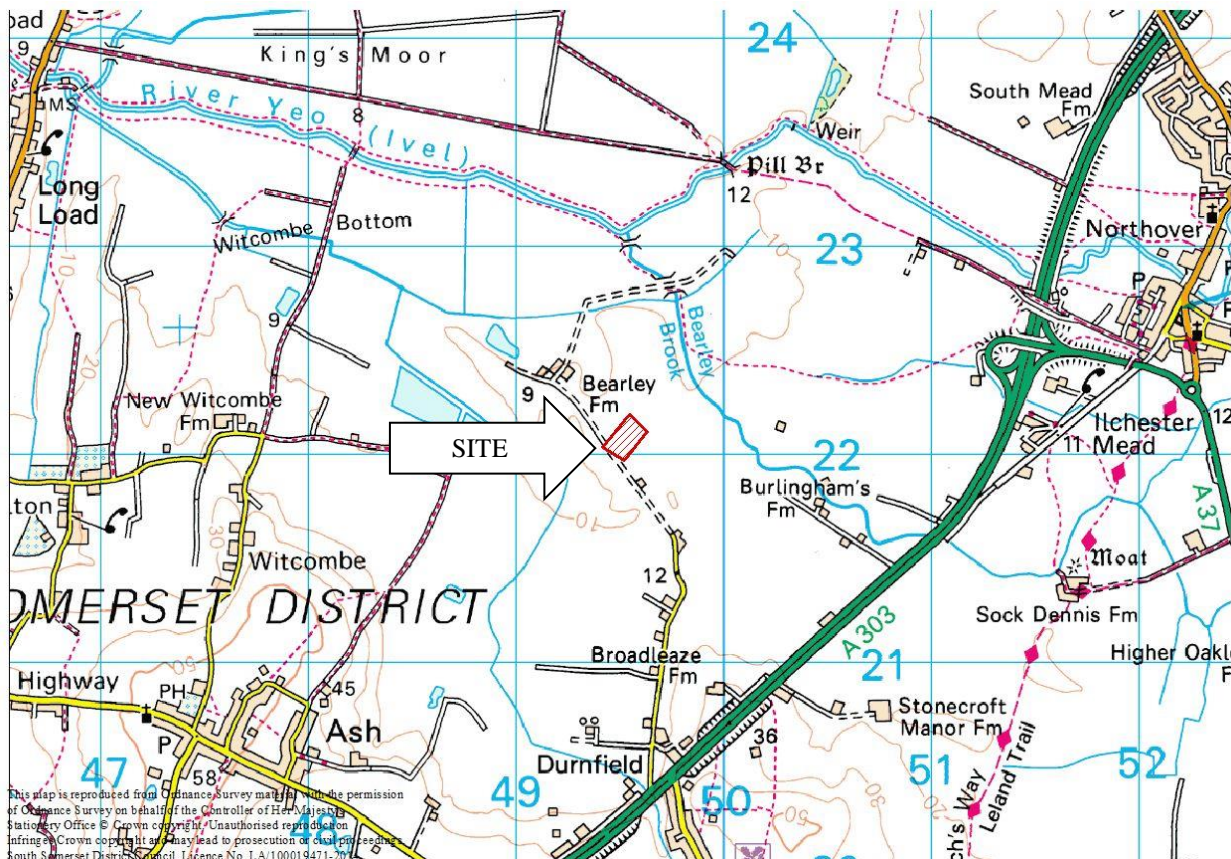
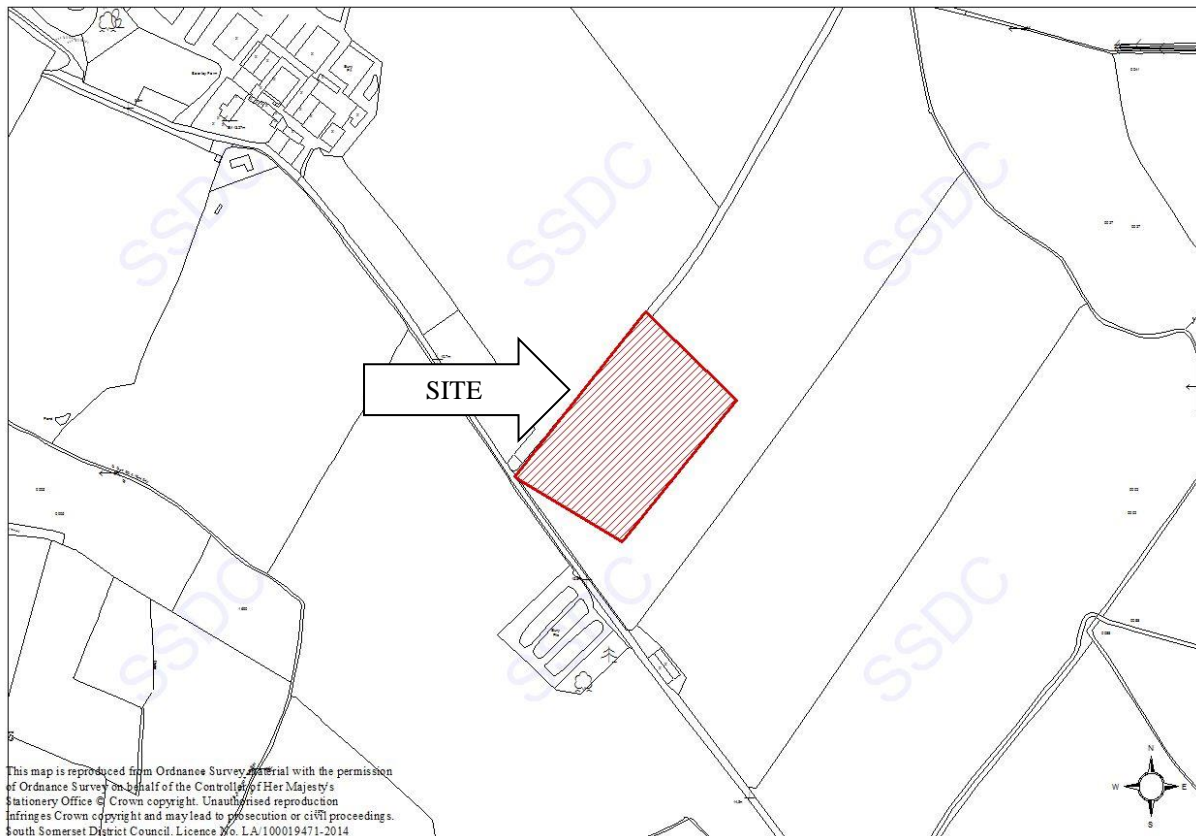


