

Somerset County Council
Regulation Committee –
Report by Paul Hickson
Strategic Commissioning Manager

Application Number: 2017/3147/CNT
Date Registered: 22 November 2017
Parish: Evercreech
District: Mendip
Member Division: Mendip South
Local Member: Cllr Nigel Hewitt-Cooper
Case Officer: Andy Hill
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Description of Application: **SECTION 73 APPLICATION TO AMEND CONDITIONS 2 (APPROVED PLANS AND SPECIFICATIONS), 3 (NOISE MITIGATION) AND 5 (DUST CONTROL) IN RESPECT OF PLANNING PERMISSION 2013/2083 FOR THE CONSTRUCTION OF ANAEROBIC DIGESTION PLANT**

Grid Reference: 363683 - 136876
Applicant: Evercreech Renewable Energy Limited
Location: Unit 22, Evercreech Junction, Shepton Mallet, BA4 6NG

1. Summary of Key Issues and Recommendation

1.1 The proposed development relates to variations to a previously approved anaerobic digestion facility at Evercreech Junction. The main issues for Members to consider are:-

- landscape and visual impacts;**
- amenity impacts – noise, dust and odour; and**
- traffic generation and the highway network.**

1.2 It is recommended that, subject to a Deed of Variation to reiterate the terms of the Section 106 Agreement dated 4 February 2015, planning permission be GRANTED subject to the conditions set out 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 Strategic Commissioning Manager – Economy & Planning.

2. Description of the Site

2.1 The Mendip Local Plan indicates the Evercreech Junction industrial estate as being located on the northern edge of the Brue Lowlands (a flat or gently undulating landscape, with low hedges, little woodland and sparse settlement). The Whitelake Lowlands (gently undulating farmland, with open areas and low hedges) are to the north and rising ground of the Pennard Ridge (a flat-topped ridge with steep sides, and a prominent landmark) is to the west.

2.2 The Evercreech Junction industrial estate was developed on the site of an old railway station and marshalling yard and adjoining land. The estate's spine road is largely on the line of the former rail route. The former station buildings are now in residential use at the entrance to the estate. Outside of this area, the old rail routes have now largely been incorporated into the surrounding countryside.

2.3 The application site received planning permission for a waste transfer station for household recyclables in 2006 (054492/037), and this was partially implemented in 2008 through the construction of perimeter bunds and surface water measures. In 2010, permission was granted by Mendip District Council (2010/0214) for temporary use of the site for storage of inert materials and goods vehicle trailer units.

2.4 The application site is defined by the red line boundary to include the estate entrance off the A371 and the unadopted industrial estate road to the proposed anaerobic digestion [AD] plant site at its northern end, approximately 500m from the A371.

2.5 The proposed AD site is a relatively level area of land extending to approximately 1.6ha. with landscaped bunds topped by fences to the northern and western boundaries. Within the site are temporary offices from a previous use, which are to be removed, together with the CHP units and other infrastructure being stored pending development of the AD plant.

2.6 A stream flows alongside the south-western corner of the site at the base of the boundary bund with a raised pond on its western bank. The land to the north and west comprises open, undulating countryside. Industrial, retail, storage, transport and other uses occur in the developed areas to the south and east. Residential

properties alongside the A371 at Southwood are about 300m to the east of the site and Evercreech Park Farm is sited approximately 400m to the north west.

- 2.7 Views into the industrial area are available from rights of way and farms on higher ground to the west, north and south.

3. The Proposals

- 3.1 Planning permission 2013/2083 was granted on 10 February 2015 for the construction of the AD plant following consideration by the Council's Regulation Committee on 12 December 2013, and construction commenced prior to the deadline of 31 December 2016 imposed by Condition 1 of that permission.
- 3.2 Applications to discharge Conditions 3 (noise mitigation) and 5 (dust control) of permission 2013/2083 were accompanied by the required schemes and approved in December 2016. While Condition 3 requires consideration of a revised layout to screen noise from the CHP units, the approved noise impact assessment concluded that acceptable noise levels at residential properties could be achieved based on the approved layout subject to mitigation measures including an acoustic screen around the CHP units.
- 3.3 The current application was submitted in November 2017 under Section 73 of the Town and Country Planning Act 1990 and seeks the variation of Conditions 2, 3 and 5 of the 2015 permission. Clarification of the need for these variations is provided in the applicant's covering letter which explains that the technology provider has changed since the previous permission, leading to a review of the plant specification and consequent changes to its design and appearance. Since submission of this application, the applicant has further refined their design through revised proposals that were provided in December 2018, with the main changes from the November 2017 drawings being the addition of a digestate evaporator, a reduction in the footprint of the reception building and clamp, and repositioning of various plant within the site. While the currently-approved scheme proposed that the tanks would be reduced in level through excavation of the site, the revised proposals propose to install the tanks at existing ground levels but with the height of their domes reduced.
- 3.4 The variation of Condition 2 (Approved Plans and Specifications) seeks to vary some of the drawings and documents listed in the existing condition to reflect the changes to the plant. The changes from the 2015 approval to the revised December 2018 plans are summarised in the following table:

