

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/0092/13/FL – HEYDON

Erection of 1MW anaerobic digester plant, creation of new access track and associated works following demolition of existing barns at Three Corners Plantation, Heydon Grange, Fowlmere Road, Heydon for Mr James Fenwick.

Recommendation: Approval

Date for Determination: 17 April 2013

Notes:

This application has been reported to the Planning Committee because the Parish Council's recommendation of refusal is contrary to Officer recommendation of approval.

To be presented to the Committee by Matthew Hare

Site and Proposal

1. The application site is located on a shallow bend in Fowlmere Road between Heydon and the A505 in area colloquially referred to as Three Corners Plantation. The site comprises a yard and a collection of large agricultural barns that have fallen into disrepair and are now redundant.
2. The site falls outside of the Heydon Development Framework and therefore within the defined countryside. The site is open to Fowlmere Road but benefits from established planting on its other boundaries, with the exception of the north east boundary which comprises relatively juvenile trees albeit these have been purposely planted to provide screening.
3. The site is elevated from the road but relative to the wider landscape sits on land that is much lower than the village of Heydon. To the south of the site runs Icknield Way which is a public bridleway.
4. A 1 MW anaerobic digester plant is proposed. The plant is proposed to take a natural feedstock of grass, maize and sugar beet. This feedstock will be broken down (in the absence of oxygen hence anaerobic) by naturally occurring bacteria which will release natural gases (a majority of which is methane) which can then be used to drive a turbine to generate electricity. However the process does not end here, the spend feed stock 'digestate' is collected to be used as an organic fertilizer on the land that provides the feedstock in the first instance.

Planning History

5. None of relevance.

Planning Policy

6. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 2007**

- DP/1 - Sustainable Development
- DP/2 - Design of New Development
- DP/3 - Development Criteria
- DP/7 - Development Frameworks
- NE/2 – Renewable Energy
- NE/6 – Biodiversity
- NE/8 - Groundwater
- NE/17 – Noise pollution

Consultation by South Cambridgeshire District Council as Local Planning Authority

7. **Heydon Parish Council** - Recommends refusal on the application, commenting:

There is concern about the amount of traffic generated and its ability to cross onto and off from the A505 from Fowlmere Road safely (particularly at rush hour times).

The Parish Council believes it was commented that it was probable that given the width of Fowlmere Road and the lack of passing places, two tractors travelling in opposite directions could not pass each other without mounting the verges.

The traffic survey did not include the golf club traffic coming off the A505 – the monitoring was taken beyond that point close to the proposed digester plant site. Traffic to the golf club should have been included into this survey, thus giving a more accurate traffic survey.

8. **Environmental Health Officer** – Recommends approval, advising:

'I am satisfied with the proposed development and associated site processes that they are extremely unlikely to result in any adverse effect upon the amenity of the public in terms of odour and noise.'

Recommends a number of conditions regarding development to be constructed in accordance with the Environmental Noise Assessment submitted to accompany the application and that the feedstock to the fertilizer is limited to maize, grass and sugar beet only.

9. **Local Highways Authority** – Following submission of tracking details for the turning of HGV's on site and a S106 Unilateral Undertaking that defines what routes delivery vehicles will take to the site the LHA recommends approval subject to a number of standard conditional requirements:

- Construction traffic management plan
- The permanent closure of existing access points to the site
- No surface water discharge onto the highway
- Use of bound material for the access

10. **Environment Agency (EA)** – Raises no objection subject to a surface water drainage and effluent disposal condition. Comments that such a condition is justified

on the grounds that the site overlies a major aquifer and therefore any contamination could lead to pollution of drinking water.

11. **Tree Officer** - Raises no objections.
12. **Scientific Officer (Contaminated Land)** – No objections.

Public Consultations by South Cambridgeshire District Council as Local Planning Authority

13. None received.

Material Planning Considerations

14. The key issues to consider in this instance are the principle of development, the impact upon landscape character, highway safety and the potential for environmental pollution.

Principle of Development

15. The National Planning Policy Framework at section 10 is very supportive of proposals for renewable or low carbon energy generation. Para 93 states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.' More critically the NPPF views such developments as integral to the notion of sustainable development stating 'this is central to the economic, social and environmental dimensions of sustainable development'.
16. At the first bullet point of para 98 the NPPF emphasises the importance that even small scale renewable energy schemes have. The proposal has a 1MW power output which is not huge but none the less is a welcomed contribution. In relative terms this is about one fifth of the individual power output of any of the solar farms that this Council has approved in recent years.
17. The Council's own planning policy NE/2 is also supportive of new renewable energy proposals in principle, providing that the units can be effectively connect to existing national grid infrastructure. The application is accompanied by copies of correspondence with UK Power Networks which demonstrates that a connection is entirely feasible.