## Officer Report On Planning Application: 14/00230/FUL

<b>Proposal :</b>	The erection of a 1.3mW anaerobic digester with associated plant and works. The aim of the development is to generate energy and digestate for spreading as a soil conditioner and fertiliser (GR 349663/122127)
<b>Site Address:</b>	Land OS 0002, Bearley Lane, Tintinhull.
<b>Parish:</b>	Tintinhull
<b>ST MICHAELS Ward (SSDC Member)</b>	Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	18th June 2014
<b>Applicant :</b>	Greener For Life Energy Ltd
<b>Agent: (no agent if blank)</b>	E4environment Ltd (FAO: Ms Deborah Cairns), Hilley Farm, Pentre, Shrewsbury, Shropshire SY4 1 BP
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### SITE DESCRIPTION AND PROPOSAL





## SITE

This application is seeking planning permission to erect a 1.3 MW anaerobic digester with associated plant and works on a 2.24 hectare site for the generation of biogas, the majority of which is to be exported into the national grid but with some converted to electricity to run the plant.

The proposed structures and equipment include:

- 3 silage clamps, measuring 85m long, 30m wide and 4m high;
- Pre-slurry tank and buffer tank separator measuring 12m in diameter and 4m high, to be dug into the ground to a depth of 3.75m;
- Two substrate feeders with a capacity of 80 cubic metres;
- Pumping station;
- Digester measuring 45m in diameter and 7m high, to be dug into the ground to a depth of 4.8m;
- Digestate tank (A), measuring 30m in diameter and 7m high, to be dug into the ground to a depth of 2m. A gasholder double membrane dome measuring 30m in diameter and 7.5m high to site on top of the tank;
- Digestate tank (B), measuring 32m in diameter and 7m high, to be dug into the ground to a depth of 2m;
- Operation building to contain Combined Head and Power (CHP) unit and control panels;
- Gas flare and separator;
- Gas conversion plan;
- Concrete yard.

The proposed facility is to treat 38,314 tonnes of farm feedstock per annum in the following form:

- 7,000 tonnes of cow slurry from Bearley Farm;
- 2,500 tonnes of farmyard manure from Bearley Farm;
- 4,500 tonnes of chicken litter from off-site;
- 3,000 tonnes of beet grown on land to the north side of the A303;
- 4,000 tonnes of maize silage grown on land to the north side of the A303;
- 11,150 tonnes of grass silage grown on land to the north side of the A303;
- 6,164 tonnes of rye grown on land to the north side of the A303.

The resulting products are digestate, heat and biogas. The resulting heat is to be used to heat the anaerobic digester and operations buildings. The digestate is to be used on the land at Bearley Farm and where the crops for the digester are being grown, with the liquid digestate used as a fertiliser and solid (fibre) digestate as a soil conditioner. It is intended that the liquid digestate be piped to the crop fields to the north of the A303.