Extant planning permission reference 2013/2083	Proposed changes (December 2018)
<p data-bbox="284 1653 533 1686"><u>Reception Building</u></p> <p data-bbox="284 1720 783 1787">38m x 60m, 11m to eaves and 13m to ridge</p>	<p data-bbox="858 1720 1358 1787">34m x 44m, 11m to eaves and 13m to ridge</p>

<p><u>Large Primary Digestion Tanks:</u></p> <p>5 x tanks (21m diameter and 15m height)</p>	<p>4 x digester tanks (20m diameter and 13.28m height (10m walls / 3.28m dome))</p> <p>2 x storage tanks (24m diameter and 14.28m height (10m walls / 4.28m dome))</p>
<p><u>Feedstock Buffering Tanks:</u></p> <p>4 x tanks (10m diameter and 14m height, 15m to conical peak)</p>	<p>1 x turbo tank (12m diameter and 9m height)</p> <p>1 x separated liquid tank (10m diameter and 8m height)</p> <p>1 x turbo tank (10m diameter and 9m height)</p> <p>1 x buffer tank (10m diameter and 9m height)</p>
<p><u>Enclosed Biofilter:</u></p> <p>1 x structure (12.5m x 24m x 5m height + 1 x emissions stack (0.59m diameter and 7m height)</p>	<p>1 x structure (12.2m x 2.4m x 5m in height). No change in respect of stack</p>
<p><u>Waste Water Treatment Plant:</u></p> <p>1 x structure (21m x 21m x 13m height)</p>	<p>No longer required</p>
<p><u>Weighbridge Office and/or ancillary building</u></p> <p>9.5m x 4m (no height specified)</p>	<p>Now included with site office</p>
<p><u>Combined Heat and Power Units</u></p> <p>2 x CHP units (12.2m x 2.5m x 2.6m height; 15m stack height, 0.42m diameter)</p>	<p>3 x CHP units (12.2m x 3m x 2.6m height; 10m stack height)</p>
<p><u>Transformers</u></p> <p>3m x 3m x 3m height</p>	<p>3m x 2.2m x 1.8m height</p>
<p><u>Substation</u></p> <p>5m x 3.5m x 3m height</p>	<p>3.6m x 2.8m x 2.3m height</p>
<p><u>Pasteurisation Units</u></p> <p>3 x units (2.5m diameter x 3.6m height)</p>	<p>3 x units (3m diameter x 7m height)</p> <p>1 x container (12m x 4.8m x 3m height)</p>
<p><u>Emergency Surplus Gas Burner</u></p> <p>9m x 3.6m x 15m height, 1m diameter</p>	<p>9m x 3.6m x 8m height, 2.4m diameter</p>
<p><u>Containerised Oil Store</u></p>	

Not previously specified	No longer required
<u>Boiler / Oil Store</u> 12.5m x 5m x 2.6m height	15m x 12m x 4m to eaves, 5m to ridge
<u>Gas Treatment</u> Not previously specified	279.2m ² in area with maximum of 3.4m height, vent pipe 10m
<u>Propane Tanks</u> 1 unit x max 3.4m height	Now included in Gas Treatment area
<u>Spherical Gas Holder</u> 10m diameter x 10m height	No longer required
<u>Solids Feed Hopper</u> 3m x 2m x 2m height	2 x units, total footprint 20.3m x 5.4m x 3.3m height
<u>Clamp</u> 974m ²	220m ²
<u>Access</u> 10m gate	2 x 8m gates
<u>Control Room</u> 9.6m x 6m x 2.6m height	2 structures, 9.6m x 6m x 2.5m height
<u>Separator</u> Not previously specified	4.4m x 4.3m x 3m height, on top of concrete bay with max height 6.9m
<u>Digestate Evaporator</u> Not previously specified	10m x 8m x 5m height
<u>LV Board</u> Not previously specified	7.2m x 2.7m x 2.9m height
<u>CHP Fencing</u> Not previously proposed	4m height
<u>Site Office</u> 9m x 3.5m, no height specified	4 @ 6m x 2.4m x 2.5m height
<u>Lighting</u> 4 x 150 watts sodium lights on southern	4 x 150 watts sodium lights on northern

