of development, an odour contingency plan shall be submitted to and approved in writing by the Waste Planning Authority. The plan shall establish a procedure to be followed in the event that an odour related complaint is received by the site operator, including measures that will be taken to investigate and resolve the odour issue if indeed resolution is required. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safeguarding residential and public amenity.

20 **Dust Mitigation Plan**

Prior to the commencement of development, a Dust Mitigation Plan shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved details. The plan shall include, but not be limited to, the following:

- Weather forecasts, reports, and local conditions to be monitored to ensure that dust suppression or road cleaning is available when required;
- Routine dampening down of all trafficked and active areas using water bowsers and sprays to be carried out during dry weather, or at any other time that dust other than trivial quantities is seen to or is likely to escape the site boundary;
- Routine dust monitoring at the site boundary;
- In the event that dust other than trivial quantities is seen to or is likely to escape the site boundary, the activity causing the dust to be immediately suspended until effective dust control has been achieved;
- Areas where dust generating activities will take place to be protected from wind by screens, or preferably enclosed entirely;
- Sweepers to be employed to clean roads where appropriate;
- Debris falling from vehicles to be immediately removed;
- Wheel-wash facilities to be provided at the site exit to ensure vehicles do not track mud or debris onto public highways;
- Where appropriate, only designated access routes to be used - site directions to be provided to suppliers and/or sub-contractors;
- Good quality access track to be provided;
- Vehicle speed limits to be set and enforced;
- All vehicles transporting materials to and/or from site to be sheeted to prevent dust and debris escape during transport;
- All plant to be maintained and checked on a daily basis;
- Vehicle exhausts to be angled so that they do not discharge directly at the ground;
- Vehicle engines to be switched off when vehicle is not in use;
- Stockpiles to be located out of the wind where possible and kept to the minimum practicable height, with gentle slopes;
- Fall height of all materials to be minimised;
- A daily dust log to be maintained;
- A complaints register to be maintained, and a structured protocol established of actions to be taken by named individuals in the event that a dust issue arises or a complaint is received.

Reason: In the interests of safeguarding residential and public amenity.

21 **Removal of Hedgerows or Shrubs**

No removal of hedgerows or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no

birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Waste Planning Authority.

Reason: In the interests of the protection of nesting wild birds from the effects associated with the removal of vegetation.

22 **Reduction in Height of Vegetation**
Any vegetation in the construction area, including hedgerow, scrub and vegetation along the stream, should initially be reduced to a height of 15 centimetres above ground level by hand, brashings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles and / or amphibians that may be present and to encourage their movement onto adjoining land in the active period. Once reduced vegetation should be maintained at this height up to the commencement of and through the construction period. Any features such as rubble piles which potentially afford resting places for reptiles will be dismantled by hand under the supervision of a competent ecologist and any individuals found translocated to a location agreed with the Waste Planning Authority prior to works commencing on site. This work may only be undertaken between April and October under the supervision of a competent ecologist. Notification of clearance for reptiles will be given to the Waste Planning Authority within one week of commencement.

Reason: In the interest of the protection of protected species during the construction phase of the development.

23 **Escape from Excavations**
Any excavations left open overnight during the construction phase will have a means of escape for hedgehogs and other mammals. This will comprise a shallow sloped edge or board (of at least 30cm width) set at an angle of no more than 30°.

Reason: In the interests of the protection of protected species during the construction phase of the development.

24 **Digestate Tank Colour**
The two digestate tanks hereby permitted shall be of painted colour either RAL 6005 Moss Green or RAL 6009 Fir Green. The colours hereby approved shall be maintained as such for the duration of the development hereby permitted.

Reason: To minimise the visual and landscape character impact of the development on the rural area.

25 **Landscape Planting**
The approved Planting Mitigation referred to in Condition No.2 above shall be implemented within the first planting season after the development

hereby permitted first becomes operational. For a period of five years following their planting, the trees and shrubs shall be protected and maintained, and any trees or shrubs which die, or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size and species.

Reason: To minimise the impact upon the rural landscape character environment.