The application site forms part of a wider field which forms part of the farm holding known as Bearley Farm. The site is located in the open countryside and is accessed via a single junction leading on to the A303 approximately 1.5km to the north and along Bearley Lane, a no-through unclassified road, which leads into a private farm track serving Bearley Farm. Bearley Lane also forms the access to a number of residential properties and businesses, including another farm.

The site is some distance from the main farmstead (approximately 600m) but is situated on rising ground adjacent to the site of an existing barn and a lagoon (96/02605/CPO) currently used in association with the farmers Viridor contract for the storage and spreading of food factory waste water on his holding. The nearest residential properties are approximately 300m to the south.

There are no public rights of way that pass close to the site however the site sits just to the north and within the consultation zone for a number of high pressure gas pipelines. The site is also within an RSPB consultation zone, within approximately 700m of Ashmead Fishery, a commercial fishery and local wildlife site, and within approximately 3.5km from Wet Moor SSSI to northwest.

The farmhouse at Bearley Farm is grade II listed and there are a number of archaeological sites in the area including a roman settlement at Bearley Farm and roman settlements / villas at Pill Bridge Lane and close to the Ilchester Interchange to the east.

The site is located within the lowest flood risk zone (zone 1)

## **RELEVANT HISTORY**

14/01051/FUL: Provision of a flood prevention bund. Permitted.

12/03481/LBC: Partial demolition of existing barn, conversion and extension of existing barn to provide farm office and three units of holiday letting together with access and associated parking. Withdrawn.

12/02652/FUL: Partial demolition of existing barn, conversion and extension of existing barn to provide farm office and three units of holiday letting together with access and associated parking. Withdrawn.

12/01357/FUL: Proposed installation of roof mounted photovoltaic panels to outbuilding

(retrospective). Permitted.

11/03371/FUL: Installation of ground mounted photovoltaic panels. Withdrawn.

05/01607/REM: Erection of an agricultural dwelling. Permitted.

04/01289/OUT: Erection of an agricultural dwelling. Permitted.

98/02220/FUL: Erection of a covered yard. Permitted.

98/00703/CPO (county application): Landfill at Bearley Farm - Section 73 to vary condition 01 on application

94/02216/CPO. Permitted.

97/00818/AGN (agricultural notification): Notification of intent to construct a new concrete field access bridge and retain existing hamstone bridge. Permitted.

96/02517/FUL: Use of land as extension to fishing lake. Permitted.

96/02605/CPO (county application: Increase the site of an existing storage lagoon with central bank for the storage of wash water waste from food factories. Permitted.

94/02216/CPO (county application): Use of land for landfill operation involving sub-soil and builders inert waste materials. Permitted.

880928: Conversion of part of existing farmhouse and outbuildings into four holiday flats. Permitted.

880929 (listed building consent): Conversion of part of existing farmhouse and outbuildings into four holiday flats. Permitted.

7875: Erection of a hay shed. Permitted.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC5 - Nationally Important Sites (SSSI)

EC6 - Locally Important Sites

EC7 - Networks of Natural Habitats

EC8 - Protected Species

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest

EP2 - Pollution and Noise

EP3 - Light Pollution

EP7 - Potential odour generating developments

EP9 - Control of other Potentially Polluting Uses

EU1 - Renewable Energy

ME5 - Farm Diversification

ME8/9 - Hazardous Installations

### International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has

agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

### National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

### **National Planning Policy Framework:**

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

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative

landscape and visual impacts;

- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

### Other Material Considerations

South Somerset Sustainable Community Strategy:

Goal 1 - Safe and Inclusive

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

Goal 10 - Energy

## Goal 11 - Environment

### South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

## CONSULTATIONS

**Tintinhull Parish Council:** Objects for the following reasons:

- Transport Statement is inaccurate - Para 4.1.2 states that feedstock would come from Bearley farmland surrounding the facility however Appendix B outlines a number of farms around Tintinhull called Bearley land, only one of which belongs to the farm. The other areas belong to various farmers and include apple orchards under contract to a cider company and the official gypsy camp owned by the County Council and leased to SSDC. There is no evidence that these farmers have been approached let alone undertaken to supply the required feedstock.
- Highway safety - The amount of heavy traffic both along Bearley Lane and through the village has not been accurately represented. Bearley Lane is a sub-standard, single-track road that is already breaking up under the present volume of lorries delivering Viridor waste to the farm. The proposal will exacerbate this issue. Residents living along this road already find it difficult at times to drive along the road freely without encountering lorries. Traffic entering from the A303 to Tintinhull from the west bound lane would need to be prevented from existing at the Queen Street turnoff by restricting this to 7.5 tonnes. Whilst the total number of vehicle movements is proposed to remain the same, the tractor / trailer and 29 tonne lorry traffic through Tintinhull will increase and cause delays at peak times. It is considered that there will be a material impact on the surrounding highway network.
- Land - The land requirements has risen from 800 acres to 1100 acres but as this can only be used on a crop rotation basis every three years the actual land needed to feed the AD would be three times greater than this. This is neither achievable or sustainable.
- Pipeline - The application refers to cow slurry being pumped to the site and that liquid digestate will be pumped to surrounding farms but no pipework nor pumping stations are detailed.
- Silage clamp - The fibre digestate is to be stored at a satellite clamp on the same land that is presently subject to the solar farm application. There is no detail about what this clamp consists of or its size and there are concerns about odour from it.
- Ashmead Fishery - This could affect this fishery which attracts country-wide membership.