elevation of reception building	elevation of reception building and 2 on each of the western and eastern elevations
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- 3.5 These changes have implications for the noise and dust impacts associated with the proposed plant, and the applicant has revised their previously-approved dust management plan and noise impact assessment. The application therefore seeks the variation of Conditions 3 (Noise Mitigation) and 5 (Dust Control) to refer to the revised schemes.
- 3.6 While permission 2013/2083 did not place any limit on the throughput of feedstock materials, its supporting information indicated the plant would have an annual capacity of 55,000 tonnes. The applicant states that the revised technology and design proposed through the new application will enable up to 95,000 tonnes of feedstock to be managed each year, with the quantity of digestate exported from the site increasing as a consequence from 46,750 tonnes to 80,750 tonnes. This increased capacity would result in the anaerobic digestion facility being one of the largest in Somerset, with more than twice the capacity of Walpole, near Bridgwater, which has planning permission for up to 45,000 tonnes.
- 3.7 The applicant does not propose to change the general types of feedstock materials that the plant will manage, being food waste and maize. While the introduction of a digestate evaporator will not alter the quantity of digestate that is generated, the increase in proportion of digestate that is liquid will enable the applicant to explore other options for its management that may lead to a reduction in exports by vehicle. These options may include discharge of treated liquid digestate to sewer or watercourse, but this would require a separate planning permission as well as approval from other regulatory bodies.
- 3.8 The original proposal was expected to produce up to 3MWe of electricity, but the revised technology for which approval is being sought will enable the injection of gas into the national gas grid as well as generating electricity, with the total output increasing to 4.8MWe. The gas injection process requires increased storage capacity for propane, but this is below the threshold that would trigger the need for a separate application for Hazardous Substances Consent.

4. The Application

- 4.1 Plans and documents submitted with the application:

Application form and fee

Documents:

Covering letter (Qila Biogas Limited, 3 November 2017) including Appendix 1: Notes of Changes; Appendix 2: Proposed Working – Condition 2; and Appendix 3: Highways and Traffic (latter updated December 2018)

Odour Management Information Note (November 2013, updated November 2017 and December 2018)

Dust Management Plan (November 2017)

Noise Impact Assessment (REC, Revision 2, 19th December 2018) and Technical Note (REC, December 2018)

Preliminary Ecological Assessment (Scales Consultancy Ltd, September 2018)

Great Crested Newt Survey (Scales Consultancy Ltd, September 2018)

Drawings:

Site Plan (GP Planning Ltd, ref: GPP/TE/E/13/02 rev.2)

Site Layout (Qila Energy, ref: 13017_02 rev. P11)

Site Layout Plan (Qila Energy, ref: G021A3 rev. R3)

Site Elevations (Qila Energy, ref: 13017_03 rev. R7)

Site Sections (Qila Energy, ref: 13017_04 rev. R7)

Reception Building Elevations (Qila Energy, ref: 13017_RB1 rev. R1)

Vehicle Movements (Qila Energy, ref: 13017_V1 rev. R1)

5. Environmental Impact Assessment [EIA]

- 5.1 The extant planning permission (2013/2083) was granted without the need for EIA, with the officer's report to the Regulation Committee concluding that the proposal represented Schedule 2 development as an installation for the production of electricity, steam and water, but that the impacts would be likely to affect only a limited area and would not be expected to result in such significant and complex impacts as to be regarded as EIA development.
- 5.2 Since determination of the previous application, new EIA Regulations came into effect in 2017 and, while the proposed development remains broadly similar to that already approved, it has been screened as Schedule 2 (13)(b) of the 2017 Regulations refers to changes to development of a type listed in Schedule 2 where that development is already authorised, executed or in the process of being executed.
- 5.3 The outcome of the EIA screening for the current application concludes that the revised proposal is not likely to have significant environmental effects by virtue of its nature, size and location, and therefore does not constitute EIA development. The proposal is not located within a sensitive area and, although it is larger in size than the threshold for screening (0.5ha) and the throughput is potentially in excess of the 50k tonnes per annum threshold where this might indicate that EIA should be undertaken, the location of the development on a main transport route and adjacent to similar development and on a brownfield site would not suggest that it would have significant environmental effects.

6. Consultation Responses received

External Consultees

6.1 Mendip District Council

No objections subject to SCC being satisfied that the proposals would not have an adverse impact upon the amenities of nearby properties or pollution / land contamination. The District Council has been notified of the revised documents

submitted in December 2018, and any further comments will be reported at the meeting.