Landscape Character Impact

18. The site is currently occupied by two large redundant agricultural buildings. The buildings are of substantial scale and due to their dilapidated nature are somewhat of an eyesore. The current site does not contribute positively to the character and appearance of the landscape.
19. The proposals comprise four large cylindrical structures with peaked roofs. Two of these are digesters (i.e. where the organic matter that is brought to site will be broken down and gas collected). Two of these are residue collectors where the digested organic matter, or digestate, is collected to await exportation for use as organic fertilizer. In addition the feeder and combined heat and power plant are proposed to sit within close proximity to the tanks, but this plant of altogether much smaller scale. A silage clamp is also proposed to the north east aspect of the site, this is effectively

a low concrete retaining wall with an earth bund against. Finally a small lagoon is proposed adjacent to the clamp, this does not have a strong role in the biogas production process fulfilling more of a functional role for surface water collection, needless to say this has little visual impact above ground.

20. The application is accompanied by a Landscape Visual Appraisal (LVA) dated January 2013. Officers have made a separate assessment of potential landscape impact and largely concur with the findings of the LVA. Essentially the greatest visual impact is upon close proximity views of the site (less than 100m). Whilst the site is visible in various long-distance views the scale and agricultural nature of the proposals are such that they are not considered to appear inappropriate within the rural landscape. In addition the replacement of the existing redundant structures on site could be considered to yield a visual enhancement, the proposed digester tanks are not much taller than the existing barns on site.
21. Furthermore the proposals are accompanied by a landscaping scheme that seeks to retain much of the existing planting including, where possible, the larger trees that occupy the southern aspect of the site and plant a substantial new native tree belt to the north to surround the proposed clamp and lagoon. Over time this planting would grow into a significant screen.
22. In conclusion officers find that whilst there will be a visual impact this visual impact will not be harmful due to the agrarian character of the plant and the fact that it is proposed to replace an existing dilapidated development that visually degrades the environment at present.

Highway Safety

23. Heydon Parish Council raises objections on the grounds of impact upon highway safety arising from deliveries to any from the site. These objections are certainly not unfounded, the transport assessment that accompanies the application identifies a significant number of vehicular movements over specific parts of the year. These specific period are limited to the harvesting periods of the three feed stocks; maize, sugar beet and grass.
24. Maize would be delivered to the site over a 2 week harvest period in mid/late September, sugar beet over an 8 week period in October/November (with a residual amount – 10% of total – extending to the end of January and grass over a three week period in the summer months (May – August). The digestate will then be returned to the farm over a 6-8 week period in spring/early summer.
25. The upshot of this is that the vehicular movements to and from the site are concentrated during critical periods throughout the year. The transport statement estimates that using a 15T tractor trailer capacity this would equate to:

Maize – 18 loads per day over a two week period – mid/late Sept

Sugar Beet – 19 loads per day over a four week period – Oct/Nov

Grass – 4-5 loads per day over a three week period – May-August

Digestate – 11-15 loads per day over (10T loads) 2 x 6-8 week periods – late spring/summer & after harvest.

26. The Local Highway's Authority has been consulted on the proposals and essentially is satisfied that the proposed access and egress to and from the site is safe but wishes to see a condition seeking a scheme to address potential highway overrun on Fowlmere Road at the point of access (i.e. to ensure that the verge does not get broken down). It does however have concerns for the potential impact of HGV's and tractors travelling through the villages in the area, clearly a high number of such vehicles at certain points in the year would justifiably represent a nuisance for residents. The LHA considers that the junction of Fowlmere Road with the A505 can safely accommodate the traffic that the proposal would generate and thus only supports HGV deliveries to and from the site via either the A505 or internal farm tracks.
27. Having regard to the requirements of the LHA the applicants have provided a unilateral undertaking (UU) that seeks to legally bind any site operator to using only the A505 or internal farm tracks for deliveries, thus avoiding the nearby villages entirely. The LHA is satisfied that once the UU is formally signed this will provide due reassurance that the proposals do not pose a risk to highway safety. Similarly Officers will be satisfied that residents will not face undue nuisance from intense HGV movements through the small villages. Due to the matter of time UU remains unsigned at the time of writing, it is intended that the document will be signed by the date of the committee meeting, thus Officers will update members accordingly.
28. In reaching the above conclusion it has also been important to note that the existing site has a lawful agricultural use which is not bound by any routing agreement. As such significant HGV and tractor movements could quite lawfully operate to and from the site with no control by the Local Planning Authority.

Environmental Pollution & Ecology

29. The Environment Agency (EA) has notified the LPA that the site overlies a major aquifer. Should any pollutants from any use on the site enter the ground water then it would take approximately 400 days for said pollutants to have a potential impact upon public drink water supply boreholes. Thus it is important that no pollutants enter the ground water.
30. The EA advises that insufficient information on surface water drainage and pollution control measures with regard the silage clamp has been submitted with the proposals to assertively advise that there is no risk. The EA is however satisfied that it is technically achievable for the proposed clamp to be made safe in this regard. Thus the EA is content to recommend a conditional requirement to agree such details. Officers consider that such a condition is reasonable and necessary and the applicants have acquiesced to such a condition in the event of approval.
31. The application is accompanied by a reptile survey report and general scoping survey. No reptiles were found to be present upon the site. However the scoping survey identifies that the existing barns and planting on the site provide nesting areas for birds and as such recommends that any demolition or landscape removal only take place outside of bird nesting season. The barns are identified as having limited potential for roosting bats. The scoping survey also recommends that the site be surveyed for badgers 2 to 3 months prior to development as some redundant badger setts were discovered on site. Resurvey before development would ensure that adequate mitigation could be taken if there has been any change in circumstances with regard to badgers.