The Parish Council has no objection to the position of the AD and does not object to AD's in principle but consider that this one is unacceptably and unnecessarily large and takes too much productive land out of use for the food chain. In summary the Parish Council considers that the proposal is extremely immature in its planning, seriously short on essential detail and full of ambiguity. It has serious concerns about the transport and land sustainability.

**Ash Parish Council (neighbouring parish):** No comments received

**Chilthorne Domer Parish Council (neighbouring parish):** No comments received

**Long Load Parish Council (neighbouring parish):** No comments received

**Ilchester Parish Council (neighbouring parish):** Whilst accepting the principle of energy production as good, the parish were concerned at the impact of any potential smell on Ilchester and felt that there was insufficient detail as to how the power produced is being put into the mains system and disposal of waste from the plan.

**Health & Safety Executive:** Do not advise against the development

**National Grid:** No objection

**Climate Change Officer:** Supports application. This is a very sustainable renewable energy development of exactly the type the council should be supporting. The proposal to inject bio methane to the gas grid is especially welcome.

Based on data from the Anaerobic Digester that has been operating at Poundbury for a year using 41,000 tonnes of feedstock p.a. injecting 400 m<sup>3</sup> gas to the gas grid an hour, the proposed annual feedstock of 38,000 tonnes p.a. could potentially inject 370 m<sup>3</sup> of gas to the grid per hour. At the Carbon Trust stated energy density of 11.13 kWh per m<sup>3</sup> of methane this could be 4.118 MWh per hour and 36073 MWh per year. To put this in perspective, Yeovil's 19868 households consumed 237919.3 MWh in 2012 (DECC district level data).

Therefore the proposed AD plant could potentially supply 15% of Yeovil's gas needs on an annualised basis, which is a very significant amount, especially considering that gas demand is falling. Gas injection to the grid is the most carbon and energy efficient use of biomethane and reduces our reliance on foreign supply.

**Environment Agency:** No objection subject to conditions requiring the following:

- Submission and approval of a farm management plan with regard to the waste digestate;
- Submission and approval of a construction management plan, including construction details of the slurry and silage storage facilities and any associated pipelines; and
- Submission and approval of a detailed scheme for contaminated and clean surface water run-off.

They further note that the development will most likely require a standard rules permit under the Environmental Permitting Regulations 2010. We have not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application. We consider risks to people and the environment are capable of being reduced to a satisfactory level using measures to prevent, minimise and/or control pollution. In particular, mitigation is likely to be required to control potential odour issues arising from the operation, and in relation to containing and managing slurry feedstock and digestate.

**Somerset Drainage Board:** No comments received

**Environmental Health:** No objection. The site will be covered by a permit enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. In this instance I have been advised by the Agency that a Standard Rules SR201No16 permit will be issued and enforced. The permit accordingly covers matters such as noise and odour problems and, in relation to the planning regime, the permitting process is the primary legislation in these matters.

**Highway Agency:** No objection in principle based on the evidence provided in the Transport Statement. As part of any permission it will be necessary for the applicant to prepare a Construction Management Plan for our agreement.

We have checked the accident record at this location and found that there have been five recorded collisions within 350 metres either side of the junction between January 2008 and December 2012. Notably one collision involved a right turning HGV from the A303. We



therefore welcome the inclusion of paragraph 4.3.2 in the Transport Statement proposing that vehicles turn left out of Bearley Lane onto the A303 and left into Bearley Lane from the A303. While we recognise that this is not enforceable we would strongly recommend that drivers of vehicles using the site are briefed on the left in/left out manoeuvre and sign a form acknowledging that they are aware of this paragraph in the Transport Statement.

**County Archaeology:** The site lies close to findspots of roman material and a geophysical survey took place in 2005 very close to the site revealed pits and ditches relating to Romano-British settlement. Therefore this proposal has the potential to impact on archaeological features and I recommend a condition requiring the applicant to provide archaeological monitoring of the development and a report on any discoveries made.

**MOD:** No comments received

**Natural England:** (Comments in respect of the EIA screening opinion) It is unlikely that there would be air quality impacts on the qualifying features of any nearby designated sites given their distance from the application site. In respect of statutory designated sites, landscapes and protected species there are no significant impacts. We agree with the recommendations for mitigating potential ecological impacts proposed in the Habitat Survey Report but advise that the development, if approved, be located no closer than 5 metres from the field margin buffer strip.