6.2 **Evercreech Parish Council**

Recommend leave to planning officer. The Parish Council has been notified of the revised documents submitted in December 2018, and any further comments will be reported at the meeting.

6.3 **Environment Agency**

No comment as the conditions being varied were not requested by them.

Internal Consultees

6.4 **Transport Development**

No objection, having reviewed the submitted information.

6.5 **Scientific Services (Noise)**

The proposals submitted in November 2017 were accompanied by a noise impact assessment that reflected the changes to the facility's design from the 2015 permission and were intended to enable discharge of Condition 3. In response to this assessment, the County Council's acoustics specialist raised a number of concerns regarding its methodology and assumptions and identified further specifications and information that would be required to overcome these concerns. He also advised that Condition 4 of the 2015 permission, which imposed a maximum level of noise emissions from the site, would be difficult to comply with and potentially unenforceable.

A new noise impact assessment was produced in July 2018 to address these concerns, and this was further updated through a revised assessment and technical note in December 2018 to reflect the amended proposals submitted at the same time. These have been reviewed for the County Council by an acoustics specialist who made the following observations:

- (a) the assessment includes some minor errors in noise values that would lead to slightly higher night time noise levels than predicted, but these are not the critical measure for night impacts;
- (b) the values for internal noise levels at nearby dwellings based on a noise reduction of 15dB for partially open windows (generally accepted as a target reduction and included in the WHO Night Noise Guidelines for Europe) show that the assessed values are all below the criteria in BS8233:2014 and are thus acceptable;
- (c) while the assessment refers to additional mitigation around the CHP units in terms of an acoustic fence, this does not seem to have been included within the noise model and, as such, the benefit of this fence could still be somewhat assumed, and it is not clear whether it will remove line of sight to the exhaust system. As the exhaust system is assessed alongside the CHP it is difficult to know if the benefits stated will be consistent or if there will be slightly less benefit due to the impacts of an exhaust not being mitigated (i.e. the exhaust sits above the mitigation barrier height). The key issue with this is that the

benefits of the acoustic barrier around the CHP units are necessary if the site is to prove that the operator can meet the current condition 4 – as the exhaust system is assessed alongside the CHP, it is difficult to know if the benefits stated will be consistent or if there will be slightly less benefit due to the impacts of an exhaust not being mitigated (i.e. the exhaust sits above the mitigation barrier height).

- (d) the wording of Condition 4 is overly restrictive and it would be more pertinent to locate the assessment location at a fixed position for monitoring, with a more suitable condition being “ Noise emissions during the hours of 2300-0700 from the development hereby permitted shall be limited to a maximum free field level of Leq (15min) 25 dB(A) when measured at an exposed bedroom window of any residential property”;
- (e) if the applicant is able to meet this condition for night time noise levels, there is no reason why they would breach any impact levels during the daytime, and a separate condition is therefore not needed for daytime.

Following further clarification by the applicant that the CHP exhaust units will project above the acoustic screen but that noise impacts can be addressed through higher specification silencers, the acoustics specialist confirms that the conclusions of the noise assessment are reasonable subject to approval being required of the specifications for the CHP units and exhaust silencers and revision of Condition 4 as recommended in (d) above.

6.6 **Scientific Services (Dust)**

The dust management protocol submitted by the applicant is satisfactory.

6.7 **Ecologist**

The County Ecologist initially highlighted that the habitat survey submitted with the application had been undertaken more than 12 months previously and should therefore be updated, and also recommended submission of the results of a survey of nearby ponds to assess the potential presence of great crested newts. Following submission of new ecological and great crested newt surveys, the County Ecologist endorses the recommendations of the ecological appraisal.

Public Consultation

6.8 One objection has been received from the occupier of a nearby farm, raising the following issues:

- have not been consulted on the application
- dust could affect cattle which graze nearby fields
- proposal would adversely affect highway safety
- increased vehicle movements will exacerbate noise issue
- bright lights at the site feel like an invasion of privacy
- concern about odour from digesters

- concern about biosecurity risk associated with food waste to the farm

6.9 The objector has been notified of the revised documents submitted in December 2018, and any further comments will be reported at the meeting.

7. Comments of the Strategic Commissioning Manager

7.1 The key issues for Members to consider are:

- the scope of the Section 73 application
- landscape and visual impact
- the potential impacts from noise and dust arising from the revised proposals
- the potential impacts from increased vehicle movements
- the potential impacts on landscape character and visual amenity

7.2 The Development Plan

7.2.1 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 following documents, with their policies of relevance to this proposal being listed in Section 9 of this report:

- Somerset Waste Core Strategy, adopted in February 2013; and
- Mendip District Local Plan 2006-2029 Part I: Strategy and Policies, adopted December 2014.