26 **Lighting**

Before the development hereby permitted is first occupied and waste feed stocks are received, a lighting scheme that includes details of any external lighting to be installed at the site shall be submitted to and approved in writing by the Waste Planning Authority. The submitted lighting scheme at the site shall comply with the principles outlined in BS EN 12464-2(2007) "Outdoor Work Places", Table 5.11 "Power, Electricity, Gas and Heat Plants" and shall include details of siting, direction (horizontal and vertical), cowling, luminescence, and PIR operation times. The lighting shall be installed in accordance with the approved details before the development hereby permitted is first brought into use and shall thereafter be maintained for the duration of the development hereby permitted.

Reason: In the interests of nature conservation and visual amenities of the surrounding area.

27 **Finished Development Platform Levels**

The development hereby permitted shall not be commenced until such time as a scheme to ensure finished development platform levels are set no lower than 68.5 metres above Ordnance Datum (AOD*)* has been submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Waste Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users.

28 **Floodplain Compensation Scheme**

The development hereby permitted shall not be commenced until such time as a scheme for floodplain compensation has been submitted to, and approved in writing by, the Waste Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent any increase flood risk associated with modifying the floodplain.

29 **Surface Water Drainage Scheme**
No development shall commence until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Waste Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The strategy shall also ensure that surface water is prevented from being discharged onto the highway and that an entirely independent system is in place for the capture storage and re-use of runoff from any energy crop stored onsite. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage, to maintain highway safety, that no potentially contaminated surface water runoff is allowed to enter the existing waterways and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

INFORMATIVES

1 **Realignment of Watercourse**
The applicant must ensure that any realignment of the watercourse allows for sufficient flood flows as well as providing an enhanced space for wildlife.

2 **Upstream and Downstream Flows**
The applicant must also ensure that they do not impact on the upstream or downstream landowners, as required under their riparian rights to receive water in both quality and quantity.

3 **Structures Affecting Water Flow**
Under the terms of the Land Drainage Act 1991 the prior written Land Drainage Consent of the Lead Local Flood Authority (Somerset County Council in this case) is required for any proposed works or structures that could affect the flow of an ordinary watercourse (all non-main river watercourses/streams/ditches etc). To discuss the scope of their controls and please contact Flood Risk Management Team at Somerset County Council.

4 **Environment Protection / Permit**
This activity requires a Permit under the Environmental Permitting Regulations 2010 (as amended). The Environment Agency is required to consider all forms of pollution when issuing an Environmental Permit. Odour can be classed as pollution if it causes offences to man’s senses. If

a permit is issued for this site, it will require the operator to take all appropriate measures to prevent or minimise the emission of offensive odours from the activity. However, this does not mean that there will be no odour from these activities.

5 **Digestate Storage**
Any storage for digestate should be designed and bult to comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010, as amended 2013.

6 **Pollution Prevention During Construction**
Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:
https://www.gov.uk/guidance/pollution-prevention-for-businesses

7 **Waste Management**
Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

8 **Waste Management**
If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on the government's website at https://www.gov.uk/how-to-classify-different-types-of-waste

9 **Public Rights of Way**
Development, insofar as it affects a public right of way, should not be started and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. You are advised that failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

10 **Creation of Access**
Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT, Tel No 0330 123 2224. Application for such a permit should be made at least four weeks before access works are intended to commence.

11 **Highway Works**
Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

9 Relevant Development Plan Policies

1 The following is a summary of the reasons for the County Council's decision to grant planning permission.

2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:-

- The Somerset Waste Core Strategy adopted February 2013
- The South Somerset Local Plan (2006-2028) adopted March 2015

The policies in that Plan particularly relevant to the proposed development are:-

<u>Somerset Waste Core Strategy adopted February 2013</u>

SD1: Presumption in favour of sustainable development
WCS2: Recycling and reuse
WCS3: Other recovery
DM1: Basic location principles
DM2: Sustainable construction and design
DM3: Impacts on the environment and local communities
DM6: Waste transport
DM7: Water resources

<u>South Somerset Local Plan (2006-2028) adopted March 2015</u>

SD1: Sustainable development
EP5: Farm diversification
TA5: Transport impact of new development
EQ1: Addressing climate change in South Somerset
EQ2: General development
EQ4: Biodiversity

EQ7: Pollution control

3 The County Council has also had regard to all other material considerations, in particular the National Planning Policy for Waste October 2014 (NPPW).

4 Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, the saved Policy 6 of the Structure Plan, Core Strategy and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.