**Ecology:** I've noted the various objections stating concern about risk of harm from pollution or nutrient enrichment to wildlife habitats, particularly at Ashmead fishery (approximately 650m to the west) which I confirm is designated as a Local Wildlife Site. I've also noted the applicant's Extended Phase 1 Habitat Survey Report (Cornwall Geo-environmental Limited).

Due to the application site being entirely within an arable field, it's very unlikely that there'll be any significant impacts within the development footprint or from construction of the plant.

Greatest concern and potential for harmful impacts are associated with the operation of the proposed plant, associated storage of feedstock and use or spreading of digestate, and the risk of pollution from accidental failure events. These are issues that come under the remit of the Environment Agency and their licencing or permit role, and farm management.

Whilst I leave consideration of the wider environmental issues and risks to the Environment Agency, I make the following observations.

The site and much of the land nearby is already under modern intensive agricultural use, and therefore presumably there are already comparable risks of pollution from agricultural waste, and comparable risks of nutrient enrichment from current fertilization of the fields.

As the intention is that the plant operates in a way that avoids any adverse environmental impacts, I'm unable to provide any further comment on the risk of harm of diffuse nutrient pollution causing harm to wildlife habitats in the area. However, I have no reason to believe the risks are any greater than at present, and I'll have to leave it to the Environment Agency to be the final judge and enforcer in this respect.

**RSPB:** No comments received

**Conservation:** No comments

**Landscape Officer:** The latest plan and specification has noted much of the detail that is necessary for the scheme to be considered satisfactory, it is not entirely clear about its

intentions, however, I am happy to accept the landscape proposal as a statement of intent. If you are minded to approve a detailed landscape plan and specification should be sought based on the submitted material.

## **REPRESENTATIONS**

Written representations have been received from 17 members of the public raising the following concerns and observations:

### Residential amenity:

- The AD and its contents in transport may have an appalling effect on local residents. The smell will be as bad as that soon to be caused by the intensive 1000 cow dairy shed at Witcombe. We had hoped that when the wind direction changed from time to time that there may be some relief but we will be surrounded.

### Silage clamp:

- This is to be within 200m of my listed building (Halfway House Farm, Tintinhull) however no details of the clamp, its size or visual impact have been provided. It is my understanding that all silage clamps within 400m of a protected building require planning permission. It is impossible for me to assess its impact in terms of visual impact, odour etc.

### Environmental, ecology and landscape concerns:

- This could destroy the local environment water systems. The area is sensitive to pollution and prone to flooding.
- The site is less than 1km from the new dairy farm, the AD plant is a step too far.
- The benefits may be dwarfed by the energy required to produce the waste it uses.
- A recent accident grossly polluted a water course and the River Parrett near Bridgwater demonstrating the need to located AD plants away from water courses, wetlands and rivers.
- The current plant is likely to runoff into local water systems.
- AD plants are new and prone to problems, their long-term implications are not fully known, until the potential impact is understood sites should be sited out of harms way.
- The EA states that it cannot guarantee that AD plants will not smell surely they should be sited away from homes, people and water systems.
- Ashmead is an important wildlife site and fishery which depends entirely upon the quality of its water supply. I have a licenced right of abstraction from Bearley Brook for use in dry weather to maintain the water supply to the wetland. It is an important fishery with a small syndicate of anglers which funds the maintenance and management of this wetland on a not for profit basis. The wetland supports a diverse range of wildlife. The environmental and ecological reports supporting the application are seriously flawed as they were carried out in winter and identify none of the sensitivities to the wetland and Bearley Brook.
- This is an industrial development on greenfield land.
- The development is dependent on the importation and storage of slurry, poultry waste and other toxic material upstream from Ashmead fishery. Any catastrophic pollution from this waste could destroy this delicate wetland ecosystem.
- The site has only just remained about flood water level in the past two years.
- The digestate is to be spread on the remainder of Bearley Farm, this land is not suitable to take the digestate.
- The current fertilisation practices at the farm already cause water quality problems. This proposal will exacerbate this problem.
- Harmful effect visually upon the enjoyment of Ashmead Fishery. Not only will the built structures be visible during day time the gas flare will cause light pollution at night.

- Impact of additional noise, smell and disturbance will be detrimental to the wildlife and peaceful enjoyment of the wetland.
- This is a very special, unspoilt part of Somerset.
- Ashmead Fishery is an educational resource and visited regularly by children from local schools.
- AD plants produce waste water with high-levels of biochemical and chemical oxygen demand indicating the ability to pollute or promote eutrophication in watercourses.
- The digestate contains high levels of nutrients, the run-off of which increases weed growth in freshwaters leading to the water becoming choked, low oxygen levels and low survival of invertebrates, fish and other species.
- There must be more suitable sites other than on greenfield agricultural land.
- There is no detailed plan for the disposal of waste.
- Potential loss of income to local business owners and loss of capital value.
- There is no economic value to the area instead it will damage the economy of those already earning a living there.