7.3 Material Considerations

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

- the National Planning Policy for Waste [NPPW], October 2014
- the National Planning Policy Framework [NPPF], July 2018
- Planning Practice Guidance [PPG]
- the Mendip District Local Plan Part II: Pre-submission Draft, January 2018

7.4 The Scope of the Section 73 Application

7.4.1 Section 73 of the Town and Country Planning Act 1990 enables an applicant to seek minor material amendments of an extant planning permission through the variation of one or more conditions of that permission. PPG advises that “there is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”. Section 73 limits consideration of an application made under that section to the conditions in question, and does not entitle the Council to reconsider the fundamental principles of the development.

- 7.4.2 In this case, the applicant is seeking to vary the drawings and documents specified in Condition 2 of the original permission to allow alterations to the approved technology, and Conditions 3 and 5 to amend the previously approved noise and dust control schemes to reflect these changes. The Council is entitled to consider any implications arising from those alterations, including any changes in environmental impacts (including noise, dust and odours), visual impacts and increases in vehicle movements.
- 7.4.3 It is considered that the proposed amendments to the AD facility do not amount to a fundamental change, and therefore fall within the scope of Section 73, as the proposal still accords with its original description, and the nature of the development is not significantly different with alterations to design and siting of the facility's components being minor and not altering its overall nature and character.

7.5 Landscape and Visual Impact

- 7.5.1 The application site forms part of an established industrial estate within which there are a range of industrial, storage and distribution premises and other waste management facilities, and the proposed anaerobic digestion facility is compatible in visual terms with this context. Existing earth bunds and fencing on the boundaries of the site will help to screen the facility from agricultural land to the north and west.
- 7.5.2 The proposed changes to the design and dimensions of the plant as indicated in the revised drawings submitted in December 2018 are summarised in Section 3 of this report. Whilst there are numerous alterations to the various elements of the AD facility, its overall character and appearance would remain similar to that previously permitted as the proposed changes would not, individually or cumulatively, result in a plant of significantly greater scale or massing. It is therefore concluded that the development as now proposed would not have a materially different impact on landscape character or visual amenity than the approved development, and it would therefore be consistent with Policy DP4 of the Mendip Local Plan.

7.6 Amenity Impacts – Noise, Dust, Odour and Lighting

- 7.6.1 The site is located some distance from the nearest dwellings, with the closest being approximately 300m to the east fronting the A371, and the source of the objection noted in paragraph 6.8 being approximately 400m to the north west. It should be noted that there are existing embankments of four to five metres topped with timber fences on the northern and western boundaries, while the land rises steeply upwards beyond the eastern boundary resulting in a difference in levels of approximately three metres between the site and land to the east.
- 7.6.2 Policy DM3 of the Somerset Waste Core Strategy requires the applicant to demonstrate that a development will not generate significant adverse impacts on the environment and local communities, with Policy DP8 including similar environmental protection requirements. The potential amenity impacts from the proposed facility – from noise, dust, odours and lighting – are considered below.

Noise

- 7.6.3 The County Council's acoustic specialist reviewed the noise impact assessment submitted with the application and raised detailed concerns over its methodology and assumptions. A revised noise impact assessment has subsequently been submitted which concludes that "the level of sound associated with the proposals will be below the typical measured background sound level for the daytime period...[and] with the

proposed screening in place for the CHP's it can be seen that Condition 4...can be met for the night-time period". The revised proposals submitted in December 2018 were accompanied by a further noise technical note which indicates that the alterations, including a boiler building and digestate evaporator, would only result in a slight increase in noise of 1dB that is not considered significant.

- 7.6.4 The most significant source of noise from the site during night time operations will be the CHP units and associated exhausts located adjacent to the western boundary of the site. Mitigation of the CHP noise to a level of 25dB at the nearest residential receptor [i.e. the level required by Condition 4] is proposed by the applicant to be achieved through an acoustic screen that will prevent line of sight to that receptor, while it is envisaged that any impact from the exhausts can be addressed through the use of higher specification silencers. Subject to (a) revision of Condition 3 to require detailed specifications for the CHP units and exhaust silencers, and (b) modification of Condition 4 to improve its enforceability through reference to measurement at first floor windows rather than the boundary to reflect night time conditions, it is considered that the submitted assessment provides the necessary confidence that the noise limit in Condition 4 can be achieved and, therefore, a satisfactory standard of residential amenity maintained.
- 7.6.5 The occupier of a nearby farmhouse has raised concerns over noise impacts from traffic to and from the application site. Condition 6 of the existing planning permission limits deliveries to the hours of 0700 to 1800 on Mondays to Fridays and 0800 to 1330 on Saturdays. Noise from delivery lorries is included in the noise modelling in the applicant's noise impact assessment, which concludes that noise from the site's operation and traffic during daytime hours would be 2dB below the measured background sound levels at the objector's property.