32. The scoping survey also recommends that bird and bat nest boxes be installed on site within the trees. This is a reasonable condition.

Further Considerations

33. Policy NE/2 requires that any scheme acceptable should make provision for the removal of the development and reinstatement of the site should the scheme ever become redundant. To this end the application is accompanied by a Biogas Plant Decommissioning Statement dated 15.12.11. The statement does not quite cover the requirements of policy NE/2 thus it will be reasonable and necessary to apply a condition that seeks to agree a scheme of removal in the event of redundancy.
34. The Parish Council raises concerns for the potential for damage to highway verges if two large vehicles associated with the proposed use were to meet on narrow stretches of the highway. Officers have raised this concern with the LHA who advise that given the period of deliveries to and from the site i.e. late spring to early autumn, the verges should be on average solid at this time of year and therefore damage is unlikely to be substantial. The Local Highways Authority would require a S278 agreement with the applicant/developer to contend with the matter of the site entrance alterations and as part of this agreement road widening works may be a requirement immediately adjacent to the site, which would address the concern in this location.
35. The Local Highways Authority requests a condition to ensure that the access drive to the site would be comprised of a bound material. The application confirms that the access and hard standing would be formed from concrete, thus such a condition is not necessary in this instance.
36. The development proposals have been screened and are not found to be EIA development.

Conclusion

37. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

38. Approval subject to the conditions below and the completion of a unilateral undertaking detailing the route for delivery vehicles.

Conditions

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans & documents: PH11-HGAD-001, SC01, SC-02, SC-03, SC-04, SC-05, SC-06, SC-07, SC-08, SC-09, SC-010, L10414-LVIAREPORT-APPENDIX1-06, 13211-05, 13211-06, MTE-**

020934, 9048.20.0000.00 & Arbtech Arboricultural Impact Assessment.

(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990 and to ensure that trees to be retained are given adequate protection.)

- 3. Prior to the commencement of development full details of the proposed entrance gate as shown on plan ref SC-010 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

(Reason – The details provided with the application are not sufficient to ascertain whether the proposed gate would have any unacceptable adverse impact upon highway safety.)

- 4. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water and effluent from silage clamp has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to the first operation of the development.**

(Reason - The site overlies a major aquifer and is within a Source Protection Zone 2. Any pollutants entering the groundwater beneath this site could potentially contaminate public drinking water supply boreholes within 400 days (travel time).)

- 5. No demolition or construction works shall commence on site until a construction traffic management plan has been submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:**

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)**
- ii. Contractor parking (all such parking should be within the curtilage of the site and not on the public highway)**
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)**
- iv. Control of dust, mud and debris**

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

(Reason - In the interests of highway safety)

- 6. Prior to the commencement of development a scheme for access improvement works including any overrun areas on the existing adoptable public highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the first use of the development hereby approved.**

(Reason – To ensure that vehicles entering and leaving the site in association with the approved development do not damage the adopted public highway.)

- 7. Prior to the commencement of development on site the results of a badger survey and scheme of biodiversity enhancement carried out in accordance with the recommendations of the MKA Ecology Phase 1 Habitat and Protected Species Survey Report dated 7th October 2011 (i.e. three months before development) shall submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

(Reason – To ensure that badgers are not adversely harmed by the development of the site and to ensure adequate biodiversity enhancement measures are provided in accordance with policy NE/6 of the of the adopted Local Development Framework 2007.)

- 8. All soft landscape works shall be carried out in accordance with the approved details as shown on plan ref L10414-LVIAREPORT-APPENDIX1-06. The works shall be carried out prior to the operation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

- 9. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.**

(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

- 10. The turning area as shown on plan ref.13211-05 shall be permanently kept free from obstruction**

(Reason – In the interests of highway safety to ensure that HGV's can access and egress the site in a forward gear.)

- 11. The existing access points shown on plan ref.13211-06 shall be permanently and effectively closed off prior to the first operation of the development hereby approved**

(Reason – In the interests of highway safety)

- 12. No surface water from the site shall discharge onto the adopted public highway.**

(Reason – In the interests of highway safety.)

- 13. The development hereby approved shall be constructed, implemented and operated in accordance with the Sound Planning Ltd report titled “Environmental Noise Assessment: Anaerobic Digestion (AD) Plant dated 7th January 2013 (Ref: J 00972R7)” including the installation of the noise mitigation measures as outlined in section 7.2 (7.2.1 & 7.2.2). The noise mitigation measures detailed in the Sound Planning Ltd report shall thereafter be maintained in strict accordance in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.**

(Reason - In order to secure an appropriate reduction in the level of noise emanating from the building in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

- 14. The feedstock for the anaerobic digester plan shall be limited to maize, grass and sugar beet unless otherwise agreed in writing with the Local Planning Authority.**

(Reason - To reduce the risk of pollution to the environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted January 2007)

Case Officer: Mathew Hare – Senior Planning Officer
Telephone: (01954) 713180