## **APPLICANT'S CASE**

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The development of renewable energy sources on a commercial scale is a crucial element in meeting the Government's commitments on reducing emissions and combating climate change. It is irrefutable that Government policy is to stimulate the exploitation and development of renewable energy sources wherever they have the prospects of being economically attractive and environmentally acceptable in the interests of sustainable development.

It is believed that the proposed development offers a sustainable and modern approach whilst complying with relevant planning policy.

## **CONSIDERATIONS**

This application is seeking to erect an anaerobic digester with a capacity of producing 1.3 MW of electricity per house for the generation of biogas, the majority of which is to be exported into the national grid but with some converted to electricity to run the plant.

The application is supported by the following documents:

- Volume 1 - Supporting Information
- Volume 2 - Process Information
- Volume 3 - Environmental Review
- Landscape & Visual Impact Assessment
- Landscape Planting Scheme
- Pre-Development Flood Risk Assessment Report
- Habitat Survey Report
- Transport Statement

## **Principle:**

The NPPF is very clear in its support for renewable sources of energy and states (para 98) that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and approve the application if its impacts

are (or can be made) acceptable. Policy EU1 of the South Somerset Local Plan states that proposals for renewable energy projects designed to generate or capture energy from naturally sustainable sources will be permitted provided that there will not be any unacceptable impact on landscape character, nature conservation value or amenity.

The application site is greenfield land located in the open countryside where normally new development is strictly controlled, in this instance however, the clear national and local policy support for such renewable energy schemes is considered to over-ride such strict controls. Bearing this in mind and that the development is a land-based operation using farm generated feedstocks the principle of the proposed development in this location is considered to be acceptable.

The key issues in respect of this application are set out as follows:

### **Environmental Impact Assessment (EIA)**

The development is considered to fall within the scope of Schedule 2 sub-sections 3a and 3b of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and as such a Screening Opinion has been undertaken to determine whether an EIA is required. The proposal has been assessed against the criteria set out within Schedule 3 of the EIA Regulations and having sought the views of the Environment Agency, English Nature, Highways Agency, County Highways, County Archaeology and SSDC's Ecology and Landscape Officers it was determined that the potential effects of the proposed development were not so significant as to require an EIA.

### **Transport Impact / Highway Safety**

The application site leads directly on to the private farm track serving Bearley Farm which in turn leads into Bearley Lane, a no-through, unclassified road that feeds on to the A303 to the south. This is the only means of access to the site from the highway network and the junction leading on to the A303 is considered to be poor. The A303 is a dual carriageway at this point and the junction does not benefit from any slip roads to allow traffic to accelerate when joining or decelerate when leaving the flow of traffic. Further to this any traffic coming from an easterly direction and turning into Bearley Lane has to utilise a central island and cross over the flow of traffic coming from the opposing direction. This is also true for vehicles leaving Bearley Lane and heading west bound along the A303.

The main highway safety concern therefore relates to whether the development will lead to an intensification of use of this substandard junction and the local road network over and above that existing.

The application is supported by a Transport Statement (TS) setting out the anticipated number of vehicle movements associated with operational activities of the AD plant. The report also sets out vehicle movements associated with an existing factory waste water contract that the farmer currently has with Viridor. The traffic figures set out in the report indicate that the level of movements for the Viridor contract is greater than that for the AD plant. The applicant has confirmed that the farmer will give up the Viridor contract should the AD plant be granted permission and that on this basis there would be no intensification of use of Bearley Lane or the Bearley Lane / A303 junction.

Concerns have been raised by Tintinhull Parish Council and several members of the public with regard to the accuracy of the figures set out within the TS and the applicant has been asked to clarify a number of points in relation to the estimated number of loads and the size of these loads relating to the feedstock and digestate. Further to this, the Environment Agency,

(who issues the permit in respect of the Viridor contract) has provided details of their own records in respect of traffic movements for the Viridor contract. From the EA's figures it appeared that there were discrepancies within the original TS in relation to the Viridor movements which the applicant accepted and subsequently submitted a revised TS to reflect this.

The revised TS indicates that the AD plant will generate a lower number of vehicle movements than the Viridor contract. This is based on the following assumptions:

- All slurry and manure will come from Bearley Farm;
- The chicken litter and some rye is to come from off-site;
- The main crops including beet, maize, grass silage and rye is to be grown on land to the south side of the A303 near Tintinhull;
- Any liquid digestate to be spread on land on to the south side of the A303 where the main crops are grown will be piped across the A303.