Dust

- 7.6.6 The application includes a revised dust management plan to reflect the changes to the plant's design, and this identifies potential sources of dust in each part of the AD process, together with potential receptors, and assesses the risk of harm. The plan proposes suitable control measures and a procedure for addressing any dust complaints, with provision for its review at least annually or in the event of a complaint.
- 7.6.7 The management plan has been reviewed by the County Council's Scientific Officer and found to be satisfactory. Condition 5 will need to be varied to require compliance with the revised dust management plan.
- 7.6.8 A neighbour has raised concern at the potential dust impacts on cattle grazing in nearby fields. The dust management plan contains a range of measures to contain dust emissions from the AD facility but, if dust were found to migrate to these fields to a degree that causes complaint, then the plan makes provision for investigation of the incident and consideration of further measures to address the issue.

Odours

- 7.6.9 An updated odour management information note has been submitted, and this considers the changes from the previous plant design and any implications for odour emissions. The note identifies the main operational changes as being to the clamp area and digestate evaporator, and it proposes an odour management plan to be submitted for the operator's environmental permit. The digestate evaporator plant that has been added through the December 2018 revisions will be a closed system

with no odour emissions and housed in a metal clad structure, and this will therefore not have any additional odour implications.

- 7.6.10 Paragraph 183 of the NPPF advises that planning decisions should focus on whether proposed development is an acceptable use of land, rather than on the control of processes or emissions that are subject to separate pollution control regimes. As the environmental permit that the applicant will need to obtain from the Environment Agency will strictly regulate odour emissions, it is considered that the submitted odour management information note provides sufficient assurance that the proposed AD plant is capable of being operated without significant adverse odour impacts on nearby properties.

Lighting

- 7.6.11 The revised proposals include a larger number of lights than previously proposed, with the reorientation of the large reception building leading to the lights being on the north elevation rather than the south elevation as previously proposed, together with additional lights on the west and east elevations over the vehicle doors. As a condition on the existing permission (to be reiterated in any new permission) requires the Council's approval for the details of any lighting, the spread and shading of the light units can be controlled to avoid any impact outside the site.
- 7.6.12 The neighbour's objection implies that intrusive lighting is already in place at the site. However, inspection indicates that no lighting is present within the application site, but that there are lights within the adjacent premises and along the estate road.

7.7 Traffic Generation and the Highway Network

- 7.7.1 The application includes (as Appendix 3) a statement on operational vehicle movements that explains the assumptions made on vehicle movements for the original proposal and as a result of the changes proposed in the current application. While the annual feedstock throughput of the facility will increase to 95,000 tonnes (from 55,000 tonnes), with 80,750 tonnes of digestate to be exported (previously 46,750 tonnes), the statement indicates the total number of daily vehicle movements will only increase from 100 to 115. This is a result of changed assumptions on the size of vehicle to be used, with the original proposal assuming a 'worst case' scenario of all import movements using 5t loads, while the revised proposal assumes half of the movements by 5t loads and the other half by 15t loads.
- 7.7.2 The Principal Planning Liaison Officer in the Highways Development Management Team advises that there are no objections to the revised proposals, with the proposed increase in vehicle movements from 100 to 115 per day capable of being accommodated on the strategic and local highway networks.
- 7.7.3 The current planning permission was accompanied by a Section 106 Agreement that required the following highway works to be undertaken by the applicant after commencement of the development but prior to the facility first being brought into use:
- provision of a **right turn lane** on the A371 into the industrial estate;
 - provision of **two bus stops** (one northbound, one southbound) with flags and road marking on the A371 at Southwood Common;

- **off-site footpath surfacing** to public footpath SM11/31 from the point it leaves the industrial estate access road to where it would meet the new footway on the A371; and
- provision of a **new footway** along the western side of the A371 between Southwood Common Cottages and its junction with public footpath SM11/31.

7.7.4 These works will be required as part of the development proposed through the current Section 73 application, and a deed of variation will therefore need to be prepared by the County Council and signed by relevant parties to ensure that the provisions of the existing Agreement are met through implementation of the a permission.