There is no evidence to support the view that the revised figures are inaccurate or intended to be misleading. Therefore provided conditions are imposed to ensure the liquid digestate pipeline is installed and operational prior to the AD plant becoming operational; that any slurry / manure will be from Bearley Farm only; and the AD plant shall only be run off agricultural based feedstocks; and a legal agreement signed to ensure the current Viridor contract is rescinded and no other waste disposal activities are carried out on the landholding at Bearley Farm then it is accepted that the development is unlikely to lead to any new substantive highway safety concerns. The Highway Agency has raised no objection to the application.

It is noted that concern has been raised with regard to the impact of the development upon the road network around Tintinhull village as a result of the feedstocks being grown in the vicinity. The land in question however is agricultural land and there is no reason to believe that its use to grow crops for the AD plant will result in a significant change in the nature and number of traffic movements associated with the farming of this land.

### **Visual Amenity / Landscape Impact**

The application site is situated on rising ground but is relatively low within the surrounding landscape. The AD plant is to be partially dug into the ground and whilst the tallest structure is to be the gasholder at 12.5m in height this should still have a fairly low visual presence in particular from views to the south given that the land rises away from the site in this direction largely screening it from view. The most open aspect will be views from Ash to the west however the indicative planting plan submitted as part of the application indicates a 30m deep strip of planting along the west side of the site, which will in time provide a good level of screening in this direction. Based on this proposal and subject to a condition to secure a detailed planting scheme the Landscape Officer has raised no substantive objection to the proposal.

It is noted that a number of concerns have been raised in respect of the gas flare and the light pollution this will cause at night. The gas flare is required as a safety measure to burn off any excess gas that cannot be accommodated into the gas mains and that such circumstances should be very rare.

A further observation relates to the storage of the solid digestate which was originally stated to be on land adjacent to Tintinhull Fortes interchange in an existing silage clamp. At the time the application was submitted a decision was pending in regard to an application for a large solar park on this site however the appeal has since been dismissed. It has also been raised with the applicant that there is no silage clamp on this land and they stated that the solid digestate

would be stored in plastic bags on the land, which does not require planning permission.

### **Amenity**

Bearley Lane provides the sole means of access to the site and all deliveries whether of incoming feedstock or outgoing solid digestate will have to be transported along this lane. The lane also provides access to number of residential properties, the closest of which is approximately 300m to the south, which in some instances are positioned quite close to the road. As already discussed the overall number of traffic movements to the farm should not increase as a result of this development however it is acknowledged that the nature of the movements will with more concentrated activity during harvest periods possibly late into the evening which could potentially affect residential amenity. The harvesting of the crops however is an agricultural activity, whether it is for feedstock for the AD plant or food production, and is not subject to planning control and an activity that is synonymous with the open countryside, as such it would not be reasonable to object to the proposal based on disturbance from associated traffic.

In terms of odour and noise the council's Environmental Health Officer has raised no objection to the proposal noting that the development will be covered by a permit enforced by the Environment Agency and that the permit addresses matters of noise and odour and is the primary legislation in this regard. The Environment Agency's comments supports this view and states that they have identified no major concerns about issuing such a permit and that they consider that risk to people and the environment from pollution are capable of being reduced to a satisfactory level to.

Concerns have also been raised about the impact the proposal will have upon the amenity of nearby Ashmead Fishery, however, for the reasons above the development is not considered to raise any substantive harm to either the amenity of nearby residents or the rural amenities of the area, including the fishery,

### **Flood risk / drainage, storage and disposal of farm waste**

Whilst nearby land to the north of the site is within Flood Zones 2 and 3 the application site itself is not located on land known to be at risk of flooding. Due to the size of the development however a Flood Risk Assessment (FRA) was required as part of the submission to demonstrate that drainage matters would be addressed in a sustainable manner and to safeguard against flooding and contamination in the locality.

The Environment Agency has raised no objection to the development provided a number of conditions requiring the provision of a Farm Waste Management Plan (to deal with the storage and disposal of the digestate), a Construction Management Plan (in respect of the construction details of the slurry and silage storage facilities and any associated pipelines) and dirty and clean water drainage scheme. Provided these conditions are imposed it is considered that the adequate measures will be put in place to safeguard the development against increased run-off and potential contamination concerns and that it will not cause any undue risk to the quality of the local water courses.

### **Ecology**

The application site is within an RSPB consultation zone, within in approximately 700m of Ashmead Fishery (commercial fishery and wildlife reserve) and within approximately 3.5km from Wet Moor SSSI.

Neither Natural England or the council's Ecologist have raised any objection to this application.

No specific habitat or protected species threats have been identified. The concerns regarding the risk of harm from pollution or nutrient enrichment to wildlife habitats, particularly at Ashmead Fishery, a local wildlife site, are noted. Whilst the council's Ecologist has noted that the issues falls under the control of the Environment Agency and their licencing role he observes that the site and much of the land nearby is already under modern intensive agricultural use and that there are already likely to be comparable risks of pollution from agricultural waste and risks of nutrient enrichment from current fertilization of the fields. The intention of the plant is to operate in a way that avoids any adverse environmental impacts and he therefore has no reason to believe that the risks are any greater than at present.