7.7.5 Taking account of the above considerations, it is considered that the proposal accords with Policy DM3 of the Somerset Waste Core Strategy and Policy DP9 of the Mendip Local Plan in that any traffic related impacts associated with the proposed development would be acceptable and that the proposal would not prejudice highway safety.

7.8 Conclusions

7.8.1 It is considered that the above assessment demonstrates that the effects associated with the proposed changes to the previously approved scheme would be avoided, minimised or mitigated to the extent that they are within acceptable levels, consistent with Policy DM3 of the Somerset Waste Core Strategy, and should therefore not prevent the granting of planning permission.

7.8.2 One objection has been made in respect of the proposals, but the issues raised have been taken into account, in so far as they are material to this Section 73 application, when considering the proposed development. It is noted that no objections have been raised by the various specialist consultees that have assessed the application, nor by Mendip District Council.

7.8.3 Taking the above into account, it is concluded that the proposals are acceptable in planning terms subject to the conditions set out below and reiteration of the Section 106 agreement attached to the previous permission as outlined in 7.7.3.

8. Recommendation

8.1 **It is recommended that, subject to a Deed of Variation to reiterate the terms of the Section 106 Agreement dated 4 February 2015 (amended to reflect current policy), planning permission be GRANTED subject to 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 Strategic Commissioning Manager – Economy & Planning.**

1 Commencement of Development

The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: Pursuant to s91 of the Town and Country Planning Act 1990 (as amended).

2 Completion of Development

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications [as listed below and as varied by the

non-material amendments dated 8 September 2017 and 26 November 2018 and the S73 application hereby approved], 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.

Application Documents List:

- (i) Planning Application form;
- (ii) 'Design and Access Statement' (GP Planning, September 2013);
- (iii) 'Planning Statement' (GP Planning, September 2013), including,
 - Appendix 3 Anaerobic Digestion Process Diagram;
 - Appendix 4 Feedstock Report;
 - Appendix 5 Grid Connection Information; and
 - Appendix 9 Interpretative report on Ground Investigation.
- (iv) 'Air Quality Assessment for a Proposed AD Facility Near Evercreech, Somerset' (GFE Environmental, September 2013);
- (v) 'Preliminary Ecological Appraisal – Evercreech Junction AD Plant' (Scales Consultancy Ltd, 5 September 2018);
- (vi) 'Flood Risk Assessment for Tamar Energy, Anaerobic Digestion Facility, Evercreech' (Craddy Pitchers Davidson, Ref. 9722w001, September 2013);
- (vii) 'Proposed Anaerobic Digestion Facility, Evercreech - Landscape and Visual Assessment' (Nicholas Pearson Associates, ref. TE/NPA/10678, September 2013);
- (viii) 'Highways and Traffic' (December 2018);
- (ix) Drawings and Illustrations
 - 'Site Location Plan' (GP Planning, ref. GPP/TE/E/13/01rev1, 1:25000@A4);
 - 'Site Plan' (GP Planning, ref. GPP/TE/E/13/02rev2, 1:5000@A3);
 - 'Site Context Plan Including Distances to Properties' (GP Planning, ref. GPP/TE/E/13/04rev1, 1:5000@A3);
 - 'Site Context Plan Including Aerial Photograph' (GP Planning, ref. GPP/TE/E/13/05rev1, 1:5000@A3);
 - 'Site Layout (Existing)' (Jones AD, ref. 13017_01, 1:500@A2);
 - 'Site Layout' (Qila Energy, ref. 13017_02 revP11, 1:500@A2);
 - 'Site Layout Plan' (Qila Energy, ref. G021A3 revR3, 1:500@A3);
 - 'Site Elevations' (Qila Energy, ref. 13017_03 revR7, 1:250@A1);
 - 'Site Sections' (Qila Energy, ref. 13017_04 revR7, 1:250@A1);
 - 'Reception Building' (Qila Energy, ref. 13017_RB1, 1:200@A2); and
 - 'Vehicle Movements' (Qila Energy, ref. 13017_V1, 1:500@A2)
- (x) 'Odour Management Information Note' dated 8 November 2013 and updated November 2017 and December 2018.

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

3 Noise Mitigation

The proposed combined heat and power (CHP) units shall not be brought into operation until:

- (a) a screening fence has been constructed in accordance with the specification provided in the Site Layout Plan ref. G021A3 revision R3, and this fence shall be retained for the duration of the development hereby permitted;
- (b) detailed specifications of the proposed CHP units and exhaust silencers have been submitted to and approved by the Waste Planning Authority.

Reason: In the interests of the residential amenities of the area.

4 Noise Limit

Noise emissions during the hours of 2300-0700 from the development hereby permitted shall be limited to a maximum free field level of Leq (15min) 25 dB(A) when measured at an exposed bedroom window of any residential property.

Reason: In the interests of the residential amenities of the area.

5 Dust Control

Dust emissions shall be controlled in accordance with the submitted Dust Management Plan (November 2017) for the duration of the development hereby permitted.

Reason: In the interests of the residential and ecological amenities of the area.

6 Deliveries

No deliveries to or from the development hereby permitted shall enter or leave the site except between the following times:-
0700 hours and 1800 hours Mondays to Fridays; and
0800 hours and 1330 hours Saturdays.
No deliveries shall enter or leave the site on Sundays, Bank Holidays or National Holidays.

Reason: To minimise disturbance to neighbours and the surrounding area.

7 No materials for processing within the development hereby permitted shall be received until such time as the right turn lane on the A371 opposite the estate junction has been fully constructed, consolidated and surfaced in accordance with the approved design and specification.

Reason: In the interests of highway safety.

8 Odour Control

Prior to the receipt of materials for processing within the development hereby permitted, an Odour Control Scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall consider and minimise the release of odours from the site as a result of the delivery, storage and movement of agricultural materials for processing at the site. Thereafter the development shall be undertaken fully in accordance with the scheme so approved.

Reason: In the interests of the residential amenities of the area.

9 Lighting

- (i) Prior to their installation details of the external lighting units to be mounted on the reception building shall be submitted to and approved in writing by the Waste Planning Authority. Thereafter the development shall be undertaken fully in accordance with the scheme so approved.
- (ii) No external lighting shall be operated at the site except within the permitted operating hours and the 30 minutes immediately before and after those hours.

Reason: To reduce the visual impact of the development and minimise nightglow in the interests of the amenities of the area.

10 Landscaped Bunds

No trees or shrubs on the boundary bunds shall be lopped, topped, or felled without the express written consent of the Waste Planning Authority. Any such trees or shrubs removed without consent, or being severely damaged as a result of the development/operations hereby permitted at the site, shall be replaced with trees/shrubs of similar species (of an appropriate size and suitable species fit for purpose) in the planting season immediately following any such occurrence. For a period of five years following any replacement planting the new trees/shrubs shall be protected and maintained, and any trees/shrubs which die, or become seriously damaged or diseased shall be replaced in the following planting season with other of similar size and species. Only where it is impractical to replace an existing mature tree/shrub that has been lost as a result of the development hereby permitted, or where prevailing conditions indicate replacement planting of like for like would be certain to fail, shall replacement planting with other species (of an appropriate size and suitable alternative species fit for purpose) be planted in the first planting season following any such loss of planting.

Reason: To minimise the visual impact of the development and to maintain the landscape character and biodiversity of the locality.

9. Relevant Development Plan Policies

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

9.2 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 2015
- the Mendip District Local Plan Part 1: Strategy and Policies, adopted December 2014

The policies in those Plans particularly relevant to the proposed development are:

Somerset Waste Core Strategy

SD1: Presumption in favour of sustainable development – The proposal accords with the Core Strategy's policies and other material considerations do not warrant approval being withheld.

WCS3: Other recovery – The proposed development will facilitate the recovery of energy from waste that is otherwise not likely to be recycled or composted.

DM2: Sustainable construction and design – The proposal provides for generation of low carbon energy.

DM3: Impacts on the environment and local communities – Subject to the inclusion of appropriate conditions to limit noise and dust impacts, the proposed facility will have no significant adverse effects on the local community or environment.

DM6: Waste transport – The local highway network is capable of accommodating the predicted traffic movements subject to the improvements provided for in the existing Section 106 Agreement.

Mendip District Local Plan Part 1: Strategy and Policies

DP1: Local identity and distinctiveness – The proposed amendments to the design do not materially alter the external appearance of the facility.

DP4: Mendip's landscapes – The proposed amendments to the design do not materially alter the impact of the facility on its landscape setting.

DP7: Design and amenity of new development – The proposed amendments to the design do not materially alter the external appearance of the facility.

DP8: Environmental protection – Subject to the inclusion of appropriate conditions to limit noise and dust impacts, the proposed facility will have no significant adverse effects on the local community or environment.

DP9: Transport impact of new development – The local highway network is capable of accommodating the predicted traffic movements subject to the improvements provided for in the existing Section 106 Agreement.

- 9.3 The County Council has also had regard to all other material considerations, in particular the National Planning Policy Framework (July 2018), the National Planning Policy for Waste (October 2014) and Planning Practice Guidance.

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

- 9.4 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, National Planning Policy for Waste, Waste 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.