The Environment Agency comments referred to in the previous section address these concerns and, subject to their recommended conditions, it is considered that any potential contamination concerns can be adequately addressed and that the proposal should not lead to any undue risk to the quality of the local water courses or associated ecological concerns.

### **Loss of productive agricultural land**

Whilst concerns about loss of agricultural land for food production is acknowledged the land in question will continue to be used to produce crops and as such remains productive agricultural land. The growing of crops whether for human / animal consumption or as in this instance as a feedstock / biofuel for the AD plant involves no change of use and remains an agricultural activity. As such the land will not be taken out of productive agricultural use or become unavailable for agriculture.

### **Hazardous Installations**

There are several high pressure gas pipelines that pass close to the site to the south. The National Grid has raised no objection to the proposal and it is understood that the development should not affect access to the pipelines for maintenance purposes or result in any health and safety concerns.

### **Impact on Heritage Assets**

There are a number of heritage assets in the area, in particular sites of archaeological interest, as such County Archaeology has requested a condition to provide archaeological monitoring of the development.

### **Conclusion**

Government advice is clear. Planning Authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). A thorough assessment of the potential impacts of the development indicates that, for the most part, they are acceptable - or can be made acceptable by appropriate mitigation measures - in the context of Government advice and the clear need for renewable energy sources. Where impacts can be overcome by way of pre-commencement or other conditions (i.e. ecology, landscaping) appropriate conditions are recommended. Subject to the appropriate controls set out in conditions and a legal agreement to rescind the Viridor contract and prevent any future similar activities being carried out on the landholding at Bearley Farm, it is considered that the impacts of the proposal can be considered 'acceptable' as set out in Government guidance. The application is therefore recommended for approval.

## **RECOMMENDATION**

That application reference 14/00230/FUL be approved subject to:

1. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure:-
  - (a) The existing Viridor contract held by Mr S Walters relating to the storage and disposal of factory waste water (Standard Rules SR 2010 No4 Permit, reference EAWML 105230) is rescinded and to prevent any other waste related activities being carried out on any part of the land holding known as Bearley Farm.
  - (b) A Section 106 Agreement monitoring fee based on 20% of the application fee.

## **JUSTIFICATION**

Notwithstanding local concerns, the development through the provision of a renewable source of energy will make a valuable contribution towards cutting greenhouse gas emissions without resulting in any substantive harm to landscape, residential or visual amenity, ecology, archaeology or highway safety. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

## **SUBJECT TO THE FOLLOWING CONDITIONS**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered Figure 1b - Site Location, Figure 1a – Site Location, PBP\_07, GS\_07, GS\_06, EL\_07, EL\_06, and PBP\_06.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The feedstocks to serve the anaerobic digester hereby permitted shall only comprise farm waste and agricultural crops, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

04. The operator of the development hereby permitted shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby permitted. The records shall also include the size, type and load details, as well as the vehicles point of origin and destination. These records shall be made available to the local planning authority within 14 days of a request that they are to be inspected.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.



05. Any liquid digestate resulting from the anaerobic digester hereby permitted that is to be spread on land outside the area outlined in blue on the Site Location Plan (Figure 1b), shall be transported only by the means of a below ground pipeline to the land where it is to be applied. This pipeline shall be installed and be fully operational prior to the anaerobic digester first coming into use and shall be permanently retained and maintained in this fashion unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

06. No development hereby permitted shall be commenced unless details of the means of connection to the gas / electricity grid from the site have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST5 and ST6 of the South Somerset Local Plan.

07. No development approved by this permission shall be commenced until a Farm Management Plan for waste digestate, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

08. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating construction details of the slurry and silage storage facilities and any associated pipelines, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

09. No development approved by this permission shall be commenced until a detailed scheme for contaminated and clean surface water run-off, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify all final construction details and levels/specifications for the sites water management system, and shall also specify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and pollution of the local water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

10. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with Policy EH12 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the rural character of the area to accord with Policies ST5 and EC3 of the South Somerset Local Plan.

12. Prior to the commencement of works, a detailed scheme of groundmodelling, that illustrates both existing levels and earth modelling as expressed by the proposed contours, has been submitted to and approved in writing by the local planning authority. Particular attention shall be given to the build-up of spoil to the northeast and southeast of the application site.

Reason: To safeguard the rural character of the area to accord with Policies ST5 and EC3 of the South Somerset Local Plan.

13. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of the amenities of the locality in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

Informative:

01. The developer's attention is drawn to the informatives and recommendations set out within the Environment Agency's letter dated 14/04/2014.
  02. The operator is encouraged to follow the recommendations set out in paragraph 4.3.2 of the Transport Assessment.
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